

May 2, 2001

OLYMPIA, WASHINGTON

ISSUE 01-09



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of May 2001 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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Chair, Statute Law Committee

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Code Reviser

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Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

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- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process.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

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

2000 - 2001

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

WSR 01-09-026**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed April 10, 2001, 3:45 p.m.]

Subject of Possible Rule Making: Amendment of WAC 308-13-150 Landscape architect fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.96.080 Fees, 43.24.086 Fee policy for professions, occupations and businesses; requires fees to be at a sufficient level to defray the costs of administering the program.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The examination vendor for national examinations is the Council of Landscape Architect Registration Boards (CLARB). CLARB will increase their examination fees yearly. This rule is needed to increase the charge that candidates pay for the examination and the department collects on the vendor's behalf. This is a national driven fee increase and not the request of the department.

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

Process for Developing New Rule: Notification by the examination vendor that fees will increase in December 2001. Fees are collected from candidates by the Department of Licensing, held in a pass-through account, and then reimbursed to the exam vendor after the exam has been conducted.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Margaret Epting, Department of Licensing, Business and Professions Division, Landscape Architect Registration Board, P.O. Box 9045, Olympia, WA 98507-9045, fax (360) 664-2551.

April 6, 2001
Margaret Epting
Administrator

WSR 01-09-027**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

(Division of Child Support)

[Filed April 10, 2001, 3:50 p.m.]

Subject of Possible Rule Making: The Division of Child Support (DCS) is reviewing and revising its rules on confidentiality and public disclosure. We will be looking specifically at WAC 388-14A-2105 through 388-14A-2125.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Although DCS reviewed and revised its rules for clarity under the Governor's Executive Order 97-02, the rules need to be further revised to bring

them into compliance with RCW 26.23.120 and to make them easier to follow.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support (DCS) headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs, or on the DSHS Economic Services Administration's Regulatory Improvement web site, which can be found at <http://www-app2.wa.gov/dshs/esa/extpolicy/blue.asp>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

April 10, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 01-09-041**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

(Division of Child Support)

[Filed April 12, 2001, 4:03 p.m.]

Subject of Possible Rule Making: WAC 388-14A-6200 What are my hearing rights when the division of child support takes collection action against my bank account?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.-310, 45 C.F.R. 303.106.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Division of Child Support (DCS) seeks to expand the definition of what kinds of accounts and property are subject to collection action and thus give rise to hearing or conference board rights. For instance, DCS takes collection action against inmate accounts when noncustodial parents are incarcerated at DOC facilities, but the rules do not include this kind of account.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support (DCS) headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs, or

on the DSHS Economic Services Administration's regulatory improvement web site, which can be found at <http://www-app2.wa.gov/dshs/esa/extpolicy/blue.asp>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting DCS Rules Coordinator, Nancy Koptur, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

April 12, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 01-09-042
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed April 12, 2001, 4:05 p.m.]

Subject of Possible Rule Making: WAC 388-14A-3600
The parties may resolve any child support case by entering a consent order or an agreed settlement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.056.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Division of Child Support (DCS) is rewriting this rule to clarify when the administrative law judge can sign a consent order on behalf of a parent appearing by phone. DCS does not want to give DCS the authority to sign on behalf of a parent because DCS wants to avoid any appearance of representation of the party by DCS, but wants to allow the ALJ to enter a consent order without requiring the physical presence of all parties.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DCS will coordinate with the Office of Administrative Hearings throughout this rule-making process.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support (DCS) headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs, or on the DSHS Economic Services Administration's regulatory improvement web site, which can be found at <http://www-app2.wa.gov/dshs/esa/extpolicy/blue.asp>. DSHS/DCS encourages the public to take part in developing the rules. After

the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting DCS Rules Coordinator, Nancy Koptur, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

April 12, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 01-09-043
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed April 12, 2001, 4:07 p.m.]

Subject of Possible Rule Making: WAC 388-14A-5000 through 388-14A-5007 are the rules dealing with distribution of child support payments. The Division of Child Support (DCS) is looking at clarifying these rules and adding provisions dealing with automated enforcement of interstate (AEI) payments. In addition, DCS is reviewing all existing distribution rules as part of its ongoing attempt to make them clearer.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A.-310, 42 U.S.C. 666(a)14.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 26.23.035 requires DCS to have rules regarding the distribution of support payments. RCW 74.20A.188 deals with AEI cases; DCS seeks to clarify that payments received through AEI will be distributed according to the distribution rules and not to a specific case.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support (DCS) headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs, or on the DSHS Economic Services Administration's regulatory improvement web site, which can be found at <http://www-app2.wa.gov/dshs/esa/extpolicy/blue.asp>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting DCS Rules Coordinator, Nancy Koptur, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov; 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

April 12, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 01-09-058

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF RETIREMENT SYSTEMS

[Filed April 16, 2001, 10:36 a.m.]

Subject of Possible Rule Making: WAC 415-112-125 If I am eligible, how can I establish membership?, 415-108-710 and 415-110-710 If I work for an employer after I retire, will my retirement benefit be affected?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), chapters 41.32, 41.35, 41.40 RCW, RCW 41.35.060, 41.40.037.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 415-112-125 needs to be amended to correct two minor errors and to make the rule easier to understand. WAC 415-108-710 and 415-110-710 need to be corrected to reflect legislative changes.

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

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator, below. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

April 12, 2001

Merry A. Kogut
Rules Coordinator

WSR 01-09-061

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Filed April 16, 2001, 10:41 a.m.]

Subject of Possible Rule Making: Title 131 WAC governing Washington's community and technical college system.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules might need to be revised in a number of areas including tuition and fees, salary, personnel rules, and other higher education issues affecting our agency and system as a result of the 2001 legislative session and/or on our own initiative.

Process for Developing New Rule: Normal rule-making process with emergency rules in some areas likely in June 2001 to carry over through the summer until the next state board meeting in September 2001 when permanent rules may be adopted, if necessary.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Claire Krueger, Executive Assistant and Agency Rules Coordinator, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495.

April 11, 2001

Claire C. Krueger
Executive Assistant
Agency Rules Coordinator

WSR 01-09-083

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Order 01-01—Filed April 18, 2001, 10:01 a.m.]

Subject of Possible Rule Making: Revise WAC 182-12-117 to include Washington School Employees' Retirement System Plan 2, Plan 3 and Washington Public Employees' Retirement System Plan 3 eligibility; clarify participation by employees retiring from state higher education institutions and clarify "elected official."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A rule change is necessary for inclusion of Washington School Employees' Retirement System Plan 2, 3 and Washington Public Employees' Retirement System Plan 3. Rules may be developed to include clarifying language for state higher education employees and "elected officials."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Retirement Systems.

Process for Developing New Rule: Stakeholder mailings and public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Scott, Health Care Authority, 676 Woodland Square Loop S.E., Olympia, WA 98504-2684, phone (360) 923-2642, fax (360) 923-2602.

April 18, 2001
Melodie Bankers
Rules Coordinator

WSR 01-09-084

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Order 01-00—Filed April 18, 2001, 10:02 a.m.]

Subject of Possible Rule Making: Revise WAC 182-12-200 to include revisions made to WAC 182-12-132.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To incorporate changes to WAC 182-12-200 that were already made to WAC 182-12-132, which added the option for retirees to waive PEBB insurance coverage for other employer sponsored insurance coverage, and return to PEBB with proof of continuous coverage.

Process for Developing New Rule: Stakeholder mailings and public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Scott, Health Care Authority, 676 Woodland Square Loop S.E., Olympia, WA 98504-2684, phone (360) 923-2642, fax (360) 923-2602.

April 18, 2001
Melodie Bankers
Rules Coordinator

WSR 01-09-087

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed April 18, 2001, 10:50 a.m.]

Subject of Possible Rule Making: WAC 246-879-090 Export wholesaler, the board is considering establishing rules for charitable organizations involved in the exporting drugs for humanitarian efforts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005(7) and 18.64.046.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Any person or firm that ships drugs into foreign countries is required to be licensed as an export drug wholesaler. The proposed changes to the rule will establish criteria that charitable organizations must meet to qualify for the reduced fee.

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

Process for Developing New Rule: Public meetings and mailings to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shannon M. Walker, Department of Health, P.O. Box 47863, Olympia, WA 98504-7863, shannon.walker@doh.wa.gov, (360) 236-4830, (360) 586-4359.

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

March 27, 2001
D. H. Williams
Executive Director

WSR 01-09-093

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed April 18, 2001, 11:41 a.m.]

Subject of Possible Rule Making: Chapter 296-24 WAC, General safety and health standards; chapter 296-32 WAC, Safety standards for telecommunications; chapter 296-36 WAC, Safety standards for compressed air work; chapter 296-45 WAC, Safety standards for electrical work; chapter 296-54 WAC, Safety standards for logging operations; chapter 296-56 WAC, Safety standards for longshore, stevedore and related waterfront operations; chapter 296-62 WAC, General occupational health standards; chapter 296-78 WAC, Safety standards for sawmills and woodworking operations; chapter 296-155 WAC, Safety standards for construction work; chapter 296-307 WAC, Safety standards for agriculture, chapter 296-350 WAC, WISHA administrative rules; and chapter 296-800 WAC, Safety and health core rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to make clarifying and housekeeping changes as a result of the safety and health core rules that will be adopted on May 9, 2001; and incorporate the updated rules from the safety and health core rules into the agriculture standard, chapter 296-307 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This subject is regulated by the Department of Labor and Industries and no other state or federal agencies (other than OSHA) were involved in this rule-making project.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cindy Ireland, Department of Labor and Industries, WISHA Services Division, P.O. Box 44635,

Olympia, WA 98504-4635, phone (360) 902-5522, fax (360)
902-5529, e-mail mooc235@lni.wa.gov.

April 18, 2001
Gary Moore
Director

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WSR 01-09-036
EXPEDITED REPEAL
DEPARTMENT OF REVENUE
[Filed April 11, 2001, 2:20 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 458-20-259 Small timber harvesters—Business and occupation tax exemption.

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

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

Address Your Objection to: Alan R. Lynn, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail alanl@dor.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: The department has proposed a new WAC 458-20-13501 Timber harvest operations, to consolidate tax-reporting information now found in multiple documents into a single comprehensive rule. The information now found in Rule 259 is being incorporated into this new rule. The department intends to repeal Rule 259 in conjunction with the adoption of a new Rule 13501.

April 11, 2001
Claire Hesselholt, Rules Manager
Legislation and Policy Division

WSR 01-09-094
EXPEDITED REPEAL
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed April 18, 2001, 11:43 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 296-30-130 How are death benefits paid to a survivor(s) receiving public or private death benefits?

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

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

Address Your Objection to: Selwyn Walters, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001.

Reason the Expedited Repeal of the Rule is Appropriate: The rule is no longer needed. Based on a recent supreme court decision, *Sebastian v. Department of Labor and Industries*, No. 68228-3 (Slip Op., November 2, 2000) this rule will no longer be needed to convert a lump sum death benefit into monthly payments. In the Sebastian decision the court ruled that the benefits offset for insurance do not accumulate towards the maximums payable by the program. Therefore

lump sum death benefits can be paid out in a one-time payment pursuant to RCW 7.68.070(4).

April 18, 2001
Gary Moore
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-30-130

How are death benefits paid to a survivor(s) receiving public or private death benefits?

EXPEDITED REPEAL



WSR 01-07-058**PROPOSED RULES****WENATCHEE VALLEY COLLEGE**

[Filed March 19, 2001, 1:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-03-102 and 01-03-103.

Title of Rule: Chapter 132W-125 WAC, Withholding services for outstanding debt; chapter 132W-105 WAC, Board of trustees; chapter 132W-109 WAC, Practice and procedure; chapter 132W-112 WAC, Student rights and freedoms; chapter 132W-115 WAC, Student code of conduct and discipline procedure; chapter 132W-117 WAC, Parking and traffic; chapter 132W-277 WAC, Public records; and chapter 132W-325 WAC, Environmental protection.

Purpose: Chapter 132W-125 WAC, establish as a rule the policy of the college to withhold services from those who have a debt owing to the institution; chapter 132W-105 WAC, establish as a rule the board's bylaws, office location, meeting dates and delegation to the president of the college; chapter 132W-109 WAC, establish the hearing procedure for administrative and adjudicative hearings in compliance with RCW 34.05.250; chapter 132W-112 WAC, publish the array of college, state and federal policies setting the rights of students and freedoms; chapter 132W-115 WAC, establish the student conduct code and the disciplinary process for violations of that code; chapter 132W-117 WAC, parking and campus traffic regulations for both vehicular and nonvehicular are established through this rule; chapter 132W-277 WAC, establish for the college the rules through which the public can access public documents; and chapter 132W-325 WAC, adopt the requirements of chapter 43.21C RCW and relevant WACs as an operational procedure of the college.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Summary: Chapter 132W-125 WAC, the college provides several levels of service to students and employees. If a debt is incurred and not paid the institution needs a process to recover that debt. This rule establishes the colleges policy and procedure and the rights of the debtor.

Chapter 132W-105 WAC, the board has established policies concerning its operation and delegation of authority which it now proposes to make a rule.

Chapter 132W-109 WAC, the rule provides the basic policy and procedures for administrative hearings for the college following the requirements of RCW 34.05.250 and chapter 10-08 WAC.

Chapter 132W-112 WAC, several college policies, state code and law, and federal legislation grant specific rights and freedoms to students. This rule enumerates those rights and freedoms.

Chapter 132W-115 WAC, the rule provides expectations of student conduct and behavior and the procedures that are established to discipline students who violate those expectations.

Chapter 132W-117 WAC, the college has parking, traffic and fine procedures for automobiles as well as nonvehicular modes of transport for both campuses.

Chapter 132W-277 WAC, in compliance with state law, the college adopts procedures to provide access to public records.

Chapter 132W-325 WAC, the college will comply with chapter 43.21C RCW in capital projects and designate the responsible official for compliance.

Name of Agency Personnel Responsible for Drafting and Implementation: William Martin, 1300 5th Street, Wenatchee, WA 98801, (509) 664-2554; and Enforcement: College President, 1300 5th Street, Wenatchee, WA 98801, (509) 662-1651.

Name of Proponent: Wenatchee Valley College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 132W-125 WAC, the rule establishes the policy, procedures for withholding services from persons owing monies to the college and rights of appeal of those persons if they feel aggrieved.

Chapter 132W-105 WAC, the college has repealed a chapter covering the bylaws and operations of the board that were drafted in the late 1970s. These rules replace them and updates to current policy. The office is established in district headquarters, the meeting dates and basic procedures of board operation are adopted and the authority for college operation to the president is delegated.

Chapter 132W-109 WAC, the simplified rules of this chapter guide the college in administrative hearings as set up in state law and administrative code.

Chapter 132W-112 WAC, student rights granted by the college under policy as well those derived from United States constitutional and state and federal law are enumerated as a college rule.

Chapter 132W-115 WAC, the college has requirements for student conduct and behavior and has established disciplinary procedures of due process for violations of those requirements.

Chapter 132W-117 WAC, in order to provide for orderly use of college parking facilities as well as safety for students and staff, we have put in place parking and traffic management procedures. The procedures also contain the violation fine structure and the appeals process for those fines.

Chapter 132W-277 WAC, requirements for public records access are provided in state law. The college has established local procedures for compliance with those laws.

Chapter 132W-325 WAC, we are required under chapter 43.21C RCW to adopt procedures that comply with SEPA for capital project in design and construction. This rule adopts those requirements.

Proposal does not change existing rules.

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

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The proposed rules were generated in compliance with RCW 34.05.328 and at the request and with the advise of the institution's assistant attorney general.

Hearing Location: Wenatchee Valley College, Well's Hall 1028, 1300 5th, Wenatchee, WA 98801, on May 22, 2001, at 9:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Carla Boyd by May 18, 2001, TDD (509) 662-1651, or (509) 664-2549.

Submit Written Comments to: William Martin, Wenatchee Valley College, 1300 5th, Wenatchee, WA 98801, fax (509) 664-2576, by May 21, 2001.

Date of Intended Adoption: May 23, 2001.

March 14, 2001

William Martin, Rules Coordinator

Dean of Administrative Services

New Chapter

WAC 132W-105

BOARD OF TRUSTEES

NEW SECTION

WAC 132W-105-010 Legal status of the board By authority contained in the Community College Act of 1967 and as appointed by the Governor of the State of Washington, the Wenatchee Valley College Board of Trustees shall serve the educational needs of Community College District 15 and shall be responsible for developing the policies of Community College District 15 under which Wenatchee Valley College operates. The Board will delegate certain responsibilities to the president or designee.

NEW SECTION

WAC 132W-105-020 Regular meetings Regular meetings of the Board shall be held each month; the dates of the regular meetings shall be the second Wednesday of each month at 3:00 p.m.

A regular meeting may be canceled by action of the Board or the Board chair. A special meeting may, however, be set for another date and time. When a special meeting is scheduled, notice thereof will be given in conformance with the notice requirements for special meetings contained in RCW 42.30.080.

Board meetings shall be held in the Wells Hall Board Room, 1300 Fifth St., Wenatchee, WA, or at such other places as the Board shall determine.

NEW SECTION

WAC 132W-105-030 Special meetings Special meetings may be called by the chair, or by request of three Board members, and they shall be conducted in conformance with Washington State law. Only those items published on the agenda shall be considered at a special meeting.

NEW SECTION

WAC 132W-105-040 Executive session The Board of Trustees may hold an executive session during a regular or special meeting. Executive sessions will be held in conformance with Washington State law.

NEW SECTION

WAC 132W-105-050 Open meetings All regular and special Board meetings are open to the public; however, the chair may call an executive session when permitted by Washington State law at which a member of the general public shall not be present unless invited.

Public votes and public records shall be open to the public for inspection and duplication.

NEW SECTION

WAC 132W-105-060 Appearances before the board Each regular meeting of the Board shall provide members of the public an opportunity to address the Board on any item of business. Groups and individuals are to submit their statements in writing to the president of the College whenever possible no less than two weeks prior to the time of the meeting. The Board encourages groups to designate a spokesperson to address the Board on their behalf.

The chair of the Board reserves the right to determine time limits on statements and presentations.

The intent of the Board shall be to provide equal time for both pro and con presentations. The chair also maintains the right to regulate the subject matter of that which may be presented or discussed at the open meeting including, but not limited to, matters which are the subject of current or pending grievances or adjudicative or disciplinary proceedings. Matters for consideration, discussion, and/or debate will be limited to the extent allowed by the Open Public Meetings Act, Chapter 42.30 RCW.

The president of the College shall be given an opportunity, whenever possible, to examine and evaluate each matter of business and to recommend a course of action prior to a decision by the Board.

NEW SECTION

WAC 132W-105-070 Board offices The Board shall maintain an office at 1300 Fifth St., Wenatchee, WA 98801-1499, where all records, minutes, and the official College seal shall be kept.

This office shall be open during normal business hours.

Correspondence or other business for the Board shall be sent to the secretary of the Board, who is located in this office.

NEW SECTION

WAC 132W-105-080 Presidential authority delegated from board (1) The President of the College shall have the authority to exercise in the name of the Board all of the powers and duties vested in or imposed upon the Board by law except those reserved to the Board by the Board, including all powers granted to the Board as governing body by Chapter 39.34 RCW or any other statute. The President of the College shall be directly responsible to the Board of Trustees. The President shall be the principal administrative officer of the College and shall have general supervision of all operations and programs of the institution.

(2) The President shall be the appointing authority for all administrative exempt, classified, faculty and other employees of the College; the President may delegate some or all of that authority in writing to Deans and/or other designees. The President shall carry out all rules, regulations, orders, directives and policies established by the Board and shall perform all other duties necessary or appropriate to the administration of the College. The essence of the relationship between the Board and the President shall be one of full mutual confidence and completely open communication.

New Chapter
Chapter 132W-109 WAC
PRACTICE AND PROCEDURE

NEW SECTION

WAC 132W-109-010 Formal hearing policy The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use at this college. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules now or previously adopted by this college, the model rules prevail.

NEW SECTION

WAC 132W-109-020 Appointment of presiding officers. The Board or its designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the president or designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132W-109-030 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

NEW SECTION

WAC 132W-109-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. An application shall include the signature of the applicant, the nature of the matter for which an adjudicative proceeding is sought, and an explanation of the facts involved.

Application forms are available at the following address:

Wenatchee Valley College
1300 5th Street
Wenatchee, WA 98801

Written application for an adjudicative proceeding should be submitted to the above address within twenty calendar days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132W-109-050 Brief adjudicative procedures. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings;
- (4) Parking violations;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in college-sponsored events.

NEW SECTION

WAC 132W-109-060 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted, and order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132W-109-070 Procedure for closing parts of the hearings. Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten working days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons in writing within twenty working days of receiving the request.

NEW SECTION

WAC 132W-109-085 Recording devices. No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 132W-109-070, except for the method of official recording selected by the college.

New Chapter
Chapter 132W-112
STUDENTS RIGHTS AND FREEDOMS

NEW SECTION

WAC 132W-112-001 Policy Wenatchee Valley College shall admit all individuals who qualify according to current admission requirements. The College, in compliance with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act, and other applicable laws and regulations, does not discriminate on the basis of race, creed, religion, color, national origin, sexual orientation, mental or physical handicaps, age, or gender in any of its policies, practices, or procedures. This includes, but is not limited to, admissions, employment, financial aid, and educational services, programs, and activities.

Admissions under the Running Start program are subject to the rules and regulations of the Office of the Superintendent of Public Instruction, the State Board for Community and Technical Colleges, and the Higher Education Coordinating Board. Curriculum offerings shall be provided to meet the educational and training needs of the community. All students, regardless of their courses of study, shall be considered, known, and recognized equally as members of the student body.

NEW SECTION

WAC 132W-112-010 Classroom rights. These protections apply to students attending any class at WVC

(1) Student performance shall be evaluated solely on an academic basis (which may include attendance), not on the opinions or conduct in matters unrelated to academic standards.

(2) Students are expected to attend classes for which they are registered. When absence occurs because of illness or other urgent reasons, including hazardous weather conditions, it is the obligation of the student to COMPLETE makeup work deemed necessary by the instructor

(3) Students shall have the right to appeal their academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

NEW SECTION

WAC 132W-112-020 Protection of freedom of expression. Students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

NEW SECTION

WAC 132W-112-030 Protection against improper disclosure. Individual student views, beliefs, and political associations which faculty members acquire in the course of their work as instructors, advisors, and counselors, are to be considered confidential.

NEW SECTION

WAC 132W-112-040 Confidentiality of student records. To minimize the risk of improper disclosure, academic and disciplinary records shall be separate. Transcripts of academic records shall contain only information about academic status, except when a student is dismissed for misconduct. Record of dismissal for misconduct shall be entered on a student transcript. Academic records, or information from disciplinary or counseling files, shall not be available to unauthorized persons on campus, or to individuals off campus, without the written consent of the student involved, except under legal compulsion or in cases where the safety of persons or property is involved. No records shall be kept which reflect the political activities or beliefs of students. Provision shall be made for the destruction of non-current disciplinary records after a period of three years. Administrative staff and faculty members shall respect confidential student information acquired in the course of their work.

NEW SECTION

WAC 132W-112-050 Freedom of association. Students are free to organize and to participate in voluntary associations of their own choosing. To be officially recognized, the Associated Students of Wenatchee Valley College must grant student organizations an official charter. Procedures for obtaining an official charter are published in the Student Handbook and found in the ASWVC bylaws. To receive or maintain official recognition, a student organization must be open to all students without regard to race, color, gender, creed, national origin, mental or physical handicaps, age, or sexual orientation.

NEW SECTION

WAC 132W-112-060 Freedom from sexual harassment. Students at Wenatchee Valley College shall be free from sexual harassment. Any student who engages in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or academic performance, shall be subject to disciplinary actions.

NEW SECTION

WAC 132W-112-070 Right to distribution of materials. Handbills, leaflets and similar materials, whether sold or distributed free of charge, may be distributed by regularly enrolled students and members of recognized student organizations in all areas of the campus, except classrooms, so long

as such distribution does not interfere with the educational process, the free flow of traffic, or the rights of others. Such materials shall bear identification as to the distributing organization or individual.

(1) Non-students may distribute legal and noncommercial materials on campus in open areas and outside entrances to building so long as such distribution does not interfere with college affairs, scheduled programs and activities, or the free flow of traffic. Material may not be placed on or in automobiles. Inside distribution of materials by non-students must have prior approval of the president or a designee.

(2) The college reserves the right at all times to judge each event or activity separately and to regulate the distribution of materials in terms of time, place and manner by furnishing reasonable notice to interested parties.

NEW SECTION

WAC 132W-112-080 Commercial activities policy.

College facilities may not be used for commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives. These activities must be sanctioned by the president or designee and shall not interfere with college affairs or the free flow of traffic. The College reserves the right to charge commercial vendors for the use of College facilities or space. Students have the right to engage in incidental sales of personal property in a private transaction provided College facilities are not explicitly used for this purpose

NEW SECTION

WAC 132W-112-090 Freedom of publications and press. Student publications and the student press are valuable aids in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. The College has developed a Publications Code that is used to administer all student publications.

NEW SECTION

WAC 132W-112-100 Freedom of speech and assembly. No rule shall restrict student expression solely based on disapproval or fear of the student's ideas or motives. Students and student organizations shall be free to examine and discuss all questions of interest to them, and to express opinions publicly and privately.

(1) Students and members of the public are guaranteed the rights of free inquiry, expression, and assembly on the outdoor College facilities that are generally open and available to the public.

(2) Any recognized ASWVC organization may utilize available college facilities for authorized activities as provided for in official ASWVC documents. Facilities will be provided free of charge to the organization except when such use necessitates staffing and services beyond regular college requirements. Standard college fees will be charged in these cases. Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for an organization. Student organi-

zations should schedule the facility use request with the dean of student programs through the ASWVC activity council three (3) days in advance of an event whenever possible.

(3) Modes of expression or assembly that are manifestly unreasonable or disruptive in terms of time, place, or manner may be restricted. Students and members of the public must ensure that assemblies are conducted in an orderly manner;

a) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the College;

b) Do not unreasonably interfere with pedestrian or vehicular traffic; or

c) Do not cause destruction or damage to College property, including library materials, or private property on College facilities

(4) Assemblies that violate these rules may be ordered to disperse by the College in accordance with Washington State statutes

(5) A non-student who violates any provision of the rule may be required to leave the campus or section of campus or facility and/or be referred to civilian authorities for criminal prosecution.

(6) A student, student group, or student organization that violates any provision of the rule may be subject to disciplinary action in accordance with this code. This may also include criminal prosecution.

NEW SECTION

WAC 132W-112-110 Right to invite off-campus speakers. Any recognized ASWVC student organization with the written sanction of its adviser, may invite speakers on campus subject to the normal restraints imposed by consideration of the laws of the United States and the state of Washington.

(1) Faculty members may invite speakers to make presentations to classes on topics related to materials being studied.

(2) Faculty organizations may schedule speakers for appearances before faculty groups subject to the normal constraints imposed by consideration of the laws of the United States and the state of Washington.

(3) The appearance of an invited speaker on the campus does not involve an endorsement, either implicit or explicit, of his views by this college, its students, its faculty, its administration or its board of trustees.

(4) The college may require and arrange to have views other than those of the invited speaker represented at the meeting, or at a subsequent meeting. The president may, at his discretion, assign a representative to preside over any meeting where a speaker has been invited.

NEW SECTION

WAC 132W-112-120 Right to be interviewed. Every student has the right to be interviewed on campus by any legal organization desiring to recruit at the College.

PROPOSED

NEW SECTION

WAC 132W-112-130 Right to due process. Students subject to disciplinary action by the college are entitled to a hearing, the procedures for which guarantee that the student will receive fair treatment, and which allow the college to take appropriate action. Pending action on college or civil charges, the status of a student will not be altered, or his or her right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well-being, or for reasons relating to the safety and well-being of students, staff or college property.

NEW SECTION

WAC 132W-112-140 Freedom from unreasonable search. Students have the right to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures.

**New Chapter
Chapter 132W-115 WAC
CODE OF STUDENT CONDUCT**

NEW SECTION

WAC 132W-115-010 Purpose of the disciplinary system. This Code of Student Conduct protects the unique, diverse community of Wenatchee Valley College. Admission to the college carries with it an expectation that the student will obey appropriate laws, will comply with the policies and procedures of the college, and will maintain a high standard of integrity and honesty. If a student does not accept these responsibilities, corrective action must be taken. The college will impose and carry out sanctions for conduct that interferes with the operation of college. The college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

NEW SECTION

WAC 132W-115-020 Jurisdiction and authority for student discipline. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities..

The board of trustees, acting pursuant to RCW 28B.50.140(14), has delegated by written order to the president of the college the authority to administer disciplinary action. Pursuant to this authority, the president, or designee, shall be responsible for the administration of the disciplinary procedures provided for herein. However, the president or acting president shall review all disciplinary action in which there is a recommendation that a student be suspended or dismissed.

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 132W-115-030 Violations of law and college regulations. Students may be accountable both to civil authorities and to the college for acts that constitute violations of law and of this code. Disciplinary action at the college will normally proceed even if criminal proceedings are pending and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

Definitions. When used in the code:

(1) The term "aggravated violation" means a violation that resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal college or college-sponsored activities.

(2) The term "group" means persons who are associated with each other but who have not complied with college requirements for registration or organization.

(3) The terms "institution" and "college" mean Wenatchee Valley College and all of its areas, elements, and programs.

(4) The term "reckless" means conduct that one should reasonably be expected to know would create a substantial risk of harm to persons or property or that would otherwise be likely to result in interference with normal college operations and/or college-sponsored activities.

(5) The term "student" means any person who is enrolled at the college and for whom the college maintains current educational records, as defined by the Family Rights and Privacy Act of 1974, and related regulations.

(6) The term "college facilities" means buildings or grounds owned, leased, operated, controlled, or supervised by the college, including all appurtenances affixed thereon or attached thereto.

(7) "Board" means the board of trustees of Wenatchee Valley College.

(8) "Liquor" means the definition of liquor as contained within RCW 66.04.010

(9) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010..

(10) "President" means the chief executive officer of the college appointed by the board of trustees.

(11) "Disciplinary action" means the warning, reprimand, summary suspension, suspension and/or expulsion, probation, of a student for the violation of a rule adopted under this policy.

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 132W-115-040 Student participation. Students will participate in college matters pursuant to these procedures.

NEW SECTION

WAC 132W-115-050 Demand for identification. For the purpose of determining whether probable cause exists for any application of this code to any behavior occurring on a college facility, college personnel or other authorized personnel may demand that evidence of student enrollment at the college be produced.

NEW SECTION

WAC 132W-115-060 Free movement on campus. The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of, a person or persons or any group of persons to enter onto or remain upon any portion of the college facility.

No person or persons may disrupt the ingress or egress of other persons from college facilities. The president or designee is authorized to prohibit or remove from college facilities any person who disrupts ingress or egress therein.

NEW SECTION

WAC 132W-115-070 Standards of classroom behavior. Academic honesty is vital to the very fabric and integrity of the college. All students must comply with an appropriate and sound academic honesty policy and code of honest behavior. All members of the college community are responsible for knowing and understanding the statement on academic honesty. The statement and procedures will be made readily available to all students and faculty to ensure understanding of the academic honesty system and its proper functioning.

Where suspected violations of the academic honesty system occur, appropriate procedures are designed to protect academic integrity while ensuring due process.

(1) Academic dishonesty: Honest assessment of student performance is crucial to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) The college administration and teaching faculty will provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty that occur at the college.

(b) Any student who knowingly submits a fraudulent examination, assignment, or any other academic work product shall have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in (b) of this subsection, shall be subject to disciplinary action.

(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This action shall also not be con-

strued as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.

(2) Classroom conduct: Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain class decorum shall be subject to disciplinary action.

(b) Any college instructor is authorized to take steps necessary to preserve order and to maintain the effective cooperation of the class in fulfilling course objectives; provided that a student shall have the right to appeal such disciplinary action to the dean of student services.

NEW SECTION

WAC 132W-115-080 Code of conduct. Wenatchee Valley College expects that its students while within college facilities or attending a college-sponsored activity, will adhere to high standards of honor and good citizenship at all times. Students will always conduct themselves in a responsible manner that reflects credit on themselves and the college. The following misconduct on college facilities is subject to disciplinary action:

(1) Intentionally or recklessly endangering, threatening, or causing physical harm to any person or oneself, or intentionally or recklessly causing reasonable apprehension of such harm.

(2) Sexual harassment as defined in college policy under Policy 000.340 and 000.350

(3) Intentionally or recklessly interfering with normal college or college-sponsored activities or any form of emergency services.

(4) Unauthorized entry or use of college facilities.

(5) Knowingly violating the term of any disciplinary sanction imposed in accordance with the code.

(6) Theft of property or services; knowing possession of stolen property.

(7) Violating college policies or procedures by any student or by the guest of any student.

(8) Smoking or using tobacco products in classrooms or on the college premises except in designated smoking areas.

(9) The possession, use, sale or distribution of any alcoholic beverage or illegal drug on the college campus; the use of illegal drugs by any student attending a college-sponsored event, even though the event does not take place at the college.

(10) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college.

(11) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification.

(12) Refusal to comply with the direction of college officials acting in the legitimate performance of their duties.

(13) Possession of firearms, licensed or unlicensed, except where possessed by commissioned police officers as prescribed by law.

(14) Failure to comply with the college's Technology Acceptable Use Policy, and/or misuse of computing equipment and services and facilities, including use of electronic mail and the Internet.

(15) Ethics Violation: The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular trade, skill, craft or profession for which the student is taking courses or is pursuing as their educational goal or major. These ethics codes must be distributed to students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the College.

(16) Hazing: Conspiracy to engage in hazing or participation in hazing another. Hazing shall include any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm to any student or other person attending Wenatchee Valley College. Consent is no defense to hazing. The term does not include customary athletic events or other similar contests or competitions. Hazing is also a misdemeanor, punishable under state law.

(17) Initiation violation: Conduct associated with initiation into a student organization, association, or living group, or any pastime or amusement engaged in with respect to an organization, association or living group not amounting to a violation of under the definition of hazing. Conduct covered by this definition may include embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation. Consent is no defense to initiation violation.

(18) Animals, with the exception of service animals, are not allowed on or in college facilities. All services animals on campus shall be under direct physical control, leashed by their owner or custodian.

(19) Gambling: Any form of gambling is prohibited.

NEW SECTION

WAC 132W-115-090 Civil disturbances. In accordance with provision contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of the college who is in the peaceful discharge or conduct of his duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member or student of the college who is in the peaceful discharge of his/her duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator or faculty member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subsections (1) and (2) of this section will be subject to disciplinary action and referred to the authorities for prosecution.

NEW SECTION

WAC 132W-115-100 Disciplinary process (1) Any infractions of college policies or procedures may be referred by anyone within the college community to the dean of student services or designee. That official shall then follow the appropriate procedures for any disciplinary action which he or she deems necessary relative to the alleged misconduct.

(2) The disciplinary official may take whatever action deemed appropriate within the framework of this code. If the student concludes that any sanctions imposed are inappropriate, the student may appeal to the academic regulations committee.

(3) If a referral or an appeal is made to the academic regulations committee, the committee shall hold a hearing, reach conclusion, and recommend sanctions. The student may appeal all cases involving suspension or dismissal from the college to the president of the college. All other cases may be appealed to the administrator designated by the president.

(4) The president of the college or his/her designee, after reviewing the case, may reverse, sustain or modify any sanctions. The decision of the president or designee is final.

NEW SECTION

WAC 132W-115-110 Procedures for resolving disciplinary violations (1) The dean of student services is responsible for initiating disciplinary proceedings. The dean of student services may delegate this responsibility to members of his/her staff, and he/she may also establish committees or other hearing bodies to advise or act for him/her in disciplinary matters.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial conference or hearing of the sanctions that may be involved.

(3) Upon initiation of formal disciplinary proceedings, the dean of student services or designee shall provide written notification to the student, either in person or by delivery via regular mail to the student's last known address, specifying the violations with which the student is charged. The dean of student services or designee shall set a time and place for meeting with the student to inform the student of the charges, the evidence supporting the charges, and to allow the student an opportunity to be heard regarding the charges and evidence.

(4) After considering the evidence in a case and interviewing the student or students involved, the dean of student services or designee may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate; not subject to the appeal rights provided in this code;

(c) Dismiss the case after verbally admonishing the student, not subject to the appeal rights provided in this code;

(d) Direct the parties to make a reasonable attempt to achieve a mediated settlement;

(e) Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally;

(f) Refer the matter to the academic regulations committee requesting their recommendation for appropriate action. The student shall be notified in writing that the matter has been referred to the academic regulations committee.

(5) This section shall not be construed as preventing the appropriate official from summarily suspending a student.

(6) If the dean of student services or his or her designee(s) has cause to believe that any student:

(a) Has committed a felony; or

(b) Has violated any provision of this chapter; and

(c) Presents an imminent danger either to himself or herself, other persons on the college campus or to the educational process; that student shall be summarily suspended and shall be notified by certified and regular mail at the student's last known address, or shall be personally served.

Summary suspension is appropriate only where (c) of this subsection can be shown, either alone or in conjunction with (a) or (b) of this subsection.

(7) During the summary suspension period, the suspended student shall not enter campus other than to meet with the dean of student services or to attend the hearing. However, the dean of student services or the college president may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for a probable cause hearing.

(8) When the president or his/her designee exercises the authority to summarily suspend a student, he/she shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student. The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the student code or the law involved; and

(b) That the student charged must appear before the designated disciplinary officer at a time specified in the notice for a hearing as to whether probable cause exists to continue the summary suspension. The hearing shall be held as soon as practicable after the summary suspension.

(9) The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted as soon as practicable with the dean of student services or designee presiding. At the summary suspension hearing, the dean of student services shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(10) If the dean of student services, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(a) The student against whom specific violations of law or of provisions of this chapter are alleged has committed one or more of such violations; and

(b) That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the campus; and

(c) Such violation or violations of the law or of provisions of this chapter constitute grounds for disciplinary action, then the dean of student services may, with the written approval of the president, continue to suspend such student from the college and may impose any other disciplinary action as appropriate.

(11) A student who is suspended or otherwise disciplined pursuant to the above rules shall be provided with a written copy of the dean of student services' findings of fact and conclusions, as expressly concurred in by the president, which constituted probable cause to believe that the conditions for summary suspension existed. The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail to said student's last known address within three working days following the conclusion of the summary suspension hearing. The notice of suspension shall state the duration of the suspension or nature of other disciplinary action and the conditions under which the suspension may be terminated.

(12) The dean of student services is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

(13) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the academic regulations committee. No such appeal shall be entertained, however, unless:

(a) The student has first appeared at the student hearing in accordance with subsection (9) of this section;

(b) The student has been officially notified of the outcome of the hearing;

(c) Summary suspension or other disciplinary sanction has been upheld; and

(d) The appeal conforms to the standards set forth in WAC 132W-109. The academic regulations committee shall, within five working days, conduct a formal hearing in the manner described in WAC 132W-109

NEW SECTION

WAC 132W-115-120 The academic regulations committee and serious disciplinary violations The Wenatchee Valley College Academic Regulations Committee (ARC) will hear cases referred under this code. In cases involving serious disciplinary violations where suspension or summary suspension from college can result, a subcommittee of the ARC will convene.

(1) An ARC subcommittee, convened by the dean of student services or designee for serious disciplinary violations, will hear and make recommendations on all disciplinary cases referred to it or appealed to it by students. The hearing body will be composed of the following persons:

(a) The committee chair will be a member of the ARC appointed by the president of the college;

(b) The faculty representative will be a member of the ARC appointed by the ARC membership;

(c) The student representative will be a member of the ARC appointed by the ARC membership.

(2) None of the above-named persons shall sit on any case in which he or she has been or will be a complainant or witness, in which he or she has a direct or personal interest, or in which he or she has acted previously in an advisory or official capacity. The entire ARC membership shall make decisions regarding eligibility according to this section, including the selection of alternate committee members.

(3) The committee may recommend to the dean of student services that the student involved:

(a) Be exonerated with all proceedings terminated and with no sanctions imposed;

(b) Be disqualified from participation in any school-sponsored athletic events or activities;

(c) Be given a disciplinary warning;

(d) Be given a reprimand;

(e) Be placed on disciplinary probation;

(f) Be responsible for restitution for damages resulting from the violation;

(g) Be given a suspension;

(g) Be expelled.

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 132W-115-130 Procedural guidelines for hearings involving serious disciplinary violations. (1) The committee chair shall set the time, place and available seating capacity for a hearing.

(2) All committee proceedings will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(3) The committee chair shall enforce general rules of procedures for conducting hearings consistent with these procedural guidelines.

(4) The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him/her to prepare a defense.

(5) The student or his/her representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall be able to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(6) Committee hearings may be held in closed session at the discretion of the council, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing

invited persons are disruptive of the proceedings, the committee chair may exclude such persons from the hearing room.

(7) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged, but the student's past record of conduct may be taken into account in formulating the committee's recommendation for disciplinary action.

(8) The failure of a student to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.

(9) The student may be represented by counsel and/or accompanied by an advisor of his/her choice. If counsel is present for the student, the college may also have counsel present to assist the council. If the student intends to use an attorney, he or she must notify the dean of student services 5 days in advance of the formal hearing.

(9) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspections and copying in the office of the dean of student services during regular business hours.

(9) The student will be provided with a copy of the findings of fact and the conclusions of the committee.

(10) If the council's proceedings were to hear a disciplinary matter pursuant to the request of the dean for student services, the council's recommendation shall be forwarded to the dean of student services for disposition of the matter.

(11) The dean of student services or designee shall notify the student of his or her decision.

(12) The student will also be advised of his/her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee.

(13) The dean of student services or designee shall notify the student of his or her decision.

(14) The student will also be advised of his/her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee.

(15) The president of the college or his/her designated representative shall, after reviewing the case, sustain the decision, give directions as to what other disciplinary action shall be taken by modifying its decision, or nullify previous sanctions imposed by reversing the decision. The president or designee shall then notify the dean of student services, the student, and the committee. The president's decision shall be final.

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 132W-115-140 Disciplinary terms. The definitions set forth in this section apply throughout.

(1) Disciplinary warning means oral or written notice of violation of college rules.

(2) Reprimand means formal action after censuring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) Disciplinary probation means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(4) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself or other students or persons in college facilities on or off campus, or to the educational process of the college.

(5) Suspension means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.

(6) Expulsion means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.

(7) Restitution means repayment to the college or to an affected party for damages resulting from a violation of this code.

NEW SECTION

WAC 132W-115-150 Loss of eligibility in college activities and athletics. Any student found to have violated the standards of student conduct or chapter 69.41 RCW shall, in lieu of or in addition to, any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored athletic events or activities.

NEW SECTION

WAC 132W-115-160 Student groups and organizations. Student groups and organizations may be charged with violations of the Student Code of Conduct.

A student group or organization and its officers may be held collectively and individually responsible when violations of this code by those associated with the group or orga-

nization have received the consent or encouragement of the group or organization or of the group's or organization's leaders or officers.

The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by college officials to take appropriate action designed to prevent or end violations of this code by the group or organization. Failure to make reasonable efforts to comply with college officials' order shall be considered a violation of this code, by the officers, leaders or spokesperson for the group or organization and by the group or organization itself.

Sanctions for group or organization misconduct may include revocation or denial of registration or recognition as well as other appropriate sanctions.

NEW SECTION

WAC 132W-115-170 Appeals. Disciplinary actions subject to appeal as specified in board policy may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the dean of student services within ten calendar days of the college's giving of the notice of the disciplinary action.

(1) Disciplinary action by a faculty member or other college staff member may be appealed to, and shall be reviewed by, the dean of student services.

(2) Disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the academic regulations committee.

(3) Disciplinary recommendation by the academic regulations committee and subsequent action by the dean of student services, may be appealed to, and shall be reviewed by, the college president or his/her designee.

(4) Disciplinary action by the president shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing its decision. The president's decision shall be final.

NEW SECTION

WAC 132W-115-180 Transcript notations. A temporary encumbrance may be placed on a student's college records by the dean of student services while disciplinary proceedings are pending. Permanent notation of disciplinary action will be made on the transcript whenever a student is dismissed for misconduct.

NEW SECTION

WAC 132W-115-190 Refunds and access. (1) There shall be no refund of tuition and/or fees for the quarter in which disciplinary action is taken.

(2) A student suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

NEW SECTION

WAC 132W-115-200 Readmission after suspension or dismissal. Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the dean of student services. Such petition must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or designee.

NEW SECTION

WAC 132W-115-210 Reestablishment of academic standing. Students who have been suspended pursuant to disciplinary procedures set forth in this chapter and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

NEW SECTION

WAC 132W-115-220 Reporting, recording and maintaining records. Records of all disciplinary cases shall be kept by the disciplinary official taking or initiating the action. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not more than three years after resolution of the case. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.

**New Chapter
Chapter 132W-117
PARKING AND TRAFFIC**

NEW SECTION

WAC 132W-117-010 Purpose The parking and traffic rules and regulations contained herein provide a fair and uniform method of regulating College vehicular, non-vehicular, and pedestrian traffic and are based on the following objectives:

To protect and control vehicular, non-vehicular, and pedestrian traffic.

To assure access for emergency equipment at all times.

To minimize traffic disturbances during class hours.

To facilitate the work of the College by assuring access for College vehicles and by assigning the limited parking spaces to the most efficient use.

To protect College facilities.

Permission to park or operate a vehicle on College property is governed by these regulations. The purchase of a permit for designated parking does not ensure the regular availability of a parking space.

NEW SECTION

WAC 132W-117-020 Authority Pursuant to RCW 28B.50.140(10), the Board is granted authority to establish rules and regulations for pedestrians and vehicular and non-vehicular traffic over property owned, operated, and/or maintained by the College.

The enforcement of these rules and regulations shall be the responsibility of the Plant office..

The security officer or designees are authorized to issue parking and traffic citations, impound and/or immobilize vehicles, and control and regulate facilities use, traffic, and parking as prescribed in these rules and regulations.

Any person interfering with a College security officer or designees in the discharge of the provisions of these rules and regulations shall be in violation of RCW 9A.76.020, Obstructing Governmental Operation, and may be subject to arrest by a peace officer.

Failure by students to abide by these rules and regulations may be considered to be a violation of the Code of Student Conduct.

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 132W-117-030 Definitions (1) College - Wenatchee Valley College, Community College District 15.

(2) College Property - Campus property, parking lots, or land owned, leased, controlled or maintained by Wenatchee Valley College.

(3) Immobilization - Rendering a vehicle inoperable by use of a wheel-lock device.

(4) Security Officer - The college administrator designated as responsible for managing college security, parking and traffic control.

(5) Impoundment - Removal of a vehicle to a storage facility.

(6) Pedestrian - Any person afoot or who is using a wheelchair or a means of conveyance propelled by human power, other than a bicycle.

(7) Student - Any individual currently registered for classes located on Wenatchee campus property.

(8) Vehicular Traffic or Vehicles - Those devices defined as "vehicles" in RCW 46.04.670.

(9) Non-vehicular Modes of Transportation - Non-vehicular transportation devices shall include, but not be limited to, skateboards, snowmobiles, roller skates and roller blades, snow sleds, and scooters.

NEW SECTION

WAC 132W-117-040 Applicable traffic rules and regulations — Areas affected The traffic regulations which are applicable upon state lands devoted mainly to the educational activities of the college are as follows:

(1) The motor vehicle and other traffic laws of the state of Washington shall be applicable upon all lands located within the state of Washington.

(2) The traffic code of the city of Wenatchee, Washington, shall be applicable upon all lands located within the city of Wenatchee, Washington. The traffic code for the city of Omak shall be applicable upon all lands located within the city of Omak.

(3) These regulations shall be applicable to all state lands which are or may hereafter be devoted mainly to educational, research, recreational, or parking activities of the college at the Wenatchee campus of district 15. Paragraphs A through K plus AA and AB shall apply equally to Wenatchee Valley College - North campus.

NEW SECTION

WAC 132W-117-050 Speed No vehicle shall be operated on the campus at a speed in excess of five miles per hour unless otherwise posted or such lower speed as is reasonable and prudent in the circumstances.

NEW SECTION

WAC 132W-117-060 Regulatory signs and directions Drivers of vehicles shall obey regulatory signs posted by the college. Drivers of vehicles shall also comply with directions given them by officers of the college in the control and regulation of traffic.

NEW SECTION

WAC 132W-117-070 Pedestrians' right of way (1) The operator of a vehicle shall yield right of way, slowing down or stopping, if need be, to so yield to any pedestrian, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

(3) Where a sidewalk is provided, pedestrians shall proceed upon such a sidewalk.

NEW SECTION

WAC 132W-117-080 Impounding — Illegal parking — Disabled or inoperative or abandoned vehicles (1) Vehicles which have been disabled, inoperative or abandoned may be impounded and stored following 24 hours notice posted at a conspicuous place on the vehicle.

(2) Impoundment without notice: A vehicle may be impounded without notice to the owner or operator in the following circumstances:

(a) When in the judgment of the security officer the vehicle is obstructing or may impede the flow of traffic; or

(b) When in the judgment of the security officer the vehicle poses an immediate threat to public safety; or

(c) When a non-handicapped operator parks the vehicle in a designated area reserved for the handicapped; or

(d) When three (3) unpaid parking violations are on record for any one (1) vehicle.

(3) Impounding may be implemented by mechanical restraints to vehicles or by towing to an approved impounding agency or to another designated area of the college's parking lot.

(4) Towing companies and/or impounding agencies will be selected on the basis of criteria developed by the college.

(5) Any vehicle impounded shall be at the owner's and/or the operator's risk and expense.

(6) Neither the college nor its employees shall be liable for loss or damage of any kind resulting from impounding and storage.

NEW SECTION

WAC 132W-117-090 Bicycles and non-vehicular transportation usage Bicycles may be ridden any place where vehicles are permitted. They may also be ridden on campus sidewalks or pathways, though pedestrians always have the right of way. An audible signal shall be used by bicyclists to warn pedestrians of oncoming bicycles. Bicyclists shall not ride in a reckless manner or engage in stunts or dangerous acts, or operate at speeds greater than five miles per hour or such lower speed as is reasonable and prudent under the circumstances. With the exception of wheelchair conveyances and certain College service vehicles, no other non-vehicular modes of transportation as specified in the preceding "definitions" will be allowed on College property.

Bicycles shall be parked in bicycle racks or other facilities provided for the purpose. Where such facilities are provided, at no time shall a bicycle be parked in a building, against a building, near a building exit, on a path or sidewalk, or chained or otherwise secured to trees, lamp standards, utilities, stairway railings, or signposts. Any bicycle found in violation of this section may be cited for illegal parking and impounded by the Plant Office without warning.

NEW SECTION

WAC 132W-117-100 Report of accidents The operator of any vehicle involved in an accident on campus where injury or death of any person results, or where either or both vehicles is damaged in any amount, shall within twenty-four hours make a written report of the accident to the dean of administrative services. This report does not relieve any person so involved in an accident from his or her responsibility to file a state of Washington motor vehicle accident report.

PROPOSED

NEW SECTION

WAC 132W-117-110 Enforcement (1) Enforcement of the parking rules and regulations will begin the first week of classes of fall quarter and will continue until the end of summer quarter. These rules and regulations will not be enforced Saturdays, Sundays and official college holidays.

(2) The security officer or his or her designee(s) shall be responsible for the enforcement of the rules and regulations contained in this chapter.

NEW SECTION

WAC 132W-117-120 Permits required for motor vehicles on campus Students, faculty members, staff members, guests and visitors shall not stop, park or leave a vehicle whether attended or unattended upon the campus without a parking permit issued pursuant to this chapter; provided, the permit shall not be required of visitors who park in specifically marked visitor areas and the exemptions from traffic and parking restrictions set forth in this chapter.

NEW SECTION

WAC 132W-117-130 Authorization for issuance of permits Parking permits shall be issued to students, faculty members, staff members, guests and visitors of the college pursuant to the following regulations:

(1) The dean of administrative services is authorized to issue parking permits to students upon the registration of their vehicle with the college at the beginning of each academic period.

(2) Faculty, staff, and employees may be issued parking permits if they register their vehicle upon employment with the college.

(3) Temporary visitor parking permits or special parking permits may be issued by the dean of administrative services or his or her designee(s) if issuance enhances the business or operation of the college.

NEW SECTION

WAC 132W-117-140 Parking fees Fees for parking in designated areas will be established by the board of trustees

NEW SECTION

WAC 132W-117-150 Valid permits The following are valid parking permits, provided they are properly displayed and unexpired:

- A permanent permit.
- A temporary permit.
- A handicapped permit.
- A visitor's permit.

NEW SECTION

WAC 132W-117-160 Display of permit (1) A permanent permit shall be displayed hanging from the interior rear view mirror facing out of the vehicle. If the vehicle has no

interior mirror, the permit shall be affixed to the driver side lower corner of the windshield.

(2) Permits for motorcycles shall be affixed in visible locations.

(3) A special or temporary parking permit shall be placed on the dashboard of the vehicle where it can be plainly observed.

NEW SECTION

WAC 132W-117-170 Transfer of permits Parking permits are not transferable from one person to another.

NEW SECTION

WAC 132W-117-180 Permit revocation Parking permits are the property of the college and may be recalled by the dean of administrative services or his or her designee(s) for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists;

(2) When a permit is used by an unregistered vehicle or by an unauthorized individual;

(3) Falsification on a parking permit application;

(4) Continued violations of parking regulations;

(5) Counterfeiting or altering a parking permit.

NEW SECTION

WAC 132W-117-190 Right to appeal permit revocation When a parking permit has been recalled as provided by this chapter, such action may be appealed pursuant WAC 132W-109-050

NEW SECTION

WAC 132W-117-200 Responsibility of permit holder The permit holder is responsible for the vehicle to which the permit is affixed. Therefore, he or she will be held responsible for any violations charged to that vehicle. However, an operator of a vehicle will not be relieved of responsibility for violating any rule of this chapter simply because he or she is not also the permit holder.

NEW SECTION

WAC 132W-117-210 Right to refuse permit The dean of administrative services may refuse to issue a parking permit when it is deemed in the best interests of the college to do so.

NEW SECTION

WAC 132W-117-220 Allocation of parking spaces The parking space available on campus shall be allocated by the dean of administrative services or his or her designee(s), in such a manner as will best effectuate the objectives [of] this chapter.

(1) Faculty and staff reserved spaces will be so designated for their use; and

PROPOSED

(2) Student and staff spaces will be so designated for their use; provided, physically handicapped students may be granted special permits to park in close proximity to the classrooms used by such students; and

(3) Parking space will be designated for use of visitors on campus.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 132W-117-230 Parking within designated spaces (1) No vehicle shall be parked on the campus except in those areas set aside and designated pursuant to this chapter.

(2) Parking in designated areas will be strictly enforced between the hours of 7 a.m. and 8 p.m., Monday through Friday.

(3) All vehicles shall follow traffic arrows and other markings established for the purpose of directing traffic on campus.

(4) In areas marked for diagonal parking, vehicles shall be parked at a forty-five degree angle, facing in, with no part of the vehicle extending more than two feet beyond the yellow line or barrier.

(5) No vehicle shall be parked so as to occupy any portion of more than one space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall will not constitute an excuse for a violation of this section.

NEW SECTION

WAC 132W-117-240 Special traffic and parking regulations authorized Upon special occasions causing additional and/or heavy traffic and during emergencies, the dean of administrative services or his or her designee(s) is authorized to impose additional traffic and parking regulations to achieve the objectives of this chapter.

NEW SECTION

WAC 132W-117-250 Issuance of traffic citations The security officer, or his or her designee(s) may issue citations for any violations of these rules and regulations. Such citations shall include the date, approximate time, vehicle identification number, infraction, identification of the issuing officer and schedule of fines. The traffic citations may be served in person, by mail, or by attaching a copy to a prominent place on the outside of the vehicle.

NEW SECTION

WAC 132W-117-260 Fines and penalties The dean of administrative services or his or her designee(s) is authorized to impose fines and penalties for the violation of rules and regulations contained in this chapter.

(1) The following \$5.00 citations will be issued for any of the following violations of the campus parking regulations. The fee will be reduced to \$2.50 if paid within 24 hours.

- (a) No valid parking permit displayed.
- (b) Parking out of designated parking space.
- (c) Overtime parking.
- (d) Occupying more than one parking space.
- (e) Blocking traffic.
- (f) Parking in a reserved or restricted area.
- (g) Parking in a driveway or walkway.
- (h) Parking on grass or landscaped area.
- (i) Failure to display handicapped permit.
- (j) Use of forged, stolen, or transferred parking permits.
- (k) Parking in a loading zone.

(l) Parked in any space designated as handicapped parking where the parked vehicle does not have a valid handicapped permit visible.

(m) Parked at an area designated as a fire lane.

(2) The dean of administrative services or his or her designee(s) shall be authorized to impound vehicles parked on college property.

(a) Vehicles left abandoned on college property for an unreasonable duration are subject to impoundment by the college, pursuant to state law. An unreasonable duration is a period greater than five working days.

(b) Vehicles involved in more than two violations of these regulations within a twelve-month period are subject to impoundment.

(c) Impoundment and storage expenses shall be borne by the owner of the impounded vehicle.

(d) The college shall not be liable for loss or damage of any kind resulting from such impoundment and storage.

(e) Impoundment of a vehicle does not remove the obligation for any fines associated with the citation.

(3) An accumulation of traffic violations by a student will be cause for disciplinary action, and the dean of administrative services shall initiate disciplinary proceedings against such student pursuant to WAC 132W-109-050.

(4) Fines will be paid at the cashier's office.

(5) Unpaid fines will be referred to the registration office for notation. When fines are unpaid, transcripts, quarterly grade reports, or permission to reregister may be withheld.

NEW SECTION

WAC 132W-117-270 Appeal of fines and penalties Any fines and penalties levied against a violator of the rules and regulations in this chapter may be appealed pursuant to the provisions of WAC 132W-109-050

NEW SECTION

WAC 132W-117-280 Liability of college Except for the college owned and/or operated vehicles, the college assumes no liability under any circumstances for vehicles on campus.

PROPOSED

New Chapter
Chapter 132W-125 WAC
WITHHOLDING SERVICES FOR OUTSTANDING
DEBTS

NEW SECTION

WAC 132W-125-010 Statement of policy. The college expects that students who receive services for which a financial obligation is incurred will exercise responsibility in meeting these obligations. Appropriate college staff is empowered to act in accordance with regularly adopted procedures to carry out the intent of this policy, and if necessary to initiate legal action to insure that collection matters are brought to a timely and satisfactory conclusion.

Admission to or registration with the college, conferring of degrees and issuance of academic transcripts may be withheld for failure to meet financial obligations to the college.

NEW SECTION

WAC 132W-125-020 Withholding services for outstanding debts. (1) Upon receipt of a request for services where there is an outstanding debt owed to the college from the requesting person, the college shall notify the person, in writing by certified mail to the last known address, that the services will not be provided since there is an outstanding debt, and further that until that debt is satisfied, no such services will be provided to the individual.

(a) The notice shall include a statement to inform the college that he or she has a right to a hearing before a person designated by the president of the college if he or she believes that no debt is owed. The notice shall state that the request for the hearing must be made within twenty-one days from the date of notification.

(2) Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the college available for review and, at that time, shall hold a brief adjudicative proceeding concerning whether the individual owes or owed any outstanding debts to the institution. After the brief adjudicative proceeding, a decision shall be rendered by the president's designee indicating whether the college is correct in withholding services and/or applying offset for the outstanding debt.

(a) If the outstanding debt is found to be owed by the individual involved, no further services shall be provided.

(b) Notice of the decision shall be sent to the individual within five days after the hearing.

NEW SECTION

WAC 132W-125-030 Appeal of initial order upholding the withholding of services for outstanding debts. (1) Any person aggrieved by an order issued under WAC 132W-125-020 may file an appeal with the president. The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation that justify the appeal.

(2) The appeal must be filed within twenty-one days from the date on which the appellant received notification of

the order issued under WAC 132W-125-020 upholding the withholding of services for outstanding debts. The president's determination shall be final.

New Chapter
Chapter 132W-277 WAC
ACCESS TO PUBLIC RECORDS

NEW SECTION

WAC 132W-277-010 Purpose. The purpose of this chapter is to ensure that Wenatchee Valley College complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

NEW SECTION

WAC 132W-277-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums and other documents.

(3) "Wenatchee Valley College" is an agency organized by statute pursuant to RCW 28B.50.040. Wenatchee Valley College shall hereafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

NEW SECTION

WAC 132W-277-030 Description of central and field organization of Wenatchee Valley College District No. 15.

(1) Wenatchee Valley College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the college campus within the county of Chelan, Washington. The college campus likewise comprises the central headquarters for all operations of the district.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 132W-105-010. The board of trustees employs a president, an administrative staff, instructors, and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical

colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district.

NEW SECTION

WAC 132W-277-040 Operations and procedures.

Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

NEW SECTION

WAC 132W-277-050 Public records available.

All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

NEW SECTION

WAC 132W-277-060 Public records officer.

The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The public records officer shall be responsible for implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

NEW SECTION

WAC 132W-277-070 Office hours.

Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and holidays or days of closure established by the college calendar or by order of the college President.

NEW SECTION

WAC 132W-277-080 Requests for public records.

Requests for public records shall be made at the administrative office of the district at Wenatchee Valley College, 1300 5th St Wenatchee WA 98801. In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are obtainable by members of the public only when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at the district

administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

(a) The name 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) If the information requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index'

(e) If the requested information is not identifiable by reference to the 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 officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

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 132W-277-090 Copying.

No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records and such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

WAC 132W-277-100 Determination regarding exempt records.

(1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132W-277-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: Provided, however, In each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the college, within five business days, either:

- (a) Provides the record;
- (b) Acknowledges receipt of the request and provides a reasonable estimate of the time the college will require to respond to the request; or
- (c) Denies the request.
- (4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

NEW SECTION

WAC 132W-277-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a 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 which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president of the district or the president's designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the president or designee, shall complete such review.

(4) During the course of the review the president or designee shall consider the obligations of the district to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

NEW SECTION

WAC 132W-277-120 Protection of public records. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 132W-277-090.

NEW SECTION

WAC 132W-277-130 Records index. (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after March 14, 2001:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

WAC 132W-277-140 Adoption of form. The district shall adopt an appropriate form for use by all persons requesting inspection and/or copying or copies of its records.

New Chapter**WAC 132W-325****ENVIRONMENTAL PROTECTION**NEW SECTION

WAC 132W-325-010 Environmental protection. (1) It shall be the operational procedure of Community College District No. 15 that capital projects proposed and developed by the district shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA); chapter 197-11 WAC, guidelines for SEPA implementation; and WAC 131-24-030, SEPA implementation rules of the state board for community college education.

(2) In compliance with WAC 197-11-910, the district president, or an administrative officer designated by the district president, shall be the "responsible official" for carrying out this policy.

WSR 01-07-116**PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed March 21, 2001, 11:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-08-048.

Title of Rule: New chapter 388-865 WAC, Community mental health and involuntary treatment; formerly chapter 388-860 WAC, Juvenile involuntary treatment; chapter 388-

861 WAC, Commitment, treatment and/or evaluation of mentally ill persons; and chapter 388-862 WAC, Community mental health programs. This CR-102 is pursuant to a pre-proposal notice of inquiry (CR-101) filed on March 31, 2000, as WSR 00-08-048, regarding rule making related to chapters 275-54 WAC, Juvenile involuntary treatment; chapter 275-55 WAC, Voluntary admission—Involuntary commitment, treatment and/or evaluation of mentally ill persons; and chapter 275-57 WAC, Community mental health programs. Pursuant to WSR 00-23-089 filed November 20, 2000, chapters 275-54, 275-55 and 275-57 WAC were renumbered as chapters 388-860, 388-861, and 388-862 WAC, respectively.

Purpose: Integration of administrative rule to be consistent with an integrated mental health system; streamlining rules by eliminating duplication and inconsistency between the rules and waiver/contracts; implementation of changes in chapters 71.05, 71.24 and 71.34 RCW; incorporates department policies; and incorporates some federal Medicaid requirements into rule.

Statutory Authority for Adoption: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, 43.20B335 [43.20B.335].

Statute Being Implemented: Chapters 71.05, 71.24, and 71.34 RCW.

Summary: A review of the current administrative rules done in compliance with Executive Order 97-02 revealed that there is duplication, and inconsistencies as well as outdated material. The rules have been combined, written in a clearer format, incorporated requirements from recent legislation, and made changes consistent with changes that have occurred within the system.

Reasons Supporting Proposal: Executive order for regulatory improvement.

Name of Agency Personnel Responsible for Drafting: Kathy Burns Peterson, OB-2, Olympia, Washington, (360) 902-0843; **Implementation and Enforcement:** Darleen Vernon, OB2, Olympia, Washington, (360) 902-0873.

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 rewriting of these rules were started under the governor's executive order on regulatory improvement. This rule decreases duplication and inconsistencies; creates an integrated rule to be consistent with integrated contracts, and incorporates in fact or by reference the requirements of federal law and waiver, recent state laws, duplicative portions of contract, and division policies.

Proposal Changes the Following Existing Rules: The current three rules have been combined. This means that many sections have been moved, revised and reorganized.

WAC 388-865-0100 Purpose, the purpose statement incorporates the three statutes that are being implemented, and the Title XIX section 1915(b) waiver.

WAC 388-865-0105 What the mental health division does and how it is organized, information only.

WAC 388-865-0110 Access to records of registration, says information must not be shared or released except as specified under RCW 71.05.390.

WAC 388-865-0115 Access to clinical records, gives all the references in law to confidentiality of consumer records.

WAC 388-865-0120 Waiver of a minimum standard of this chapter, no substantial change from current WAC 388-862-0120.

WAC 388-865-0150 Definitions, changes the definition of a mental health professional, and adds the definition for substantial hardship. Many former definitions are defined within the context within which the term is used.

WAC 388-865-0200 Regional support networks (RSNs), lists the programs RSNs administers; adds inpatient that has been in law but not rule.

WAC 388-865-0201 Distribution of available resources, tells how available funds will be distributed to the regional support networks. Some RSNs will receive lesser increases than historically; others will receive more than historically.

WAC 388-865-0203 Distribution formula for state hospital beds, describes the formula for distribution between RSNs of available civil beds in state hospitals - some get more and others get less.

WAC 388-865-0205 Initial certification of a regional support network, puts mental health procedure into rule.

WAC 388-865-0215 Consumer eligibility and payment for services, puts current practice into rule.

WAC 388-865-0229 Inpatient services, puts policy about single bed certification into rule.

WAC 388-865-0230 Community support services, adds counseling and psychotherapy services and day treatment services to the list of community support services. These are in current law, but not current rule.

WAC 388-865-0235 Residential and housing services, adds a service required of the regional support network by current law, but not current rule. Requires regional support networks to assure treatment to and to inform people in long-term residential care of their long-term care rights.

WAC 388-865-0240 Consumer employment services, adds a service required of the regional support network by current law, but not current rule.

WAC 388-865-0250 Ombuds services, expands the scope of the ombuds office and requires a toll-free, independent line; eliminates the requirement for the mental health division, regional support network, or prepaid health plan to include representatives of consumer and family advocates when revising the terms of the contract regarding ombuds services.

WAC 388-865-0255 Consumer grievance process, incorporates new rules about a consumer's right to continue to receive services if they contest termination of services.

WAC 388-865-0260 Mental health professionals and specialists, puts current practice into rule.

WAC 388-865-0265 Mental health professional—Exception, puts mental health division procedure into rule; requires the person who receives the exception to be in the process of meeting the minimum requirements; adds a process for small businesses as defined in chapter 19.85 RCW to avoid any disproportionate economic impact.

WAC 388-865-0280 Quality management process, puts requirements from current contract into rule.

WAC 388-865-0282 Quality review teams, puts requirements from current contract into rule.

PROPOSED

WAC 388-865-0286 Coordination with a mental health prepaid health plan, new, will only apply if HCFA rescinds an exception currently in effect for the Mental Health Division.

WAC 388-865-0300 Mental health prepaid health plans, puts requirements from waiver/contract into rule.

WAC 388-865-0305 Regional support network contracting as a mental health prepaid health plan, puts requirements from waiver/contract into rule.

WAC 388-865-0307 Distribution of funds, places new formula into rule; some will get more, others will get less.

WAC 388-865-0310 Mental health prepaid health plans—Minimum standards, puts requirements from waiver/contract into rule; and where possible references regional support network requirements to avoid duplication.

WAC 388-865-0315 Governing body, puts requirements from waiver/contract into rule.

WAC 388-865-0320 Utilization management, puts requirements from waiver/contract into rule.

WAC 388-865-0325 Risk management, puts requirements from waiver/contract into rule.

WAC 388-865-0330 Marketing/education of mental health services, puts requirements from waiver/contract into rule.

WAC 388-865-0340 Consumer disenrollment, puts requirements from waiver/contract into rule, and puts mental health procedure into rule.

WAC 388-865-0345 Choice of primary care provider, puts current DSHS practice into rule, consistent with HCFA rules.

WAC 388-865-0350 Mental health screening for children, puts requirements from waiver/contract into rule.

WAC 388-865-0360 Monitoring of mental health prepaid health plans, puts current practice into rule.

WAC 388-865-0363 Coordination with the regional support network, new, will only apply if HCFA rescinds an exception currently in effect for the Mental Health Division.

WAC 388-865-0365 Suspension, revocation, limitation or restriction of a contract, puts requirements from waiver/contract into rule.

WAC 388-865-0405 Competency requirements for staff, incorporates rules from other regulatory agencies.

WAC 388-865-0410 Consumer rights, clarifies the consumer's right to make an advance directive, consistent with federal law.

WAC 388-865-0420 Admission and intake evaluation, adds a consumer report of culture/cultural history.

WAC 388-865-0425 Individual service plan, incorporates minimum state and federal requirements so providers will be in compliance with standards of both systems.

WAC 388-865-0430 Clinical record, requires that a copy of the advance directive, power of attorney or letters of guardianship be kept in the clinical record, if provided by the consumer.

WAC 388-865-0435 Consumer access to their clinical record, limits the rate for copying consistent with chapter 70.02 RCW.

WAC 388-865-0436 Clinical record access procedures, requires the agency to develop policies and procedures to

ensure information about consumers is protected and released only in accordance with law.

WAC 388-865-0440 Availability of consumer information, requirement from waiver/contract moved to rules.

WAC 388-865-0452 Emergency crisis intervention services, adds requirements for policies and procedures; use of mental health specialists; allows the provision of emergency triage services at a level less than inpatient services.

WAC 388-865-0454 Provider of crisis telephone services only, new section that applies only sections of rule that are necessary when only these services are provided.

WAC 388-865-0458 Psychiatric treatment, including medication supervision, slight change in the name of the service, to be consistent with the law.

WAC 388-865-0460 Counseling and psychotherapy services, new licensable service, consistent with the law.

WAC 388-865-0462 Day treatment services, new licensable service, consistent with the law.

WAC 388-865-0466 Community support outpatient certification, certification standards from the current outpatient section of chapter 388-860 WAC minus standards that are already required for licensure.

WAC 388-865-0468 Emergency crisis intervention services certification, certification standards from the current emergency services section of chapter 388-860 WAC minus standards that are already required for licensure.

WAC 388-865-0470 The process for initial licensing of service providers, a shortened version of current rule.

WAC 388-865-0474 Fees for community support service provider licensure, moved from a rule so it would be more accessible to service providers.

WAC 388-865-0476 Licensure based on deemed status, expands on current rule and practice.

WAC 388-865-0484 Process to certify providers of involuntary services, eliminates duplicative review of similar requirements between licensing and certification.

WAC 388-865-0501 Certification based on deemed status, addition that allows deeming for certification under certain circumstances.

WAC 388-865-0502 Single bed certification, places current procedure into rule.

WAC 388-865-0524 Clinical record, requires that a copy of the advance directive, power of attorney or letters of guardianship be kept in the clinical record, if provided by the consumer.

WAC 388-865-0530 Competence requirements for staff, incorporates rules from other regulatory agencies; requires that clinical supervisors meet the qualifications of mental health professionals or specialists.

WAC 388-865-0535 - 388-865-0540, fees for evaluation and treatment facility certification, moved from another WAC to be more accessible to providers.

WAC 388-865-0545 Use of seclusion and restraint procedures—Adults, deletes "unruly behavior" as an allowable reason to use restraints or seclusion; requires policies and procedures about the use of restraints and seclusion; requires that the consumer must be informed of the reasons for seclusion or restraint and told what specific behaviors are required to gain release from restraint and seclusion.

WAC 388-865-0546 Use of seclusion and restraint procedures—Children, deletes "unruly behavior" as a criteria for use of seclusion and restraint.

WAC 388-865-0557 Rights related to antipsychotic medication, new rules required by RCW 71.05.215 which requires providers to develop protocols for administering medication involuntarily.

WAC 388-865-0600 - 388-865-0620, as the result of new legislation in chapter 71.05 RCW, new rules about sharing information between mental health providers and Department of Corrections.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Division staff have analyzed the proposed rule amendments and conclude that no new costs will be imposed on the small businesses affected by the amendments. The preparation of a comprehensive small business economic impact statement is not required. For information contact (360) 902-0830.

RCW 34.05.328 applies to this rule adoption. Portions of this rule making do meet the definition of significant legislative rules. An analysis has been prepared. Please contact Kelly Cooper, (360) 664-6094 to receive a copy.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on May 22, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by May 15, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coo-peKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Kelly Cooper, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by May 22, 2001.

Date of Intended Adoption: No sooner than May 23, 2001.

March 21, 2001

Susan Bush

for Charles Hunter, Director
Administrative Services Division

Chapter 388-865 WAC

COMMUNITY MENTAL HEALTH PROGRAMS

SECTION ONE—COMMUNITY MENTAL HEALTH AND INVOLUNTARY TREATMENT PROGRAMS

NEW SECTION

WAC 388-865-0100 Purpose. Chapter 388-865 of the Washington Administrative Code implements chapters 71.05, 71.24, and 71.34 RCW, and the mental health Title XIX Section 1915(b) Medicaid waiver provisions.

NEW SECTION

WAC 388-865-0105 What the mental health division does and how it is organized. (1) The department of social and health services is designated by the legislature as the state

mental health authority, and has designated the mental health division to administer the state mental health program.

(2) To request an organizational chart, contact the mental health division at 1-888-713-6010 or (360) 902-8070, or write to the Mental Health Division Director, PO Box 45320, Olympia, WA 98504.

(3) Local services are administered by regional support networks, which are a county, or combination of counties, whose telephone number is located in the local telephone directory.

NEW SECTION

WAC 388-865-0110 Access to records of registration.

The mental health division, regional support networks, mental health prepaid health plans, and service providers must ensure that information about the fact that a consumer has or is receiving mental health services is not shared or released except as specified under RCW 71.05.390 and other laws and regulations about confidentiality.

NEW SECTION

WAC 388-865-0115 Access to clinical records. There are numerous federal and state rules and regulations on the subjects of confidentiality and access to consumer clinical records. The rules are located in chapter 70.02 RCW, RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, 71.05.440, 71.05.610 through 71.05.680, 71.34.160, 71.34.162, 71.34.170, 71.34.200, 71.34.210, 71.34.220, 13.50.100 (4)(b), and the Code of Federal Regulations and are not repeated in these rules.

NEW SECTION

WAC 388-865-0120 Waiver of a minimum standard of this chapter. (1) A regional support network, mental health prepaid health plan, service provider or applicant subject to the rules in this chapter may request a waiver of any sections or subsections of these rules by submitting a request in writing to the director of the mental health division. The request must include:

(a) The name and address of the entity that is making the request;

(b) The specific section or subsection of these rules for which a waiver is being requested;

(c) The reason why the waiver is necessary, or the method the entity will use to meet the desired outcome of the section or subsection in a more effective and efficient manner;

(d) A description of the plan and timetable to achieve compliance with the minimum standard or to implement, test, and report results of an improved way to meet the intent of the section or subsection. In no case will the mental health division write a waiver of minimum standards for more than the time period of the entity's current license and/or certificate.

(2) For agencies contracting with a regional support network or mental health prepaid health plan, a statement by the regional support network or mental health prepaid health plan

recommending mental health division approval of the request, including:

(a) Recommendations, if any, from the quality review team or ombuds staff; and

(b) A description of how consumers will be notified of changes made as a result of the exception.

(3) The mental health division makes a determination on the waiver request within thirty days from date of receipt. The review will consider the impact on accountability, accessibility, efficiency, consumer satisfaction, and quality of care and any violations of the request with state or federal law.

(4) When granting the request, the mental health division issues a notice to the person making the request that includes:

(a) The section or subsection waived;

(b) The conditions of acceptance;

(c) The timeframe for which the waiver is approved;

(d) Notification that the agreement may be reviewed by the mental health division and renewed, if requested.

(5) When denying the request, the mental health division includes the reason for the decision in the notice sent to the person making the request.

(6) The mental health division does not waive any requirement that is part of statute.

NEW SECTION

WAC 388-865-0150 Definitions. "Adult" means a person on or after their eighteenth birthday.

"Child" means a person who has not reached their eighteenth birthday. For persons eligible for the Medicaid program, child means a person who has not reached their twenty-first birthday.

"Consumer" means a person who is eligible for or who has received mental health services. For a child, the definition of consumer includes parents or legal guardians.

"Consultation" means the clinical review and development of recommendations regarding the job responsibilities, activities, or decisions of, clinical staff, contracted employees, volunteers, or students by persons with appropriate knowledge and experience to make recommendations.

"Cultural competence" means a set of congruent behaviors, attitudes, and policies that come together in a system or agency and enable that system or agency to work effectively in cross-cultural situations. A culturally competent system of care acknowledges and incorporates at all levels the importance of language and culture, assessment of cross-cultural relations, knowledge and acceptance of dynamics of cultural differences, expansion of cultural knowledge and adaptation of services to meet culturally unique needs.

"Ethnic minority" or "racial/ethnic groups" means, for the purposes of this chapter, any of the following general population groups:

(1) African American;

(2) An American Indian or Alaskan native, which includes:

(a) An enrolled Indian;

(i) A person enrolled or eligible for enrollment in a recognized tribe;

(ii) A person determined eligible to be found Indian by the secretary of interior, and

(iii) An Eskimo, Aleut, or other Alaskan native.

(b) A Canadian Indian, meaning a person of a treaty tribe, Metis community, or nonstatus Indian community from Canada.

(c) An unenrolled Indian meaning a person considered Indian by a federally or nonfederally recognized Indian tribe or off reservation Indian/Alaskan native community organization.

(3) Asian or Pacific Islander; or

(4) Hispanic.

"Medical necessity" or "medically necessary" - A term for describing a requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions in the recipient that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause or 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 person requesting service. For the purpose of this chapter "course of treatment" may include mere observation or, where appropriate, no treatment at all.

"Mental health division" means the mental health division of the Washington state department of social and health services (DSHS). DSHS has designated the mental health division as the state mental health authority to administer the state and Medicaid funded mental health program authorized by chapter 71.05, 71.24, and 71.34 RCW.

"Mental health professional" means:

(1) A psychiatrist, psychologist, psychiatric nurse or social worker as defined in chapter 71.05 and 71.34 RCW;

(2) A person with a masters degree or further advanced degree in counseling or one of the social sciences from an accredited college or university. Such person shall have, in addition, at least two years of experience in direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional;

(3) A person who meets the waiver criteria of RCW 71.24.260.

(4) A person who had an approved waiver to perform the duties of a mental health profession that was requested by the regional support network and granted by the mental health division prior to March 1, 2001; or

(5) A person who has been granted a time-limited exception of the minimum requirements of a mental health professional by the mental health division consistent with WAC 388-865-265.

"Mental health specialist" means:

(1) A **"child mental health specialist"** is defined as a mental health professional with the following education and experience:

(a) A minimum of one hundred actual hours (not quarter or semester hours) of special training in child development and the treatment of seriously disturbed children and youth and their families; and

(b) The equivalent of one year of full-time experience in the treatment of seriously emotionally disturbed children and youth and their families under the supervision of a child mental health specialist.

(2) A "**geriatric mental health specialist**" is defined as a mental health professional who has the following education and experience:

(a) A minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to the mental health problems and treatment of persons sixty years of age or older; and

(b) The equivalent of one year of full-time experience in the treatment of persons sixty years of age or older, under the supervision of a geriatric mental health specialist.

(3) An "**ethnic minority mental health specialist**" is defined as a mental health professional who has demonstrated cultural competence attained through major commitment, ongoing training, experience and/or specialization in serving ethnic minorities, including two or more of the following:

(a) Evidence of one year of service specializing in serving the ethnic minority group under the supervision of an ethnic minority mental health specialist;

(b) Evidence of support from the ethnic minority community attesting to the person's commitment to that community; or

(c) A minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to ethnic minority issues and treatment of ethnic minority consumers.

(4) A "**disability mental health specialist**" is defined as a mental health professional with special expertise in working with an identified disability group. For purposes of this chapter only, "**disabled**" means an individual with a disability other than a mental illness, including a developmental disability, serious physical handicap, or sensory impairment.

(a) If the consumer is deaf, the specialist must be a mental health professional with:

(i) Knowledge about the deaf culture and psychosocial problems faced by people who are deaf; and

(ii) Ability to communicate fluently in the preferred language system of the consumer.

(b) The specialist for consumers with developmental disabilities must be a mental health professional who:

(i) Has at least one year's experience working with people with developmental disabilities; or

(ii) Is a developmental disabilities professional as defined in RCW 71.05.020.

"**Older person**" means an adult who is sixty years of age or older.

"**Service recipient**" means for the purposes of a mental health prepaid health plan, a consumer eligible for the Title XIX Medicaid program.

"**Substantial hardship**" means that a consumer will not be billed for emergency involuntary treatment if he or she meets the eligibility standards of the medically indigent program that is administered by the DSHS medical assistance administration.

"**Supervision**" means monitoring of the administrative, clinical, or clerical work performance of staff, students, vol-

unteers, or contracted employees by persons with the authority to give direction and require change.

"**Underserved**" means consumers who are:

- (1) Minorities;
- (2) Children;
- (3) Older adults;
- (4) Disabled; or
- (5) Low-income persons.

SECTION TWO—REGIONAL SUPPORT NETWORKS

NEW SECTION

WAC 388-865-0200 Regional support networks. The mental health division contracts with certified regional support networks to administer all mental health services activities or programs within their jurisdiction using available resources. The regional support network must ensure services are responsive in an age and culturally competent manner to the mental health needs of its community. To gain and maintain certification, the regional support network must comply with all applicable federal, state and local laws and regulations, and all of the minimum standards of this section. The community mental health program administered by the regional support network includes the following programs:

(1) Administration of the involuntary treatment program, including investigation, detention, transportation, court related and other services required by chapter 71.05 and 71.34 RCW;

(2) Resource management program as defined in RCW 71.24.025(15) and this section;

(3) Community support services as defined in RCW 71.24.025(7);

(4) Residential and housing services as defined in RCW 71.24.025(14);

(5) Ombuds services;

(6) Quality review teams; and

(7) Inpatient services as defined in chapter 71.05 and 71.34 RCW.

NEW SECTION

WAC 388-865-0201 Distribution of available resources. Funds appropriated by the legislature for distribution to the regional support networks are allocated according to a distribution methodology that complies with RCW 71.24.035(13). The distribution of funds to the regional support networks is projected for the current year and each year of the ensuing biennium. Funding projections are distributed upon issuance of the Governor's budget; upon enactment of the Legislative budget; and at the start of each fiscal year. All state funds appropriated for distribution to the regional support networks which are not required for Medicaid match will be allocated according to demographic and workload factors including but not limited to those noted in RCW 71.24.035(13).

NEW SECTION

WAC 388-865-0203 Distribution formula for state hospital beds. (1) Allocation of state hospital beds to the regional support networks is based on the total number of nonforensic beds at each adult state hospital funded by the legislature, regardless of the projection of beds made earlier in the budgeting process. The distribution of state hospital beds to the regional support networks is projected for the current year and each year of the ensuing biennium. State hospital bed allocations are projected and distributed upon issuance of the Governor's budget; upon enactment of the Legislative budget; and at the start of each fiscal year.

(2) Nonforensic state hospital beds will be allocated to the regional support networks according to the number of Medicaid eligibles residing in the service area; the total population residing in the service area; and the historical utilization of state hospital beds by persons residing in the service area.

(3) The mental health division will assess liquidated damages if the in-residence census exceeds the hospital funded capacity on any day throughout the fiscal year. The amount of liquidated damages to be assessed is calculated according to the following formula:

(a) The in-residence census for the regional support network is compared to the number of beds allocated to the regional support network each day;

(b) The number of persons above the state hospital bed allocation for the regional support network on each day is multiplied by the state hospital daily bed charge consistent with RCW 43.20B.325;

(c) This amount is deducted from the monthly payment made by the mental health division to the regional support network two months after the end of the month in which the in residence census exceeded the state hospital bed allocation for that regional support network.

NEW SECTION

WAC 388-865-0205 Initial certification of a regional support network. A regional support network is a county authority or group of county authorities that have a joint operating agreement. In order to gain certification as a regional support network, a county or group of counties must submit to the department:

(1) A statement of intent to become a regional support network;

(2) Documentation that the total population in the county or group of counties is not less than forty thousand;

(3) A joint operating agreement if the proposed regional support network is more than one county or includes a tribal authority. The agreement must include the following:

(a) Identification of a single authority with final responsibility for all available resources and performance of the contract with the department consistent with chapter 71.05, 71.24, and 71.34 RCW;

(b) Assignment of all responsibilities required by RCW 71.24.300; and

(c) Participation of tribal authorities in the agreement at the request of the tribal authorities.

(d) A preliminary operating plan completed according to departmental guidelines.

(4) Within thirty days of the submission the department will provide a written response either:

(a) Certifying the regional support network; or

(b) Denying certification because the requirements are not met.

NEW SECTION

WAC 388-865-0210 Renewal of regional support network certification. At least biennially the mental health division reviews the compliance of each regional support network with the statutes, applicable rules and regulations, applicable standards, and state minimum standards as defined in this chapter:

(1) If the regional support network is in compliance with the statutes, applicable rules and regulations, applicable standards, and state minimum standards, the mental health division provides the regional support network with a written certificate of compliance.

(2) If the regional support network is not in compliance with the statutes, applicable rules and regulations, the mental health division will provide the regional support network written notice of the deficiencies. In order to maintain certification, the regional support network must develop a plan of corrective action approved by the mental health division.

(3) If the regional support network fails to develop an approved plan of corrective action or does not complete implementation of the plan within the timeframes specified, the mental health division may initiate procedures to suspend, revoke, limit, or restrict certification consistent with the provisions of RCW 71.24.035 (7) through (11) and of 43.20A.205. The mental health division sends a written decision to revoke, suspend, or modify the former certification, with the reasons for the decision and informing the regional support network of its right to an administrative hearing.

(4) The mental health division may suspend or revoke the certification of a regional support network immediately if the mental health division determines that deficiencies imminently jeopardize the health and safety of consumers.

NEW SECTION

WAC 388-865-0215 Consumer eligibility and payment for services. (1) Within available resources as defined in RCW 71.24.025(2), the regional support network must serve consumers in the following order of priority as defined in chapter 71.24 RCW:

(a) Acutely mentally ill persons;

(b) Chronically mentally ill adults and severely emotionally disturbed children;

(c) Seriously disturbed persons.

(2) Consumers eligible for the Title XIX Medicaid program are entitled to receive covered medically necessary services from a mental health prepaid health plan without charge to the consumer;

(3) The consumer or the parent(s) of a child who has not reached their eighteenth birthday, the legal guardian, or the estate of the consumer is responsible for payment for services

provided. The consumer may apply to the following entities for payment assistance:

- (a) DSHS for medical assistance;
- (b) The community support provider for payment responsibility based on a sliding fee scale; or
- (c) The regional support network for authorization of payment for involuntary evaluation and treatment services for consumers who would experience a substantial hardship as defined in WAC 388-865-0150.

NEW SECTION

WAC 388-865-0220 Standards for administration.

The regional support network must demonstrate that it meets the requirements of chapter 71.05, 71.24, and 71.34 RCW, and ensures the effectiveness and cost effectiveness of community mental health services in an age and culturally competent manner. The regional support network must:

- (1) Establish a governing board that includes, where applicable, representation from tribal authorities, consistent with RCW 71.24.300;
- (2) For multi-county regional support networks, function as described in the regional support network joint operating agreement;
- (3) Ensure the protection of consumer and family rights as described in this chapter, and chapter 71.05 and 71.34 RCW; and other applicable statutes for consumers involved in multiservice systems;
- (4) Collaborate with and make reasonable efforts to obtain and use resources in the community to maximize services to consumers;
- (5) Educate the community regarding mental illness to diminish stigma;
- (6) Maintain agreement(s) with sufficient numbers of certified involuntary inpatient evaluation and treatment facilities to ensure that persons eligible for regional support network services have access to inpatient care;
- (7) Seek and include input about service needs and priorities from community stakeholders, including:
 - (a) Consumers;
 - (b) Family members and consumer advocates;
 - (c) Culturally diverse communities including consumers who have limited English proficiency;
 - (d) Service providers;
 - (e) Social service agencies;
 - (f) Organizations representing persons with a disability;
 - (g) Tribal authorities; and
 - (h) Underserved groups.
- (8) Maintain job descriptions for regional support staff with qualifications for each position with the education, experience, or skills relevant to job requirements; and
- (9) Provide orientation and ongoing training to regional support network staff in the skills pertinent to the position and the treatment population, including age and culturally competent consultation with consumers, families, and community members.
- (10) Identify trends and address service gaps;
- (11) The regional support network must provide an updated two-year plan biennially to the mental health division for approval consistent with the provisions of RCW

71.24.300(1). The biennial plan must be submitted to the regional support network governing board for approval and to the advisory board for review and comment.

NEW SECTION

WAC 388-865-0221 Public awareness of mental health services. The regional support network or its designee must provide public information on the availability of mental health services. The regional support network must:

- (1) Maintain listings of services in telephone directories and other public places such as libraries, community services offices, juvenile justice facilities, of the service area. The regional support network or its designee must prominently display listings for crisis services in telephone directories;
- (2) Publish and disseminate brochures and other materials or methods for describing services and hours of operation that are appropriate for all individuals, including those who may be visually impaired, limited-English proficient, or unable to read;
- (3) Post and make information available to consumers regarding the ombuds service consistent with WAC 388-865-0250, and local advocacy organizations that may assist consumers in understanding their rights.

NEW SECTION

WAC 388-865-0222 Advisory board. The regional support network must promote active engagement with persons with mental disorders, their families and services providers by soliciting and using their input to improve its services. The regional support network must appoint an advisory board that:

- (1) Is broadly representative of the demographic character of the region and the ethnicity and broader cultural aspects of consumers served;
- (2) Is composed of at least fifty-one percent:
 - (a) Current consumers or past consumers of public mental health services, including those who are youths, older adults, or who have a disability; and
 - (b) Family, foster family members, or care givers of consumers, including parents of emotionally disturbed children.
- (3) Independently reviews and provides comments to the regional support network governing board on plans, budgets, and policies developed by the regional support network to implement the requirements of this section, chapter 71.05, 71.24, 71.34 RCW and applicable federal law and regulations.

NEW SECTION

WAC 388-865-0225 Resource management. The regional support network must establish mechanisms which maximize access to and use of age and culturally competent mental health services, and ensure eligible consumers receive appropriate levels of care. The regional support network must:

- (1) Authorize admission, transfers and discharges for eligible consumers into and out of the following services:
 - (a) Community support services;

- (b) Residential and housing services; and
- (c) Inpatient evaluation and treatment services.
- (2) Ensure that services are provided according to the consumer's individualized service plan;
- (3) Not require preauthorization of emergency services and transportation for emergency services that are required by an eligible consumer;
- (4) Identify any of these duties it has delegated to a sub-contractor in the agreement with the mental health division.

NEW SECTION

WAC 388-865-0229 Inpatient services. The regional support network must develop and implement age and culturally competent services that are consistent with chapter 71.24, 71.05, and 71.34 RCW. The regional support network must:

- (1) For voluntary inpatient services: Develop and implement formal agreements with inpatient services funded by the regional support network regarding:
 - (a) Referrals;
 - (b) Admissions; and
 - (c) Discharges.
- (2) For involuntary evaluation and treatment services:
 - (a) Maintain agreements with sufficient numbers of certified inpatient evaluation and treatment facilities to ensure that consumers eligible for regional support network services have access to inpatient care. The agreements must address regional support network responsibility for discharge planning;
 - (b) Determine which service providers the regional support network will apply on behalf of for certification by the mental health division;
 - (c) Ensure that all service providers or its subcontractors that provide evaluation and treatment services are currently certified by the mental health division and licensed by the department of health;
 - (d) Make periodic reviews of the evaluation and treatment service facilities consistent with regional support network procedures and notify the appropriate authorities if it believes that a facility is not in compliance with applicable statutes, rules and regulations.
- (3) Authorize admissions, transfers and discharges into and out of inpatient evaluation and treatment services for eligible consumers including:
 - (a) State psychiatric hospitals:
 - (i) Western state hospital;
 - (ii) Eastern state hospital;
 - (iii) Child study and treatment center.
 - (b) Community hospitals;
 - (c) Residential inpatient evaluation and treatment facilities licensed by the department of health as adult residential rehabilitation centers; and
 - (d) Children's long-term inpatient program.
- (4) Receive prior approval from the mental health division in the form of a single bed certification for services to be provided to consumers on a ninety- or one hundred eighty-day community inpatient involuntary commitment order consistent with the exception criteria in WAC 388-865-0502.

NEW SECTION

WAC 388-865-0230 Community support services.

The regional support network must develop and coordinate age and culturally competent community support services that are consistent with chapter 71.24, 71.05, and 71.34 RCW:

- (1) Provide the following services directly, or contract with sufficient numbers and variety of licensed and/or certified service providers to ensure that persons eligible for regional support network services have access to at least the following services:
 - (a) Emergency crisis intervention services;
 - (b) Case management services;
 - (c) Psychiatric treatment including medication supervision;
 - (d) Counseling and psychotherapy services;
 - (e) Day treatment services as defined in RCW 71.24.300(5) and 71.24.035(7); and
 - (f) Consumer employment services as defined in RCW 71.24.035 (5)(e).
- (2) Conduct prescreening determinations for providing community support services for persons with mental illness who are being considered for placement in nursing homes (RCW 71.24.025(9)); and
- (3) Complete screening for persons with mental illness who are being considered for admission to residential services funded by the regional support network (RCW 71.24.025(9)).

NEW SECTION

WAC 388-865-0235 Residential and housing services. The regional support network must ensure:

- (1) Active promotion of consumer access to, and choice in, safe and affordable independent housing that is appropriate to the consumer's age, culture, and residential needs.
- (2) Provision of services to families of eligible children and to eligible consumers that are homeless or at imminent risk of becoming homeless as defined in Public Law 100-77, through outreach, engagement and coordination or linkage of services with shelter and housing.
- (3) Provision of resource management to assure the availability of community support services, with an emphasis supporting consumers in their own home or where they live in the community, with residences and residential supports prescribed in the consumer's treatment plan. This includes a full range of residential facilities as required in RCW 71.24.025 (7) and (14); and chapter 71.24.025(14) RCW.
- (4) That eligible consumers in residential facilities receive mental health services consistent with their individual service plan, and are advised of their rights, including long-term care rights (chapter 70.129 RCW).
- (5) If supervised residential services are needed they are provided only in licensed facilities:
 - (a) An adult family home that is licensed under chapter 388-76 WAC.
 - (b) A boarding home facility that is licensed under chapter 388-78A WAC.

(c) An adult residential rehabilitative center facility that is licensed under chapter 246-325 WAC.

(6) The active search of resources to meet the housing needs of consumers, including pursuing:

(a) Ownership or leases by the regional support network or its service providers;

(b) Agreements between landlords and the regional support network or its service providers;

(c) Securing section 8 and shelter plus care, or other rental subsidies, including rental subsidies provided directly by the regional support network;

(d) Loans or grants for low-income and special need housing by federal, state, or local funding sources; and participation in the Washington state department of community trade and economic development continuum of care plan.

NEW SECTION

WAC 388-865-0240 Consumer employment services.

The regional support network must coordinate with rehabilitation and employment services to assure that consumers wanting to work are provided with employment services consistent with WAC 388-865-0464.

NEW SECTION

WAC 388-865-0245 Administration of the Involuntary Treatment Act. The regional support network must establish policies and procedures for administration of the involuntary treatment program, including investigation, detention, transportation, court related and other services required by chapter 71.05 and 71.34 RCW. This includes:

(1) Designating mental health professionals to perform the duties of involuntary investigation and detention in accordance with the requirements of chapter 71.05 and 71.34 RCW.

(2) Documenting consumer compliance with the conditions of less restrictive alternative court orders by:

(a) Ensuring periodic evaluation of each committed consumer for release from or continuation of an involuntary treatment order. Evaluations must be recorded in the clinical record, and must occur at least monthly for ninety and one hundred eighty-day commitments.

(b) Notifying the county designated mental health professional if noncompliance with the less restrictive order impairs the individual sufficiently to warrant evaluation for revocation of the less restrictive alternative court order.

(3) Ensuring that when a peace officer or county designated mental health professional escorts a consumer to a facility, the county designated mental health professional must take reasonable precautions to safeguard the consumer's property including:

(a) Safeguarding the consumer's property in the immediate vicinity of the point of apprehension;

(b) Safeguarding belongings not in the immediate vicinity if there may be possible danger to those belongings;

(c) Taking reasonable precautions to lock and otherwise secure the consumer's home or other property as soon as possible after the consumer's initial detention.

NEW SECTION

WAC 388-865-0250 Ombuds services. The regional support network must provide access to and maintain the functional independence of the ombuds service as set forth in this section and in the agreement between mental health division and the regional support network. Ombuds members must be current consumers of the mental health system, past consumers or family members. The regional support network must maintain an ombuds service that:

(1) Is responsive to the age and demographic character of the region and assists and advocates for consumers with resolving complaints and grievances at the lowest possible level;

(2) Is independent of service providers;

(3) Receives and investigates consumer, family member, and other interested party grievances;

(4) Is accessible to consumers, including a toll-free, independent phone line for access;

(5) Is able to access service sites and records relating to the consumer with appropriate releases so that it can reach out to consumers, and resolve complaints and/or grievances;

(6) Receives training and adheres to confidentiality consistent with this chapter and chapter 71.05, 71.24, and 70.02 RCW;

(7) Continues to be available to investigate, advocate and assist the consumer through the grievance and administrative hearing processes;

(8) Involves other persons, at the consumer's request;

(9) Assists consumers in the pursuit of formal resolution of complaints;

(10) If necessary, continues to assist the consumer through the grievance and, if applicable, fair hearing processes;

(11) Coordinates and collaborates with allied systems' advocacy and ombuds services to reduce duplication of effort for shared clients;

(12) Is integrated into the overall regional support network quality management process; and

(13) Provides biennial reports and formalized recommendations to the mental health division and regional support network advisory and governing boards, quality review team, local consumer and family advocacy groups, and provider network.

NEW SECTION

WAC 388-865-0255 Consumer grievance process.

The regional support network must develop a process for reviewing consumer grievances and submit the process to the mental health division for written approval and incorporation into the agreement between the regional support network and the mental health division. The process must:

(1) Be age, culturally and linguistically competent;

(2) Ensure acknowledgment of receipt of the grievance the following working day. This acknowledgment may be by telephone, with written acknowledgment mailed within five working days;

(3) Ensure that grievances are investigated and resolved within thirty days. This timeframe can be extended by mutual written agreement, not to exceed ninety days;

(4) Be published and made available to all current or potential users of publicly funded mental health services and advocates in language that is clear and understandable to the individual;

(5) Encourage resolution of complaints at the lowest level possible;

(6) Include a formal process for dispute resolution;

(7) Include referral of the consumer to the ombuds service for assistance at all levels of the grievance and fair hearing processes;

(8) Allow the participation of other people, at the grievant's choice;

(9) Ensure that the consumer is mailed a written response within thirty days from the date a written grievance is received by the regional support network;

(10) Ensure that grievances are resolved even if the consumer is no longer receiving services;

(11) Continue to provide mental health services to the grievant during the grievance and fair hearing process;

(12) Ensure that full records of all grievances are kept for five years after the completion of the grievance process in confidential files separate from the grievant's clinical record. These records must not be disclosed without the consumer's written permission, except as necessary to resolve the grievance or to DSHS if a fair hearing is requested;

(13) Provide for follow-up by the regional support network to assure that there is no retaliation against consumers who have filed a grievance;

(14) Make information about grievances available to the regional support network;

(15) Inform consumers of their right to file an administrative hearing with DSHS without first accessing the contractor's grievance process;

(16) Inform consumers of their right to use the DSHS prehearing and administrative hearing processes as described in chapter 388-02 WAC when:

(a) They believe there has been a violation of DSHS rule;

(b) The regional support network did not provide a written response within thirty days from the date a written request was received;

(c) The regional support network denies services.

NEW SECTION

WAC 388-865-0260 Mental health professionals and specialists. The regional support network must assure sufficient numbers of mental health professionals and specialists are available in the service area to meet the needs of eligible consumers. The regional support network must:

(1) Document efforts to acquire the services of the required mental health professionals and specialists;

(2) Develop a training program using in-service training or outside resources to assist service providers to acquire necessary skills and experience to serve the needs of the consumer population;

(3) If more than five hundred persons in the regional support network report in the U.S. census that they belong to

racial/ethnic groups as defined in WAC 388-865-0150, the regional support network must contract with a provider or establish a working relationship with the required specialists to:

(a) Provide all or part of the treatment services for these populations; or

(b) Supervise or provide consultation to staff members providing treatment services to these populations.

NEW SECTION

WAC 388-865-0265 Mental health professional—Exception. The regional support network may request an exception of the requirements of a mental health professional for a person with less than a masters degree level of training. The mental health division may grant an exception of the minimum requirements on a time-limited basis and only with a demonstrated need for an exception under the following conditions:

(1) The regional support network has made a written request for an exception including:

(a) Demonstration of the need for an exception;

(b) The name of the person for whom an exception is being requested;

(c) The functions which the person will be performing;

(d) A statement from the regional support network that the person is qualified to perform the required functions based on verification of required education and training, including:

(i) Bachelor of Arts or Sciences degree from an accredited college or university;

(ii) Course work or training in making diagnoses, assessments, and developing treatment plans; and

(iii) Documentation of at least five years of direct treatment of persons with mental illness under the supervision of a mental health professional.

(2) The regional support network assures that periodic supervisory evaluations of the individual's job performance are conducted;

(3) The regional support network submits a plan of action to assure the individual will become qualified no later than two years from the date of exception. The regional support network may apply for renewal of the exception. The exception may not be transferred to another regional support network or to use for an individual other than the one named in the exception;

(4) If compliance with this rule causes a disproportionate economic impact on a small business as defined in the Regulatory Fairness Act, chapter 19.85 RCW, and the business does not contract with a regional support network, the small business may request the exception directly from the mental health division.

NEW SECTION

WAC 388-865-0270 Financial management. The regional support network must be able to demonstrate that it ensures the effectiveness and cost effectiveness of community mental health services. The regional support network must:

(1) Spend funds received by the mental health division in accordance with its contract and to meet the requirements of chapter 71.05, 71.24, 71.34 RCW, and the State Appropriations Act;

(2) Use accounting procedures that are consistent with applicable state and federal requirements and generally accepted accounting principles (GAAP), with the following additional requirements:

(a) Include as assets all property, equipment, vehicles, buildings, capital reserve funds, operating reserve funds, risk reserve funds, or self-insurance funds.

(b) Interest accrued on funds stated in this section must be accounted for and kept for use by the regional support network.

(c) Property, equipment, vehicles, and buildings must be properly inventoried with a physical inventory conducted at least every two years.

(d) Proceeds from the disposal of any assets must be retained by the regional support network for purposes of subsection (1) of this section.

(3) Comply with the 1974 county maintenance of effort requirement for administration of the Involuntary Treatment Act (chapter 71.05 RCW) and 1984 county maintenance of effort requirement for community programs for adults, and in the case of children, no state funds shall replace local funds from any source used to finance administrative costs for involuntary commitment procedures conducted prior to January 1, 1985 (chapter 71.34 RCW);

(4) Maintain accounting procedures to ensure that accrued interest and excess reserve balances are returned to the public mental health system.

NEW SECTION

WAC 388-865-0275 Management information system. The regional support network must be able to demonstrate that it collects and manages information that shows the effectiveness and cost effectiveness of mental health services. The regional support network must:

(1) Operate an information system and ensure that information about consumers who receive publicly funded mental health services is reported to the state mental health information system according to mental health division guidelines.

(2) Ensure that the information reported is:

(a) Sufficient to produce accurate regional support network reports; and

(b) Adequate to locate case managers in the event that a consumer requires treatment by a service provider that would not normally have access to treatment information about the consumer.

(3) Ensure that information about consumers is shared or released between service providers only in compliance with state statutes (see chapter 70.02, 71.05, and 71.34 RCW) and this chapter. Information about consumers and their individualized crisis plans must be available:

(a) Twenty-four hours a day, seven days a week to consumer-designated mental health professionals and inpatient evaluation and treatment facilities, as consistent with confidentiality statutes; and

(b) To the state and regional support network staff as required for management information and program review.

(4) Maintain on file a statement signed by regional support network, county or service provider staff having access to the mental health information systems acknowledging that they understand the rules on confidentiality and will follow the rules.

(5) Take appropriate action if a subcontractor or regional support network employee willfully releases confidential information, as required by chapter 71.05 RCW.

NEW SECTION

WAC 388-865-0280 Quality management process.

The regional support network must implement a process for continuous quality improvement in the delivery of culturally competent mental health services. The regional support network must submit a written biennial quality management plan to the mental health division for approval. All changes to the quality management plan must be submitted to the mental health division for approval prior to implementation. The plan must include:

(1) Roles, structures, functions and interrelationships of all the elements of the quality management process, including but not limited to the regional support network governing board, clinical and management staff, advisory board, ombuds service, and quality review teams.

(2) Procedures to ensure that quality management activities are effectively and efficiently carried out with clear management and clinical accountability, including methods to:

(a) Collect, analyze and display information regarding:

(i) The capacity to manage resources and services, including financial and cost information and compliance with statutes, regulations and agreements;

(ii) System performance indicators;

(iii) Quality and intensity of services;

(iv) Incorporation of feedback from consumers, allied service systems, community providers, ombuds and quality review team;

(v) Clinical care and service utilization including consumer outcome measures; and

(vi) Recommendations and strategies for system and clinical care improvements, including information from exit interviews of consumers and practitioners.

(b) Monitor management information system data integrity;

(c) Monitor complaints, grievances and adverse incidents for adults and children;

(d) Monitor contracts with contractors and to notify the mental health division of observations and information indicating that providers may not be in compliance with licensing or certification requirements;

(e) Immediately investigate and report allegations of fraud and abuse of the contractor or subcontractor to the mental health division;

(f) Monitor delegated administrative activities;

(g) Identify necessary improvements;

(h) Interpret and communicate practice guidelines to practitioners;

(i) Implement change;

PROPOSED

- (j) Evaluate and report results;
- (k) Demonstrate use of all corrective actions to improve the system;
- (l) Consider system improvements based on recommendations from all on-site monitoring, evaluation and accreditation/certification reviews;
- (m) Review update, and make the plan available to community stakeholders.
- (3) Targeted improvement activities, including:
- (a) Performance measures that are objective, measurable, and based on current knowledge/best practice including at least those defined by the mental health division in the agreement with the regional support network;
- (b) An analysis of consumer care covering a representative sample of at least ten percent of consumers or five hundred consumers, whichever is smaller;
- (c) Productivity targets;
- (d) Efficient use of human resources; and
- (e) Efficient business practices.

NEW SECTION

WAC 388-865-0282 Quality review teams. The regional support network must establish and maintain access to and maintain the functional independence of a quality review team as set forth in this section and in the agreement between mental health division and the regional support network. The quality review team must include current consumers of the mental health system, past consumers or family members. The regional support network must assure that quality review teams:

- (1) Fairly and independently review the performance of the regional support network and service providers to evaluate systemic customer service issues as measured by objective indicators of consumer outcomes in rehabilitation, recovery and reintegration into the mainstream of social, employment and educational choices, including:
- (a) Quality of care;
- (b) The degree to which services are consumer-focused/directed and are age and culturally competent;
- (c) The availability of alternatives to hospitalization, cross-system coordination and range of treatment options; and
- (d) The adequacy of the regional support network's cross system linkages including, but not limited to schools, state and local hospitals, jails and shelters.
- (2) Have the authority to enter and monitor any agency providing services for area regional support network consumers, including state and community hospitals, freestanding evaluation and treatment facilities, and community support service providers;
- (3) Meet with interested consumers and family members, allied service providers, including state or community psychiatric hospitals, and persons that represent the age and ethnic diversity of the regional support network to:
- (a) Determine if services are accessible and address the needs of consumers based on sampled individual recipient's perception of services using a standard interview protocol developed by the mental health division. The protocol will query the sampled individuals regarding ease of accessing

services, the degree to which services address medically necessary needs (acceptability), and the benefit of the service received; and

(b) Work with interested consumers, service providers, the regional support network, and DSHS to resolve identified problems.

(4) Provide biennial reports and formalized recommendations to the mental health division, the mental health advisory committee and the regional support network advisory and governing boards and ensure that input from the quality review team is integrated into the overall regional support network quality management process, ombuds services, local consumer and family advocacy groups, and provider network; and

(5) Receive training and adhere to confidentiality standards.

NEW SECTION

WAC 388-865-0284 Standards for contractors and subcontractors. The regional support network must not subcontract for clinical services to be provided using state funds unless the subcontractor is licensed and/or certified by the mental health division for those services or is personally licensed by the department of health as defined in chapter 48.43, 18.57, 18.71, 18.83, or 18.79 RCW. The regional support network must:

- (1) Require and maintain documentation that contractors and subcontractors are licensed, certified, or registered in accordance with state or federal laws;
- (2) Follow applicable requirements of the regional support network agreement with the mental health division;
- (3) Demonstrate that it monitors contracts with contractors and notifies the mental health division of observations and information indicating that providers may not be in compliance with licensing or certification requirements; and
- (4) Terminate its contract with a provider if the mental health division notifies the regional support network of a provider's failure to attain or maintain licensure or certification, if applicable.

NEW SECTION

WAC 388-865-0286 Coordination with a mental health prepaid health plan. If the regional support network is not also a mental health prepaid health plan, the regional support network must ensure continuity of services between itself and the mental health prepaid health plan by maintaining a working agreement about coordination for at least the following services:

- (1) Community support services;
- (2) Inpatient evaluation and treatment services;
- (3) Residential services;
- (4) Transportation services;
- (5) Consumer employment services;
- (6) Administration of involuntary treatment investigation and detention services; and
- (7) Immediate crisis response after presidential declaration of a disaster.

NEW SECTION

WAC 388-865-0288 Regional support networks as a service provider. A regional support network may operate as a community support service provider under the following circumstances:

- (1) Meeting the criteria specified in RCW 71.24.037 and 71.24.045;
- (2) Maintaining a current license as a community support service provider from the mental health division.

SECTION THREE—MENTAL HEALTH PREPAID HEALTH PLANS

NEW SECTION

WAC 388-865-0300 Mental health prepaid health plans. A mental health prepaid health plan is an entity that contracts with the mental health division to administer mental health services for people who are eligible for the Title XIX Medicaid program. The mental health prepaid health plan must ensure services are responsive in an age and culturally competent manner to the mental health needs of its community. To be eligible for a contract as a mental health prepaid health plan, the entity must:

- (1) Provide documentation of a population base of forty-one thousand six hundred Medicaid eligible persons (covered lives) within the service area or receive approval from the mental health division based on submittal of an actuarially sound risk management profile;
- (2) Maintain certification as a regional support network or licensure by the Washington state office of the insurance commissioner as a health care service contractor under chapter 48.44 RCW.

NEW SECTION

WAC 388-865-0305 Regional support network contracting as a mental health prepaid health plan. A regional support network contracting with the mental health division as a mental health prepaid health plan must comply with all requirements for a regional support network and the additional requirements for a prepaid health plan.

NEW SECTION

WAC 388-865-0307 Distribution of funds. The distribution of funds to the mental health prepaid health plan is projected for the current year and each year of the ensuing biennium. Funding projections are distributed upon issuance of the Governor's budget; upon enactment of the Legislative budget; and at the start of each fiscal year. Payments to each mental health prepaid health plan are based on actual Medicaid eligibles residing in the service area each month, regardless of the projection of Medicaid eligibles. All mental health prepaid health plan funds for community support services and community hospital evaluation and treatment will be allocated on a capitated rate using the following methodology:

(1) All federal Medicaid funds appropriated for community mental health services will be allocated according to the number of Medicaid eligibles residing in the service area, using an actuarially determined per member per month rate of payment;

(2) All state funds required for Medicaid match for community mental health services will be allocated according to the number of Medicaid eligibles residing in the service area, using an actuarially determined per member per month rate of payment;

(3) The mental health division does not pay providers on a fee-for-service basis for services that are the responsibility of the mental health prepaid health plan, even if the mental health prepaid health plan has not paid for the service for any reason.

NEW SECTION

WAC 388-865-0310 Mental health prepaid health plans—Minimum standards. To be eligible for a contract, a mental health prepaid health plan must comply with all applicable federal, state, and local statutes and regulations and meet all of the minimum standards of WAC 388-865-300 through 388-865-355. The mental health prepaid health plan must:

(1) Provide medically necessary mental health services that are age and culturally competent for all Medicaid recipients in the service area within a capitated rate;

(2) Provide outreach to consumers, including homeless persons and families as defined in Public Law 100-77, and home-bound individuals;

(3) Demonstrate working partnerships with tribal authorities for the delivery of services that blend with tribal values, beliefs and culture;

(4) Develop and maintain written subcontracts that clearly recognize that legal responsibility for administration of the service delivery system remains with the mental health prepaid health plan, including as identified in the agreement with the mental health division;

(5) Retain responsibility to ensure that applicable standards of state and federal statute and regulations and this chapter are met even when it delegates duties to subcontractors;

(6) Ensure the protection of consumer and family rights as described in chapter 71.05 and 71.34 RCW;

(7) Ensure compliance with the following standards:

(a) WAC 388-865-0220, Standards for administration;

(b) WAC 388-865-0225, Resource management program;

(c) WAC 388-865-0229, Inpatient services and treatment services;

(d) WAC 388-865-0230, Community support services;

(e) WAC 388-865-0250, Ombuds services;

(f) WAC 388-865-0255, Consumer grievance process;

(g) WAC 388-865-0260, Mental health professionals or specialists;

(h) WAC 388-865-0265, Mental health professional—Exception;

(i) WAC 388-865-0270, Financial management;

- (j) WAC 388-865-0275, Management information system;
- (k) WAC 388-865-0280, Quality management process;
- (l) WAC 388-865-0282, Quality review teams; and
- (m) WAC 388-865-0284, Standards for contractors and subcontractors.

NEW SECTION

WAC 388-865-0315 Governing body. The mental health prepaid health plan must establish a governing body responsible for oversight of the mental health prepaid health plan. The governing body must:

- (1) Be free from conflict of interest and all appearance of conflict of interest between personal, professional and fiduciary interests of a governing body member and the best interests of the prepaid health plan and the consumers it serves.
- (2) Have rules about:
 - (a) When a conflict of interest exists;
 - (b) Not voting or joining a discussion when a conflict of interest is present; and
 - (c) When the member can assign the matter to others, such as staff or advisory bodies.

NEW SECTION

WAC 388-865-0320 Utilization management. Utilization management is the way the mental health prepaid health plan authorizes or denies mental health services, monitors services, and follows the level of care guidelines. To demonstrate the impact on enrollee access to care of adequate quality, a mental health prepaid health plan must provide independent utilization management of the community mental health rehabilitation services. This process must:

- (1) Provide effective and efficient management of resources;
- (2) Assure capacity sufficient to deliver appropriate quality and intensity of services to enrolled consumers without a wait list;
- (3) Plan, coordinate, and authorize community support services;
- (4) Ensure that services are provided according to the individual service plan;
- (5) Ensure assessment and monitoring processes are in place by which service delivery capacity responds to changing needs of the community and enrolled consumers;
- (6) Develop, implement, and enforce written level of care guidelines for admission, placements, transfers and discharges into and out of services. The guidelines must address:
 - (a) A clear process for the mental health prepaid health plan's role in the decision-making process about admission and continuing stay at various levels is available in language that is clearly understood by all parties involved in an individual consumer's care, including laypersons;
 - (b) A flow chart showing criteria for admission into various levels of care, including community support, inpatient and residential services that are clear and concrete;

(c) Methods to ensure that services are individualized to meet the needs for all Medicaid consumers served, including consumers of different ages, cultures, languages, civil commitment status, physical abilities, and unique service needs; and

(d) To the extent authorization of care at any level of care or at continuing stay determinations is delegated, the mental health prepaid health plan retains a sufficiently strong and regular oversight role to assure those decisions are being made appropriately.

(7) Collect data that measures the effectiveness of the criteria in ensuring that all eligible people get services that are appropriate to his/her needs;

(8) Report to the mental health division any knowledge it gains that the mental health prepaid health plan or service provider is not in compliance with all state and federal laws and regulations.

NEW SECTION

WAC 388-865-0325 Risk management. The mental health prepaid health plan must:

(1) Assume the financial risk of providing community mental health outpatient rehabilitation services, community hospital services and operation of a capitated mental health managed care system for the Medicaid eligible persons in the service area;

(2) Maintain a risk reserve of premium payments as defined by chapter 48.44 RCW or the actuarial analysis submitted with the formal request for waiver for mental health approved by the Health Care Financing Administration;

(3) Demonstrate solvency and manage all fiscal matters within the managed care system, including:

- (a) Current pro-forma;
- (b) Financial reports;
- (c) Balance sheets;
- (d) Revenue and expenditure; and
- (e) An analysis of reserve account(s) and fund balance(s) information including a detailed composition of capital, operating, and risk reserves and or fund balances.

(4) Maintain policies for each reserve account and have a process for collecting and disbursing reserves to pay for costs incurred by the mental health prepaid health plan;

(5) Demonstrate capacity to process claims for members of the contracted provider network and any emergency service providers accessed by consumers while out of the mental health prepaid health plan service area within sixty days using methods consistent with generally accepted accounting practices;

(6) Comply with the requirements of section 1128(b) of the Social Security Act, which prohibits making payments directly or indirectly to physicians or other providers as an inducement to reduce or limit services provided to consumers;

(7) If the mental health prepaid health plan elects to do so in accordance with the Medicaid section 1915b waiver, pay for psychiatric inpatient services in community hospitals either through a direct contract with community hospitals or through a fiscal agent agreement with DSHS. In the event that the regional support network chooses to use DSHS as its

fiscal agent, the mental health prepaid health plan agrees to abide by all policies, rules, payment requirements and levels promulgated by the medical assistance administration. If the mental health prepaid health plan chooses to direct contract, the mental health prepaid health plan is responsible for executing contracts with all community hospital providers serving regional support network consumers.

NEW SECTION

WAC 388-865-0330 Marketing/education of mental health services. The mental health prepaid health plan must demonstrate that it provides information to eligible persons so that they are aware of available mental health services and how to access them. The mental health prepaid health plan must:

(1) Develop and submit marketing/education plan(s) and procedures to the mental health division within the timeframes in the agreement with the mental health division for approval prior to issuance. The plan shall, at a minimum, include information on the following:

- (a) Consumer rights and responsibilities;
- (b) The service recipient's right to disenroll;
- (c) Cross-system linkages;
- (d) Access to mental health services for diverse populations, including other languages than English;
- (e) Use of media;
- (f) Stigma reduction;
- (g) Subcontractor participation/involvement;
- (h) Plan for evaluation of marketing strategy;
- (i) Procedures and materials, and any revisions thereof;

and

(j) Maintain listings of mental health services with toll-free numbers in the telephone and other public directories of the service area.

(2) Describe services and hours of operations through brochures and other materials and other methods of advertising;

(3) Assure that the materials and methods are effective in reaching people who may be visually impaired, have limited comprehension of written or spoken English, or who are unable to read. At a minimum, all written materials generally available to service recipients shall be translated to the most commonly used languages in the service area;

(4) Post and otherwise make information available to consumers about ombuds services and local advocacy organizations that may assist consumers in understanding their rights;

(5) Ensure distribution of written educational material(s) to consumers, allied systems and local community resources including:

(a) Annual brochure(s) containing educational material on major mental illnesses and the range of options for treatment, supports available in the system, including medication and formal psychotherapies, as well as alternative approaches that may be appropriate to age, culture and preference of the service recipient;

(b) Information regarding the scope of available benefits (e.g., inpatient, outpatient, residential, employment, community support);

(c) Service locations, crisis response services; and

(d) Service recipients' responsibilities with respect to out-of-area emergency services; unauthorized care; noncovered services; complaint process, grievance procedures; and other information necessary to assist in gaining access.

(6) Ensure marketing plans, procedures and materials are accurate and do not mislead, confuse or defraud the service recipient.

NEW SECTION

WAC 388-865-0335 Consumer enrollment. (1) DSHS enrolls a Medicaid recipient in a mental health prepaid health plan when the person resides in the contracted service area;

(2) An enrolled Medicaid consumer who requests or receives medically necessary nonemergency community mental health rehabilitation services requests and receives such service from the assigned mental health prepaid health plan through authorized providers only;

(3) An enrolled Medicaid consumer does not need to request disenrollment from the mental health division when the recipient moves from one mental health prepaid health plan to another service area.

NEW SECTION

WAC 388-865-0340 Consumer disenrollment. (1) The mental health division must disenroll a Medicaid consumer from his/her mental health prepaid health plan only when the consumer:

- (a) Loses eligibility for Title XIX Medicaid services; or
- (b) Is deceased.

(2) On a case-by-case basis, the mental health division will disenroll a consumer from his/her mental health prepaid health plan when the consumer has "good cause" for disenrollment. For the purposes of this chapter, "good cause" is defined as the inability of the mental health prepaid health plan to provide medically necessary care that is reasonably available and accessible. A consumer will not be disenrolled in a mental health prepaid health plan solely due to an adverse change in the consumer's health. In determining whether the mental health prepaid health plan provides medically necessary care that is reasonably available and accessible the mental health division may consider, but is not limited to considering:

- (a) The medically necessary services needed by the consumer;
- (b) Whether services are or should be available to other consumers in the mental health prepaid health plan;
- (c) Attempts the consumer has made to access services in his/her assigned mental health prepaid health plan;
- (d) Efforts by the assigned mental health prepaid health plan to provide the medically necessary services needed by the consumer.

(3) A consumer wishing to disenroll from his/her assigned mental health prepaid health plan must utilize the local mental health prepaid health plan grievance process prior to requesting disenrollment from the mental health division;

(4) A consumer requesting disenrollment must make a request in writing to the mental health division fair hearing coordinator. The request must include:

(a) The consumer's name, address, phone number (or number where the consumer can receive a message), and the name of the consumer's current mental health prepaid health plan;

(b) A statement outlining the reasons why the consumer believes his/her current mental health prepaid health plan does not provide medically necessary care that is reasonably available and accessible.

(5) The mental health division will make a decision within forty-five days of the request for disenrollment or within time frames prescribed by the federal Health Care Financing Administration, whichever is shorter. The mental health division will screen the request to determine if there is sufficient information upon which to base a decision;

(6) The mental health division will notify the consumer within fifteen days of receipt of the request whether or not the request contains sufficient information. If there is not sufficient information to allow the mental health division to make a decision, additional information will be requested from the consumer. The consumer will have fifteen days to provide requested information. Failure to provide additional requested information will result in denial of the disenrollment request;

(7) The mental health division will send written notice of the decision to the consumer:

(a) If a decision to disenroll is made, the mental health division will notify the consumer ten days in advance of the effective date of the proposed disenrollment, including arrangements for continued mental health services;

(b) If the consumer's request to disenroll is denied, the notice will include the consumer's right to request a fair hearing, how to request a fair hearing, and how the consumer may access ombuds services in his/her area.

NEW SECTION

WAC 388-865-0345 Choice of primary care provider. The mental health prepaid health plan must ensure that each consumer who is receiving nonemergency community mental health rehabilitation services has a primary care provider who is responsible to carry out the individualized service plan. The mental health prepaid health plan must allow consumers, parents of consumers under the age of thirteen, and guardians of consumers of all ages to select a primary care provider from the available primary care provider staff within the mental health prepaid health plan.

(1) For an enrolled client with an assigned case manager, the case manager is the primary care provider;

(2) If the consumer does not make a choice, the mental health prepaid health plan or its designee must assign a primary care provider no later than fifteen working days after the consumer requests services;

(3) The mental health prepaid health plan or its designee must allow a consumer to change primary care providers in the first thirty days of enrollment with the mental health prepaid health plan and once during a twelve-month period for any reason;

(4) Any additional change of primary care provider during the twelve-month period may be made for documented good cause at the consumer's request by:

(a) Notifying the mental health prepaid health plan (or its designee) of his/her request for a change, and the name of the new primary care provider; and

(b) Identifying the reason for the desired change.

(5) A consumer whose request to change primary care providers is denied may submit a grievance with the plan, or request an administrative hearing.

NEW SECTION

WAC 388-865-0350 Mental health screening for children. The mental health prepaid health plan is responsible for conducting mental health screening and treatment for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment (EPSDT) program. This includes:

(1) Providing resource management services for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program as specified in contract with the mental health division;

(2) Developing and maintaining an oversight committee for the coordination of the early and periodic screening, diagnosis and treatment program. The oversight committee must include representation from parents of Medicaid-eligible children.

NEW SECTION

WAC 388-865-0355 Consumer request for a second opinion. An enrolled consumer in a mental health prepaid health plan must have the right to a second opinion by another participating staff in the enrolled consumer's assigned mental health prepaid health plan:

(1) When the enrolled consumer needs more information about the medical necessity of the treatment recommended by the mental health prepaid health plan; or

(2) If the enrolled consumer believes the mental health prepaid health plan primary care provider is not authorizing medically necessary community mental health rehabilitation services.

NEW SECTION

WAC 388-865-0360 Monitoring of mental health prepaid health plans. The mental health division will conduct an annual on-site medical audit and an administrative audit at least every two years for purposes of assessing the quality of care and conformance with the minimum standards of this section and the Title XIX Medicaid 1915(b) mental health waiver requirements. The monitoring will include a review of:

(1) The mental health prepaid health plan's conformance to monitoring its service provider network in accordance with the quality management plan approved by the mental health division that includes processes established under the Medicaid waiver for mental health services;

(2) Any direct services provided by the mental health prepaid health plan;

(3) Other provisions within the code of federal regulations for managed care entities, which may include access, quality of care, marketing, record keeping, utilization management and disenrollment functions.

NEW SECTION

WAC 388-865-0363 Coordination with the regional support network. If the mental health prepaid health plan is not also a regional support network, the mental health prepaid health plan must ensure continuity of services between itself and the regional support network by maintaining a working agreement about coordination for at least the following services:

- (1) Residential services;
- (2) Transportation services;
- (3) Consumer employment services;
- (4) Administration of involuntary treatment investigation and detention services; and
- (5) Immediate crisis response after presidential declaration of a disaster.

NEW SECTION

WAC 388-865-0365 Suspension, revocation, limitation or restriction of a contract. The mental health division may suspend, revoke, limit or restrict a mental health prepaid health plan contract or refuse to grant a contract for failure to conform to applicable state and federal rules and regulations or for violation of health or safety considerations.

SECTION FOUR—COMMUNITY SUPPORT SERVICE PROVIDERS

NEW SECTION

WAC 388-865-0400 Community support service providers. The mental health division licenses and certifies community support service providers. To gain and maintain licensure or certification, a provider must meet applicable local, state and federal statutes and regulations as well as the requirements of WAC 388-865-400 through 388-865-450 as applicable to services offered. The license or certificate lists service components the provider is authorized to provide to publicly funded consumers and must be prominently posted in the provider reception area. In addition, the provider must meet minimum standards of the specific service components for which licensure is being sought:

- (1) Emergency crisis intervention services;
- (2) Case management services;
- (3) Psychiatric treatment, including medication supervision;
- (4) Counseling and psychotherapy services;
- (5) Day treatment services; and/or
- (6) Consumer employment services.

NEW SECTION

WAC 388-865-0405 Competency requirements for staff. The licensed service provider must ensure that staff are qualified for the position they hold and have the education, experience, or skills to perform the job requirements. The provider must maintain documentation that:

(1) All staff have a current Washington state department of health license or certificate or registration as may be required for their position;

(2) Washington state patrol background checks are conducted for employees in contact with consumers consistent with RCW 43.43.830;

(3) Mental health services are provided by a mental health professional, or under the clinical supervision of a mental professional;

(4) Staff performing mental health services (not including crisis telephone) must have access to consultation with a psychiatrist or a physician with at least one year's experience in the direct treatment of persons who have a mental or emotional disorder;

(5) Mental health services to children, older adults, ethnic minorities or persons with disabilities must be provided by, under the supervision of, or with consultation from the appropriate mental health specialist(s) when the consumer:

(a) Is a child as defined in WAC 866-865-0150;

(b) Is or becomes an older person as defined in WAC 388-865-0150;

(c) Is a member of a racial/ethnic group as defined in WAC 866-865-0105 and as reported:

(i) In the consumer's demographic data; or

(ii) By the consumer or others who provide active support to the consumer; or

(iii) Through other means.

(d) Is disabled as defined in WAC 388-865-0150 and as reported:

(i) In the consumer's demographic data; or

(ii) By the consumer or others who provide active support to the consumer; or

(iii) Through other means.

(6) Staff receive regular supervision and an annual performance evaluation; and

(7) An individualized annual training plan must be implemented for each direct service staff person and supervisor in the skills he or she needs for their job description and the population they serve.

NEW SECTION

WAC 388-865-0410 Consumer rights. (1) The provider must document that consumers, prospective consumers, or legally responsible others are informed of consumer rights at admission to community support services in a manner that is understandable to the individual. Consumer rights must be written in alternative format for consumers who are blind or deaf, and must also be translated to the most commonly used languages in the service area;

(2) The provider must post a written statement of consumer rights in public areas, with a copy available to consumers on request. Providers of telephone only services (e.g., cri-

sis lines) must post the statement of consumer rights in a location visible to staff and volunteers during working hours;

(3) The provider must develop a statement of consumer rights that incorporates the following statement or a variation approved by the mental health division: "You have the right to:

(a) Be treated with respect, dignity and privacy;

(b) Develop a plan of care and services which meets your unique needs;

(c) The services of a certified language or sign language interpreter and written materials and alternate format to accommodate disability consistent with Title VI of the Civil Rights Act;

(d) Refuse any proposed treatment, consistent with the requirements in chapter 71.05 and 71.34 RCW;

(e) Receive care which does not discriminate against you, and is sensitive to your gender, race, national origin, language, age, disability, and sexual orientation;

(f) Be free of any sexual exploitation or harassment;

(g) Review your clinical record and be given an opportunity to make amendments or corrections;

(h) Receive an explanation of all medications prescribed, including expected effect and possible side effects;

(i) Confidentiality, as described in chapters 70.02, 71.05, and 71.34 RCW and regulations;

(j) All research concerning consumers whose cost of care is publicly funded must be done in accordance with all applicable laws, including DSHS rules on the protection of human research subjects as specified in chapter 388-04 WAC;

(k) Make an advance directive, stating your choices and preferences regarding your physical and mental health treatment if you are unable to make informed decisions;

(l) Appeal any denial, termination, suspension, or reduction of services and to continue to receive services at least until your appeal is heard by a fair hearing judge;

(m) If you are Medicaid eligible, receive all service which are medically necessary to meet your care needs. In the event that there is a disagreement, you have the right to a second opinion about what services are medically necessary;

(n) Lodge a complaint with the ombuds, regional support network, or provider if you believe your rights have been violated. If you lodge a complaint or grievance, you must be free of any act of retaliation. The ombuds may, at your request, assist you in filing a grievance. The ombuds' phone number is: _____."

NEW SECTION

WAC 388-865-0415 Access to services. The community support service provider must document and otherwise ensure that eligible consumers have access to age and culturally competent services when and where those services are needed. The provider must:

(1) Identify and reduce barriers to people getting the services where and when they need them;

(2) Comply with the Americans with Disabilities Act and the Washington State Antidiscrimination Act, chapter 49.60 RCW;

(3) Assure that services are timely, appropriate and sensitive to the age, culture, language, gender and physical condition of the consumer;

(4) Provide alternative service delivery models to make services more available to underserved persons as defined in WAC 388-865-0150;

(5) Provide access to telecommunication devices or services and certified interpreters for deaf or hearing impaired consumers and limited English proficient consumers;

(6) Bring services to the consumer or locate services at sites where transportation is available to consumers; and

(7) Ensure compliance with all state and federal nondiscrimination laws, rules and plans.

NEW SECTION

WAC 388-865-0420 Admission and intake evaluation. The community support service provider must complete an intake evaluation in collaboration with the consumer within thirty days of admission to service. If seeking this information presents a barrier to service, the item may be left incomplete provided that the reasons are documented in the clinical record. The following must be documented in the consumer's intake evaluation:

(1) An application for voluntary services, or copy of detention or involuntary treatment order;

(2) Consumer strengths, needs and desired outcomes in their own words. At the consumer's request also include the input of people who provide active support to the consumer;

(3) The consumer's age, culture/cultural history, and disability;

(4) History of substance use and abuse or other co-occurring disorders;

(5) Medical and mental health services history and a list of medications used;

(6) For children:

(a) Developmental history; and

(b) Parent's goals and desired outcomes.

(7) Sufficient information to justify the diagnosis;

(8) Review of the intake evaluation by a mental health professional.

NEW SECTION

WAC 388-865-0425 Individual service plan. Community support service providers must provide consumers with either an individual service plan or an individualized and tailored care plan that meets his or her unique needs. The individualized service plan must:

(1) Be developed collaboratively with the consumer and other people identified by the consumer within thirty days of starting community support services. The service plan should be in language and terminology that is understandable to consumers and their family, but also in words that are measurable;

(2) Address age, cultural, or disability issues of the consumer;

(3) Include measurable goals for progress toward rehabilitation, recovery and reintegration into the mainstream of

social, employment and educational choices, involving other systems when appropriate;

(4) Demonstrate that the provider has worked with the consumer and others at the consumer's request to determine their needs in the following life domains:

- (a) Housing;
- (b) Food;
- (c) Income;
- (d) Health and dental care;
- (e) Transportation;
- (f) Work, school or other daily activities;
- (g) Social life; and

(h) Referral services and assistance in obtaining supportive services appropriate to treatment, such as substance abuse treatment.

(5) Document review by the person developing the plan and the consumer. If the person developing the plan is not a mental health professional, the plan must also document review by a mental health professional. If the person developing the plan is not a mental health specialist required per WAC 388-865-405(5) there must also be documented review of the plan by the appropriate mental health specialist(s);

(6) Document review and update at least every one hundred eighty days or more often at the request of the consumer;

(7) In the case of children:

(a) Be integrated with the individual education plan from the education system whenever possible;

(b) If the child is under three, the plan must be integrated with the individualized family service plan (IFSP) if this exists.

NEW SECTION

WAC 388-865-0430 Clinical record. The community support service provider must maintain a clinical record for each consumer and safeguard the record against loss, defacement, tampering, or use by unauthorized persons. The clinical record must contain:

(1) An intake evaluation;

(2) Evidence that the consumer rights statement was provided to the consumer;

(3) A copy of any advance directives, powers of attorney or letters of guardianship provided by the consumer;

(4) The crisis treatment plan when appropriate;

(5) The individualized service plan and all changes in the plan;

(6) Documentation that services are provided by or under the clinical supervision of a mental health professional;

(7) Documentation that services are provided by, or under the clinical supervision, or the clinical consultation of a mental health specialist. Consultation must occur within thirty days of admission and periodically thereafter as specified by the mental health specialist;

(8) Periodic documentation of the course of treatment and objective progress toward established goals for rehabilitation, recovery and reintegration into the mainstream of social, employment and educational choices;

(9) A notation of extraordinary events affecting the consumer;

(10) Documentation of mandatory reporting of abuse, neglect, or exploitation of consumers consistent with chapter 26.44 and 74.34 RCW;

(11) Documentation of informed consent to treatment and medications by the consumer or legally responsible other;

(12) Documentation of confidential information that has been released without the consent of the consumer.

NEW SECTION

WAC 388-865-0435 Consumer access to their clinical record. The service provider must provide access to clinical records for consumers, their designated representative, and/or the person legally responsible for the consumer, consistent with chapter 71.05, 70.02, and 71.34 RCW and RCW 13.50.400 (4)(b) for children. The provider must:

(1) Make the record available within fifteen days;

(2) Review the clinical record to identify and remove any material confidential to another person, agency, provider or reports not originated by the community support service provider;

(3) Allow the consumer appropriate time and privacy to review the clinical record;

(4) Provide a clinical staff member to answer questions at the request of the consumer; and

(5) Charge for copying at a rate not higher than that defined in RCW 70.02.010(12).

NEW SECTION

WAC 388-865-0436 Clinical record access procedures. The community support service provider must develop policies and procedures to protect information and to ensure that information about consumers is shared or released only in compliance with state and federal law (see chapter 70.02, 71.05, 71.34, 74.04 RCW and RCW 13.50.100 (4)(b)) and this chapter.

NEW SECTION

WAC 388-865-0440 Availability of consumer information. (1) Consumer individualized crisis plans must be available twenty-four hours a day, seven days a week to county-designated mental health professionals, crisis teams, and inpatient evaluation and treatment facilities, as consistent with confidentiality statutes; and

(2) Consumer information must be available to the state and regional support network staff as required for management information, quality management and program review.

NEW SECTION

WAC 388-865-0445 Establishment of procedures to bill for services. Consumers receiving services or the parent(s) of a person under the age of eighteen, the legal guardian, or the estate of the individual is responsible for payment for services received. The provider must establish policies and procedures to:

(1) Bill all third-party payors and private pay consumers. Persons eligible for the Medicaid program are not to be billed for medically necessary covered services.

(2) Develop a written schedule of fees that considers the consumer's available income, family size, allowable deductions and exceptional circumstances:

(a) The sliding fee scale must not require payment from consumers whose income is below TANF standards as defined in WAC 388-478-0020;

(b) The fee schedule must be posted in the agency and available to provider staff, consumers, the regional support network, and the mental health prepaid health plan.

NEW SECTION

WAC 388-865-0450 Quality management process.

Community support service providers must ensure continued progress toward more effective and efficient age and culturally competent services and improved consumer satisfaction and outcomes, including objective measures of progress toward rehabilitation, recovery and reintegration into the mainstream of social, employment and educational choices by maintaining an internal quality management process. The process must:

(1) Review the services offered and provided to improve the treatment of consumers, including the quality of intake evaluations and the effectiveness of prescribed medications;

(2) Review the work of persons providing mental health services at least annually; and

(3) Continuously collect, maintain, and use information to correct deficiencies and improve services. Such data must include but is not limited to reports of serious and emergent incidents as well as grievances filed by consumers or their representatives.

NEW SECTION

WAC 388-865-0452 Emergency crisis intervention services—Additional standards. The community support service provider that is licensed for emergency crisis intervention services must assure that required general minimum standards for community support services are met, plus the additional minimum requirements:

(1) Availability of staff to respond to crises twenty-four hours a day, seven days a week, including:

(a) Bringing services to the person in crisis when clinically indicated;

(b) Requiring that staff remain with the consumer in crisis to stabilize and support them until the crisis is resolved or a referral to another service is accomplished;

(c) Resolving the crisis in the least restrictive manner possible;

(d) A process to include family members, significant others, and other relevant treatment providers as necessary to provide support to the person in crisis; and

(e) Written procedures for managing assaultive and/or self-injurious patient behavior, including use of seclusion or restraint procedures consistent with WAC 388-865-545 and 388-865-546.

(2) Crisis telephone screening;

(3) Mobile outreach and stabilization services:

(a) Has trained staff available to provide in-home or in-community stabilization services, including flexible supports to the person where they live.

(b) Provides services until the crisis is resolved or a referral to another service is complete.

(4) Provide access to necessary services including:

(a) Medical services, which means at least emergency services, preliminary screening for organic disorders, prescription services, and medication administration;

(b) Interpretive services to enable staff to communicate with consumers who have limited ability to communicate in English, or have sensory disabilities;

(c) Mental health specialists for children, elderly, ethnic minorities or consumers who are deaf or developmentally disabled;

(d) Inpatient evaluation and treatment services, including a written protocol to assure that consumers who require involuntary inpatient services are transported in a safe and timely manner;

(e) Investigation and detention to involuntary services under chapter 71.05 RCW for adults and chapter 71.34 RCW for children who have passed their thirteenth birthday, including written protocols for contacting the county designated mental health professional.

(5) Document all telephone and face-to-face crisis response contacts, including:

(a) Source of referral;

(b) Nature of crisis;

(c) Time elapsed from the initial contact to face-to-face response; and

(d) Outcomes, including basis for decision not to respond in person, follow-up contacts made, and referrals made.

(6) The community support service provider may also provide emergency triage services at a level less than inpatient. The provider must have a written protocol for referring consumers to an inpatient evaluation and treatment facility for admission on a seven-day-a-week, twenty-four-hour-a-day basis, including arrangements for contacting the county designated mental health professional and transporting consumers.

NEW SECTION

WAC 388-865-0454 Provider of crisis telephone services only. This section applies only to organizations that receive public mental health funds for the purpose of providing crisis telephone services but are not licensed community support providers. In order to be licensed to provide crisis telephone services, the following requirements must be met:

(1) Staff available to respond to crisis calls twenty-four hours a day, seven days a week;

(2) The agency must assure communication and coordination with the consumer's case manager or primary care provider;

(3) The agency must assure that staff are aware of and protect consumer rights as described in WAC 388-865-0410;

(4) The following sections of WAC subsections apply:

- (a) WAC 388-865-0405, Competency requirements for staff;
- (b) WAC 388-865-0410, Consumer rights;
- (c) WAC 388-865-0440, Availability of consumer information;
- (d) WAC 388-865-0450, Quality management process;
- (e) WAC 388-865-0452 (6)(a) thru (d), Emergency crisis intervention services—Additional standards;
- (f) WAC 388-865-0468, The process for licensing service providers;
- (g) WAC 388-865-0472, Licensing categories;
- (h) WAC 388-865-0474, Fees for community support licensure;
- (i) WAC 388-865-0476, Licensure based on deemed status;
- (j) WAC 388-865-0478, Renewal of the provider license;
- (k) WAC 388-865-0480, Procedures to suspend or revoke a license;
- (l) WAC 388-865-0482, Procedures to contest a licensing decision.

NEW SECTION

WAC 388-865-0456 Case management services—

Additional standards. The community support service provider for case management services must assure that all general minimum standards for community support services and are met, plus the following additional minimum requirements:

- (1) Assist consumers to achieve the goals stated in their individualized service plan;
- (2) Support consumer employment, education or participation in other daily activities appropriate to their age and culture;
- (3) Make referrals to other needed services and supports, including treatment for co-occurring disorders and health care;
- (4) Assist consumers to resolve crises in least-restrictive settings;
- (5) Provide information and education about the consumer's illness so the consumer and family and natural supports are engaged to help consumers manage the consumer's symptoms;
- (6) Include, as necessary, flexible application of funds, such as rent subsidies, rent deposits, and in-home care to enable stable community living.

NEW SECTION

WAC 388-865-0458 Psychiatric treatment, including

medical supervision—Additional standards. The licensed community support service provider for psychiatric treatment, including medication supervision must meet all general minimum standards for community support in addition to the following minimum requirements:

- (1) Document the assessment and prescription of psychotropic medications appropriate to the needs of the consumer. Document that consumers and, as appropriate, family members are informed about the medication and possible

side effects in their primary language, and referred to other health care facilities for treatment of nonpsychiatric conditions;

(2) Provider staff must inspect and inventory medication storage areas at least quarterly:

(a) Medications must be kept in locked, well-illuminated storage;

(b) Medications kept in a refrigerator containing other items must be kept in a separate container with proper security;

(c) No outdated medications must be retained, and medications must be disposed of in accordance with regulations of the state board of pharmacy;

(d) Medications for external use must be stored separately from oral and injectable medications;

(e) Poisonous external chemicals and caustic materials must be stored separately.

(3) Medical direction and responsibility is assigned to a physician who is licensed to practice under chapter 18.57 or 18.71 RCW, and is board-certified or -eligible in psychiatry;

(4) Medications are only prescribed and administered by persons consistent with their license and related requirements;

(5) Medications are reviewed at least every three months;

(6) Medication information is maintained in the clinical record and documents at least the following for each prescribed medication:

(a) Name and purpose of medication;

(b) Dosage and method of giving medication;

(c) Dates prescribed, reviewed, and renewed;

(d) The effects, interactions, and side effects the staff observes or the consumer reports spontaneously or as the result of questions from the staff;

(e) Any laboratory findings;

(f) Reasons for changing or stopping the medication; and

(g) Name and signature of prescribing person.

(7) Assessment and appropriate referrals to or consultation with a physician or alternative health care provider when physical health problems are suspected or identified;

(8) Address current medical concerns consistent with the individualized service plan;

(9) If the service provider is unable to employ or contract with a psychiatrist, a physician without board eligibility in psychiatry may be utilized, provided that:

(a) Psychiatrist consultation is provided to the physician at least monthly; and

(b) A psychiatrist is accessible in person, by telephone, or by radio communication to the physician for emergency consultation.

NEW SECTION

WAC 388-865-0460 Counseling and psychotherapy

services—Additional standards. The licensed community support service provider for counseling and psychotherapy services must assure that all general minimum standards for community support are met.

PROPOSED

NEW SECTION

WAC 388-865-0462 Day treatment services—Additional standards. The licensed community support service provider for day treatment services must assure that all general minimum standards for community support are met. Day treatment services are defined as work or other activities of daily living for consumers:

- (1) Services for adults include:
 - (a) Training in basic living and social skills;
 - (b) Supported work and preparation for work;
 - (c) Vocational rehabilitation;
 - (d) Day activities; and, if appropriate;
 - (e) Counseling and psychotherapy services.
- (2) Services for children include:
 - (a) Age-appropriate living and social skills;
 - (b) Educational and pre-vocational services;
 - (c) Day activities; and
 - (d) Counseling and psychotherapy services.

NEW SECTION

WAC 388-865-0464 Consumer employment services—Additional standards. The community support service provider licensed for employment services must assure that all general minimum standards for community support are met, plus the following additional minimum requirements:

- (1) Assist consumers to achieve the goals stated in their individualized service plan and provide access to employment opportunities, including:
 - (a) A vocational assessment of work history, skills, training, education, and personal career goals;
 - (b) Information about how employment will affect income and benefits the consumer is receiving because of their disability;
 - (c) Active involvement with consumers served in creating and revising individualized job and career development plans;
 - (d) Assistance in locating employment opportunities that are consistent with the consumer's skills, goals, and interests;
 - (e) Integrated supported employment, including outreach/job coaching and support in a normalized or integrated work site, if required; and
 - (f) Interaction with the consumer's employer to support stable employment and advise about reasonable accommodation in keeping with the Americans with Disabilities Act (ADA) of 1990, and the Washington State Antidiscrimination law.
- (2) Pay consumers according to the Fair Labor Standards Act; and ensure safety standards that comply with local and state regulations are in place if the provider employs consumers as part of the pre-vocational or vocational program;
- (3) Coordinate efforts with other rehabilitation and employment services, such as:
 - (a) The division of vocational rehabilitation;
 - (b) The state employment services;
 - (c) The business community; and
 - (d) Job placement services within the community.

NEW SECTION

WAC 388-865-0466 Community support outpatient certification—Additional standards. In order to provide services to consumers on a less restrictive alternative court order, providers must be licensed to provide the psychiatric and medical service component of community support services and be certified by the mental health division to provide involuntary treatment services consistent with WAC 388-865-0484. In addition, the provider must:

- (1) Document in the consumer clinical record and otherwise ensure:
 - (a) Detained and committed consumers are advised of their rights under chapter 71.05 or 71.34 RCW and as follows:
 - (i) To receive adequate care and individualized treatment;
 - (ii) To make an informed decision regarding the use of antipsychotic medication and to refuse medication beginning twenty-four hours before any court proceeding that the consumer has the right to attend;
 - (iii) To maintain the right to be presumed competent and not lose any civil rights as a consequence of receiving evaluation and treatment for a mental disorder;
 - (iv) Of access to attorneys, courts, and other legal redress;
 - (v) To have the right to be told statements the consumer makes may be used in the involuntary proceedings; and
 - (vi) To have the right to have all information and records compiled, obtained, or maintained in the course of treatment kept confidential as defined in chapter 71.05 and 71.34 RCW.
 - (b) A copy of the less restrictive alternative court order and any subsequent modifications are included in the clinical record;
 - (c) Development and implementation of an individual service plan which addresses the conditions of the less restrictive alternative court order and a plan for transition to voluntary treatment;
 - (d) That the consumer receives psychiatric treatment including medication management for the assessment and prescription of psychotropic medications appropriate to the needs of the consumer. Such services must be provided:
 - (i) At least weekly during the fourteen-day period;
 - (ii) Monthly during the ninety-day and one-hundred eighty day periods of involuntary treatment unless the attending physician determines another schedule is more appropriate, and they record the new schedule and the reasons for it in the consumer's clinical record.
 - (2) Maintain written procedures for managing assaultive and/or self-destructive patient behavior, and provide training to staff in these interventions;
 - (3) Have a written protocol for referring consumers to an inpatient evaluation and treatment facility for admission on a seven-day-a-week, twenty-four-hour-a-day basis;
 - (4) For consumers who require involuntary detention the protocol must also include procedures for:
 - (a) Contacting the county designated mental health professional regarding revocations and extension of less restrictive alternatives, and
 - (b) Transporting consumers.

NEW SECTION

WAC 388-865-0468 Emergency crisis intervention services certification—Additional standards. In order to provide emergency services to a consumer who may need to be detained or who has been detained, the service provider must be licensed for emergency crisis intervention services and be certified by the mental health division to provide involuntary treatment services consistent with WAC 388-865-0484. In addition, the provider must:

- (1) Be available seven-days-a-week, twenty-four-hours-per-day;
- (2) Follow a written protocol for holding a consumer and contacting the county designated mental health professional;
- (3) Provide or have access to necessary medical services;
- (4) Have a written agreement with a certified inpatient evaluation and treatment facility for admission on a seven day a week, twenty four hour per day basis; and
- (5) Follow a written protocol for transporting individuals to inpatient evaluation and treatment facilities.

NEW SECTION

WAC 388-865-0470 The process for initial licensing of service providers. An applicant for a community support license must comply with the following process:

- (1) Complete and submit an application form, along with the required fee to the mental health division. A copy of the application form must be provided to the area regional support network. The application must indicate the service components the applicant wants to offer, as listed in WAC 388-865-0400;
- (2) A regional support network may submit an application to the mental health division to operate as a licensed community support service provider as defined in WAC 388-865-0288;
- (3) The mental health division conducts an on-site review to examine agency policies and procedures, personnel records, clinical records, financial documents, and any other information that may be necessary to confirm compliance with minimum standards of this section;
- (4) The consumer chart review is conducted during a second site review within twelve months of the issuance of the provisional license for the agency or service component if the site review is being conducted in response to a license application for a new agency or a new service component in a currently licensed agency;
- (5) The mental health division may include representatives of the regional support network or mental health prepaid health plan in the licensing review process. If a provider is licensed based on deemed status as outlined in WAC 388-865-0476, input from the accrediting agency may be considered;
- (6) The on-site review concludes with an exit conference that includes:
 - (a) Discussion of findings, if any;
 - (b) Statement of deficiencies requiring a plan of correction;
 - (c) A plan of correction signed by the applicant agency director and the mental health division review team represen-

tative with a completion date no greater than sixty days from the date of the exit conference, unless otherwise negotiated with the review team representative. Consumer health and safety concerns may require immediate corrective action.

(7) If the provider fails to correct the deficiencies noted within the agreed-upon timeframes, licensure will be denied. The mental health division notifies the applicant in writing of the reasons for denial and the right to a review of the decision in an administrative hearing;

(8) If licensure is denied, the applicant must wait at least six months following the date of notification of denial before reapplying.

NEW SECTION

WAC 388-865-0472 Licensing categories. The mental health division assigns the community support service applicant or licensee one of the following types of licenses:

(1) Provisional license. This category is given only to a new applicant. The mental health division may grant a provisional license for up to one year if the provider, has:

- (a) An acceptable detailed plan for the development and operation of the services;
- (b) The availability of administrative and clinical expertise required to develop and provide the planned services;
- (c) The fiscal management and existence or projection of resources to reasonably ensure stability and solvency; and
- (d) A corrective action plan approved by the mental health division, if applicable, for any deficiencies.

(2) Full License. Full licensure means that the applicant or licensee is in substantial compliance with the law, applicable rules and regulations, and state minimum standards.

(3) Probationary license. The mental health division may issue a probationary license if the service provider is substantially out of compliance with the requirements of state and federal law, applicable rules and regulations and state minimum standards. The mental health division provides the service provider with a written notice of the deficiencies.

(a) If the deficiency has caused or is likely to cause serious injury, harm, impairment or death to a consumer, the deficiencies must be corrected within a timeframe specified by the mental health division;

(b) If the provider fails to complete a corrective action plan or correct deficiencies according to the corrective action plan, the license may be suspended or revoked;

(c) To regain full licensure, a service provider in probationary status must provide a written statement to the mental health division when it has made all required corrective actions and now complies with relevant federal and state law, applicable rules and regulations, and state minimum standards;

(d) The mental health division may conduct an on-site review to confirm that the corrections have been made.

(4) The mental health division may perform an onsite visit to determine the validity of a complaint or notice that a community support service provider is out of compliance with law, applicable rules and regulations, and state minimum standards.

(5) If the service provider does not demonstrate compliance with the requirements of this section, the mental health

division may initiate procedures to suspend or revoke a license consistent with state and federal laws, rules and regulations consistent with the provisions of RCW 71.24.035 (7) through (11) and of 43.20A.205.

(6) A regional support network or prepaid health plan may choose to contract with a service provider with a provisional license, full license, or probationary license, but may not contract with a provider with a suspended or revoked license.

NEW SECTION

WAC 388-865-0474 Fees for community support service provider licensure. (1) Fees are due with an initial application or for annual license renewal;

(2) Fees must be paid for a minimum of one year;

(3) If an application is withdrawn prior to issuance or denial, one-half of the fees may be refunded at the request of the applicant;

(4) A change in ownership requires a new license and payment of fees;

(5) Fee payments must be made by check, electronic fund transfer, or money order made payable to the mental health division;

(6) Fees will not be refunded if a license or certificate is denied, revoked, or suspended;

(7) Failure to pay fees when due will result in suspension or denial of the license;

(8) The following fees must be sent with the application for a license or renewal:

Range	Service Hours	Annual Fee
1	0-3,999	\$291.00
2	4,000-14,999	422.00
3	15,000-29,999	562.00
4	30,000-49,999	842.00
5	50,000 or more	1,030.00

(9) Annual service hours are computed on the most recent year. For new entities, annual service hours equals the projected service hours for the year of licensure. The provider must report the number of annual service hours based on the mental health division consumer information system data dictionary.

NEW SECTION

WAC 388-865-0476 Licensure based on deemed status. (1) The mental health division may deem compliance with state minimum standards and issue a community support service license based on the provider being currently accredited by a national accreditation agency recognized by and having a current agreement with the mental health division. Deeming will be in accordance with the established agreement between the mental health division and the accrediting agency.

(2) The mental health division will only grant licensure based on deemed status to providers with a full license as defined in WAC 388-865-0472.

(3) Specific requirements of state regulation, contract or policy will be waived through a deeming process consistent with the working agreement between the mental health division and the accrediting agency;

(4) Specific requirements of state or federal law, or regulation will not be waived through a deeming process.

NEW SECTION

WAC 388-865-0478 Renewal of a community support service provider license. (1) Each year the community support service provider must renew their license. The community support service provider sends the reapplication for licensure to mental health division along with the required fee.

(2) If the service provider contracts with the regional support network or prepaid health plan it must send a copy of the application to the regional support network or mental health prepaid health plan. The regional support network or mental health prepaid health plan may make written comments to the mental health division about renewing the service provider's license. They must send the service provider a copy.

(3) The mental health division considers the request for renewal, along with any recommendations from the regional support network or mental health prepaid health plan and the results of any onsite reviews completed.

(4) If the provider is in compliance with applicable laws and standards, the mental health division sends the service provider a renewed license, with a copy to the regional support network or mental health prepaid health plan if applicable.

(5) Failure to submit the annual application for renewal license and/or to pay fees when due results in expiration of the license and the provider will be placed on probationary status.

NEW SECTION

WAC 388-865-0480 Procedures to suspend, or revoke a license. (1) The mental health division may suspend, revoke, limit or restrict the license of a community support service provider, or refuse to grant or renew a license for failure to conform to the law, applicable rules and regulations, or state minimum standards.

(2) The mental health division may suspend, revoke, limit or restrict the license of a service provider immediately if there is imminent risk to consumer health and safety.

(3) The mental health division sends a written decision to revoke, suspend, or modify the former licensure status under RCW 43.20A.205, with the reasons for the decision and informing the service provider of their right to an administrative hearing.

(4) A regional support network or mental health prepaid health plan must not contract with a service provider with a suspended or revoked license.

(5) The mental health division may suspend or revoke a license when a service provider in probationary status fails to correct the health and safety deficiencies as agreed in the corrective action plan with the mental health division.

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NEW SECTION

WAC 388-865-0482 Procedures to contest a licensing decision. To contest a decision by the mental health division, the service provider, regional support network, or mental health prepaid health plan must, within twenty-eight calendar days:

- (1) File a written application for a hearing with a method that shows proof of receipt to: The Board of Appeals, P.O. Box 2465, Olympia, WA 98504; and
- (2) Include in the appeal:
 - (a) The issue to be reviewed and the date the decision was made;
 - (b) A specific statement of the issue and law involved;
 - (c) The grounds for contesting a decision of the mental health division; and
 - (d) A copy of the mental health division decision that is being contested.
- (3) The appeal must be signed by the director of the service provider and include the address of the service provider.
- (4) The decision will be made following the requirements of the Administrative Procedure Act, chapter 34.05 RCW and chapter 388-02 WAC.

NEW SECTION

WAC 388-865-0484 Process to certify providers of involuntary services. In order to be certified to provide services to consumers on an involuntary basis, the provider must comply with the following process:

- (1) Be licensed as a community support provider consistent with this section or licensed as a community hospital by the department of health;
- (2) Complete and submit an application for certification to the regional support network;
- (3) The regional support network selects providers for certification and makes a request to the mental health division for certification;
- (4) The mental health division conducts an on-site review to examine agency policies and procedures, personnel records, clinical records, financial documents, and any other information that may be necessary to confirm compliance with minimum standards of this section;
- (5) The mental health division grants certification based on compliance with the minimum standards of this section and chapter 71.05 RCW;
- (6) The certificate may be renewed annually at the request of the regional support network and the provider's continued compliance with the minimum standards of this section;
- (7) The procedures to suspend or revoke a certificate are the same as outlined WAC 388-865-0468;
- (8) The appeal process to contest a decision of the mental health decision is the same as outlined in WAC 388-865-0482.

SECTION FIVE—INPATIENT EVALUATION AND TREATMENT FACILITIESNEW SECTION

WAC 388-865-0500 Inpatient evaluation and treatment facilities. The mental health division certifies facilities to provide involuntary inpatient evaluation and treatment services for more than twenty-four hours. Facilities must be certified in order to provide services to consumers who are authorized by the regional support network or mental health prepaid health plan to receive psychiatric inpatient evaluation and treatment services on an involuntary basis.

(1) The following facilities must be licensed by the department of health:

- (a) General hospital;
- (b) Psychiatric hospital; or
- (c) Residential (nonhospital) inpatient facility such as adult residential rehabilitation centers and psychiatric institutions for children and youth.

(2) The following state psychiatric hospitals for adults or children are not licensed by the state, but certified by the Health Care Financing Administration and accredited by the Joint Commission on Accreditation of Healthcare Organizations:

- (a) Eastern state hospital;
 - (b) Western state hospital; and
 - (c) Child study and treatment center.
- (3) No correctional institution or facility, juvenile court detention facility, or jail may be used as an inpatient evaluation and treatment facility within the meaning of this chapter.

NEW SECTION

WAC 388-865-0501 Certification based on deemed status. (1) The mental health division may deem compliance with state minimum standards and issue an inpatient evaluation and treatment certificate based on the provider being currently accredited by a national accreditation agency recognized by and having a current agreement with the mental health division. Deeming will be in accordance with the established agreement between the mental health division and the accrediting agency;

(2) The mental health division will only grant certification based on deemed status to providers that have attained full certification as defined in WAC 388-865-0472;

(3) Specific requirements of state regulation, contract or policy will be waived through a deeming process consistent with the working agreement between the mental health division and the accrediting agency;

(4) Specific requirements of state or federal law or regulation will not be waived through a deeming process.

NEW SECTION

WAC 388-865-0502 Single bed certification. At the discretion of the mental health division, an exception may be granted for a maximum of thirty days to allow a community

facility to provide treatment to an adult on a ninety- or one hundred eighty-day inpatient involuntary commitment order.

(1) The regional support network or its designee must submit a written request for a single bed certification to the mental health division prior to the commencement of the ninety or one hundred and eighty day order;

(2) The facility receiving the single bed certification must meet all requirements of this section unless specifically waived by the mental health division;

(3) The request for single bed certification must describe why the consumer meets at least one of the following criteria:

(a) The consumer requires services that are not available at a state psychiatric hospital; or

(b) The consumer is expected to be ready for discharge from inpatient services within the next thirty days and being at a community facility would facilitate continuity of care.

(4) The mental health division director or the director's designee makes the decision and gives written notification to the requesting regional support network in the form of a single bed certification. The single bed certification must not contradict a specific provision of federal law or state statute;

(5) The mental health division may make site visits at any time to verify that the terms of the single bed certification are being met. Failure to comply with any term of the exception certification may result in corrective action or, if the mental health division determines that the violation places consumers in imminent jeopardy, immediate revocation of the certification;

(6) Neither consumers nor facilities have fair hearing rights as defined under chapter 388-02 WAC regarding single bed certification decisions by mental health division staff.

NEW SECTION

WAC 388-865-0505 Evaluation and treatment facility certification—Minimum standards. To gain and maintain certification to provide inpatient evaluation and treatment services under chapter 71.05 and 71.34 RCW, a facility must meet applicable local, state and federal laws and regulations including department of health licensure requirements and WAC 388-865-500 through 388-865-560:

(1) Designate a physician or other mental health professional as the professional person in charge of that facility. This person must be given the authority and be responsible for:

(a) Making admission and discharge decisions on behalf of that facility;

(b) Supervision of clinical services provided by the facility; and

(c) Explore less restrictive alternatives, in considering the filing of all petitions for involuntary commitments to inpatient treatment including possible community support or residential treatment, to see if the consumer can be as well or better served, preferably within his or her home community.

(2) Have the capability to admit consumers needing inpatient evaluation and treatment services seven days a week, twenty-four hours a day. Psychiatric institutions for children and youth are exempted from this requirement;

(3) Have at least one seclusion room meeting the requirements of WAC 246-320-365 (12)(d)(ii);

(4) Assure access to necessary medical treatment, emergency life-sustaining treatment, and medication.

NEW SECTION

WAC 388-865-0510 Standards for administration. The inpatient evaluation and treatment facility must develop policies to address the following administrative requirements:

(1) Protect clinical records against loss, defacement, tampering, or use by unauthorized persons;

(2) Maintain adequate fiscal accounting records;

(3) Bill and collect payment for services from all private payors and third party payors, including Medicaid and Medicare consumers;

(4) Ensure the protection of consumer and family rights as described in this chapter and chapter 71.05 and 71.34 RCW;

(5) Maintain written protocols to physically and legally detain a consumer who refuses voluntary treatment and meets the legal criteria for involuntary commitment, including the method to contact the county designated mental health professional;

(6) Maintain written procedures for managing assaultive and/or self-injurious consumer behavior;

(7) Maintain written procedures to ensure the safety of children and adults in an inpatient evaluation and treatment facility:

(a) Adults must be separated from children who are not yet thirteen years of age;

(b) Children who have had their thirteenth birthday, but are under the age of eighteen, may be served with adults only if the child's clinical record contains a professional judgment saying that placement in an adult facility will not be harmful to the child or adult.

(8) Develop policies and procedures to inform and provide relevant information on persons who are absent from the facility without leave consistent with RCW 71.05.410 and 71.05.420;

(9) Maintain written procedures to either admit all consumers who have been detained or arrange for transfer to a more appropriate facility only after it is confirmed that the facility will admit the consumer;

(10) Maintain written procedures to ensure the protection of the consumer's property including:

(a) Inventory articles brought to the facility and not kept by the consumer;

(b) Use reasonable precautions to safeguard the property of the consumer.

(11) If the facility treats children, it must maintain written procedures to ensure that:

(a) Whenever a child is conditionally released or discharged before the end of the commitment, the professional person in charge gives the court written notice of the release within three days of the release. If the child is on a one a one hundred and eighty day commitment the children's long-term inpatient placement committee must also be notified.

(b) If the child elopes, the professional person in charge immediately notifies the parents and the appropriate law enforcement agencies.

(12) Maintain written procedures to ensure that upon discharge of a consumer of voluntary services:

(a) The consumer's permission is sought for release of a clinical summary to the community physician, psychiatrist, or therapist of his/her choice, or to the local treatment facility or licensed service provider.

(b) Information sharing complies with RCW 71.05.390.

(c) The consumer is advised of his or her competency and given the following written notice: "No person is presumed incompetent nor does any person lose any civil rights as a consequence of receiving evaluation and treatment services for a mental disorder, whether voluntary or involuntary, as required by RCW 71.05.450."

(13) Maintain written procedures to ensure that articles brought to the facility by a consumer are inventoried and that reasonable precautions are taken to protect those items that are not kept by the consumer;

(14) Maintain written procedures to ensure that the mental health professional conducting the initial detention evaluation and treatment as defined in RCW 71.05.210 does not include the county-designated mental health professional responsible for the detention, unless no other mental health professional is reasonably available and specific exemption has been granted by the director of the mental health division.

NEW SECTION

WAC 388-865-0515 Admission and intake evaluation. The provider must include the following documentation in the intake evaluation:

(1) An initial treatment plan;

(2) A copy of any advance directives, powers of attorney or letters of guardianship provided by the consumer;

(3) That the consumer was advised of his/her rights;

(4) Consideration of a less restrictive treatment alternative for each patient at the time of detention, admission, and discharge;

(5) For consumers who have been involuntarily detained, evaluations to determine the nature of the disorder, the treatment necessary, and whether or not detention is required at least within twenty-four hours of the initial detention of the consumer, including Saturdays, Sundays and holidays. The evaluation must include at least a:

(a) Medical evaluation by an appropriately licensed medical professional within their scope of practice; and

(b) Psychosocial evaluation by a mental health professional.

NEW SECTION

WAC 388-865-0525 Clinical record. The treatment record for each consumer must contain:

(1) A comprehensive plan for treatment;

(2) A plan for discharge including a plan for follow-up where appropriate;

(3) Sufficient information to justify the diagnosis;

(4) Documentation that the facility has provided for or arranged for diagnostic and therapeutic services prescribed by the attending professional staff. This may include participation of a multi-disciplinary team or mental health special-

ists as defined in WAC 388-865-0150, or collaboration with members of the consumer's support system as identified by the consumer;

(5) Documentation of the course of treatment;

(6) Documentation that a mental health professional has contact with each involuntary consumer at least daily for the purpose of:

(a) Observation;

(b) Evaluation; and

(c) Continuity of treatment.

(7) Documentation that a mental health professional and licensed physician are available for consultation and communication with both the consumer and the direct patient care staff twenty-four hours a day, seven days a week;

(8) Documentation of evaluation of each involuntarily committed consumer for release from commitment at least weekly for fourteen-day commitments.

NEW SECTION

WAC 388-865-0530 Competency requirements for staff. In order to gain and maintain certification as an inpatient evaluation and treatment facility, the provider must document that staff are qualified for the position they hold and have the education, experience, or skills to perform the job requirements, including:

(1) All staff have a current Washington state department of health license or certificate or registration as may be required for his/her position;

(2) Washington state patrol background checks are conducted for employees in contact with consumers consistent with RCW 43.43.830;

(3) Clinical supervisors meet the qualifications of mental health professionals or specialists as defined in WAC 388-865-0150;

(4) Staff receive an annual performance evaluation; and

(5) An individualized annual training plan must be implemented for each direct service staff person and supervisor in the skills he or she needs for their job description and the population they serve. Such training must include at least:

(a) Least restrictive alternative options available in the community and how to access them;

(b) Methods of patient care;

(c) Management of assaultive and self-destructive behavior; and

(d) The requirements of chapter 71.05 and 71.34 RCW, this chapter, and protocols developed by the mental health division.

NEW SECTION

WAC 388-865-0535 The process for gaining certification and renewal of certification. These processes are the same as described in WAC 388-865-0484.

NEW SECTION

WAC 388-865-0540 Fees for evaluation and treatment facility certification. Inpatient facilities certified to

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provide inpatient evaluation and treatment services are assessed an annual fee of thirty-two dollars per bed.

NEW SECTION

WAC 388-865-0545 Use of seclusion and restraint procedures—Adults. Consumers have the right to be free from seclusion and restraint, including chemical restraint. The use of restraints or seclusion must occur only when there is imminent danger to self or others and less restrictive measures have been found to be ineffective to protect the consumer or others from harm. The evaluation and treatment facility must develop policies and procedures to assure that restraint and seclusion procedures are utilized only to the extent necessary to ensure the safety of patients and others:

(1) Staff must notify, and receive authorization by, a physician within one hour of initiating patient restraint or seclusion;

(2) The consumer must be informed of the reasons for use of seclusion or restraint and the specific behaviors which must be exhibited in order to gain release from these procedures;

(3) The clinical record must document staff observation of the consumer at least every fifteen minutes and observation recorded in the consumer's clinical record;

(4) If the use of restraint or seclusion exceeds twenty-four hours, a licensed physician must assess the consumer and write a new order if the intervention will be continued. This procedure is repeated again for each twenty-four hour period that restraint or seclusion is used;

(5) All assessments and justification for the use of seclusion or restraint must be documented in the consumer's medical record.

NEW SECTION

WAC 388-865-0546 Use of seclusion and restraint procedures—Children. Consumers have the right to be free from seclusion and restraint, including chemical restraint. The use of restraints or seclusion must occur only when there is imminent danger to self or others and less restrictive measures have been found to be ineffective to protect the consumer or others from harm. The evaluation and treatment facility must develop policies and procedures to assure that restraint and seclusion procedures are utilized only to the extent necessary to ensure the safety of patients and others:

(1) In the event of an emergency use of restraints or seclusion, a licensed physician must be notified within one hour and must authorize the restraints or seclusion;

(2) No consumer may be restrained or secluded for a period in excess of two hours without having been evaluated by a mental health professional. Such consumer must be directly observed every fifteen minutes and the observation recorded in the consumer's clinical record;

(3) If the restraint or seclusion exceeds twenty-four hours, the consumer must be examined by a licensed physician. The facts determined by his or her examination and any resultant decision to continue restraint or seclusion over twenty-four hours must be recorded in the consumer's clinical record over the signature of the authorizing physician. This

procedure must be repeated for each subsequent twenty-four hour period of restraint or seclusion.

NEW SECTION

WAC 388-865-0550 Rights of all consumers who receive community inpatient services. The rights assured by RCW 71.05.370 and the following rights must be prominently posted within the department or ward of the community or inpatient evaluation and treatment facility. You have the right to:

(1) Adequate care and individualized treatment.

(2) To have all information and records compiled, obtained, or maintained in the course of receiving services kept confidential, under the provisions of RCW 71.05.390, 71.05.420, and 71.34.160.

NEW SECTION

WAC 388-865-0555 Rights of consumers receiving involuntary inpatient services. Consumers who are receiving inpatient services involuntarily have the rights provided in RCW 71.05.370 plus the following rights. The provider must ensure consumers are informed of his or her rights and that all consumer rights are protected, including:

(1) At admission, each consumer must be informed in writing or orally of his or her rights to have a responsible member of the immediate family if possible, guardian or conservator, if any, and such other person as designated by the consumer given written notice of the consumer's inpatient status, and his or her rights as an involuntary consumer;

(2) A medical and psychosocial evaluation within twenty-four hours of admission to determine whether continued detention in the facility is necessary;

(3) A judicial hearing before a superior court if the consumer is not released within seventy-two hours (excluding Saturdays, Sundays, and holidays), to decide if continued detention within the facility is necessary.

NEW SECTION

WAC 388-865-0557 Rights related to antipsychotic medication. All consumers have a right to make an informed decision regarding the use of antipsychotic medication consistent with the provisions of RCW 71.05.370(7) and 71.05.215. The provider must develop and maintain a written protocol for the involuntary administration of antipsychotic medications, including the following requirements:

(1) At the time of admission inform the consumer of his or her right to:

(a) Make an informed decision regarding the use of antipsychotic medication;

(b) Refuse all treatment except lifesaving treatment beginning twenty-four hours prior to any hearing;

(c) Refuse medication beginning twenty-four hours before any court proceeding wherein the consumer has the right to attend and which bears upon the continued commitment of the consumer;

(d) The consumer must be asked if he or she wishes to decline treatment during the twenty-four hour period, and the

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answer must be in writing and signed when possible. Compliance with this procedure must be documented in the consumer's clinical record.

(2) The clinical record must document:

- (a) The physician's attempt to obtain informed consent;
- (b) The reasons why any antipsychotic medication is administered over the consumer's objection or lack of consent.

(3) The physician may administer antipsychotic medications over a consumer's objections or lack of consent only when:

(a) An emergency exists, provided there is a review of this decision by a second physician within twenty-four hours. An emergency exists if:

(i) The consumer presents an imminent likelihood of serious harm to self or others;

(ii) Medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and

(iii) In the opinion of the physician, the consumer's condition constitutes an emergency requiring that treatment be instituted before obtaining an additional concurring opinion by a second physician.

(b) There is an additional concurring opinion by a second physician for treatment up to thirty days;

(c) For continued treatment beyond thirty days through the hearing on any one hundred eighty-day petition filed under RCW 71.05.370(7), provided the facility medical director or director's medical designee reviews the decision to medicate a consumer. Thereafter, antipsychotic medication may be administered involuntarily only upon order of the court. The review must occur at least every sixty days.

(4) The examining physician must sign all one hundred eighty-day petitions for antipsychotic medications files under the authority of RCW 71.05.370(7);

(5) Consumers committed for one hundred eighty days who refuse or lack the capacity to consent to antipsychotic medications have the right to a court hearing under RCW 71.05.370(7) prior to the involuntary administration of antipsychotic medications;

(6) In an emergency, antipsychotic medications may be administered prior to the court hearing provided that an examining physician files a petition for an antipsychotic medication order the next judicial day;

(7) All involuntary medication orders must be consistent with the provisions of RCW 71.05.370 (7)(a) and (b), whether ordered by a physician or the court;

(8) This section does not preclude use of physical restraints and/or seclusion in compliance with WAC 388-865-0545 and 388-865-0546.

NEW SECTION

WAC 388-865-0560 Rights of consumers who receive emergency and inpatient services voluntarily. (1) At admission, each consumer must be informed writing or orally of his or her right to immediate release, and other rights as defined in this section and in RCW 71.05.050 for adults and chapter 71.34 RCW for children.

(2) The following rights of voluntary consumers must be prominently displayed within the department or ward where the consumer is housed. You have the right to:

(a) Release, unless involuntary commitment proceedings are initiated.

(b) A review of condition and status at least each one hundred and eighty days as required under RCW 71.05.050, 71.05.380, and 72.23.070.

(3) All voluntary consumers have the right to:

(a) Adequate care and individualized treatment;

(b) Make an informed decision about the use of antipsychotic medication.

NEW SECTION

WAC 388-865-0565 Petition for the right to possess a firearm. A person is entitled to the immediate restoration of the right to firearm possession when they no longer require treatment or medication for a condition related to the involuntary commitment. This is described in RCW 9.41.040 (6)(c).

(1) The person who wants their right to possess a firearm restored may petition the court that ordered involuntary treatment or the superior court of the county in which they live for a restoration of the right to possess firearms. At a minimum, the petition must include:

(a) The fact, date, and place of involuntary treatment;

(b) The fact, date, and release from involuntary treatment;

(c) A certified copy of the most recent order of commitment with the findings and conclusions of law.

(2) The person must show the court that they no longer require treatment or medication for the condition related to the commitment.

(3) If the court requests relevant information about the commitment or release to make a decision, the mental health professionals who participated in the evaluation and treatment must give the court that information.

SECTION SIX—DEPARTMENT OF CORRECTIONS ACCESS TO CONFIDENTIAL MENTAL HEALTH INFORMATION

NEW SECTION

WAC 388-865-0600 Purpose. In order to enhance and facilitate the department of corrections' ability to carry out its responsibility of planning and ensuring community protection, mental health records and information, as defined in this section, that are otherwise confidential shall be released to the department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office as authorized in RCW 71.05.445 and 71.34.225.

NEW SECTION

WAC 388-865-0610 Definitions. Relevant records and reports includes written documents obtained from other agencies or sources, often referred to as third-party documents, as

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well as documents produced by the agency receiving the request. Relevant records and reports do not include the documents restricted by either federal law or federal regulation related to treatment for alcoholism or drug dependency or the Health Insurance Portability and Accountability Act or state law related to sexually transmitted diseases, as outlined in RCW 71.05.445 and 71.34.225.

(l) **"Relevant records and reports"** means:

(a) Records and reports of inpatient treatment:

(i) Inpatient psychosocial assessment - Any initial, interval, or interim assessment usually completed by a person with a master's degree in social work (or equivalent) or equivalent document as established by the holders of the records and reports;

(ii) Inpatient intake assessment - The first assessment completed for an admission, usually completed by a psychiatrist or other physician or equivalent document as established by the holders of the records and reports;

(iii) Inpatient psychiatric assessment - Any initial, interim, or interval assessment usually completed by a psychiatrist (or professional determined to be equivalent) or equivalent document as established by the holders of the records and reports;

(iv) Inpatient discharge/release summary - Summary of a hospital stay usually completed by a psychiatrist (or professional determined to be equivalent) or equivalent document as established by the holders of the records and reports;

(v) Inpatient treatment plan - A document designed to guide multi-disciplinary inpatient treatment or equivalent document as established by the holders of the records and reports;

(vi) Inpatient discharge and aftercare plan database - A document designed to establish a plan of treatment and support following discharge from the inpatient setting or equivalent document as established by the holders of the records and reports.

(b) Records and reports of outpatient treatment:

(i) Outpatient intake evaluation - Any initial or intake evaluation or summary done by any mental health practitioner or case manager the purpose of which is to provide an initial clinical assessment in order to guide outpatient service delivery or equivalent document as established by the holders of the records and reports;

(ii) Outpatient periodic review - Any periodic update, summary, or review of treatment done by any mental health practitioner or case manager. This includes, but is not limited to: documents indicating diagnostic change or update; annual or periodic psychiatric assessment, evaluation, update, summary, or review; annual or periodic treatment summary; concurrent review; individual service plan as required by WAC 388-865-0425 through 388-865-0430, or equivalent document as established by the holders of the records and reports;

(iii) Outpatient crisis plan - A document designed to guide intervention during a mental health crisis or decompensation or equivalent document as established by the holders of the records and reports;

(iv) Outpatient discharge or release summary - Summary of outpatient treatment completed by a mental health profes-

sional or case manager at the time of termination of outpatient services or equivalent document as established by the holders of the records and reports;

(v) Outpatient treatment plan - A document designed to guide multi-disciplinary outpatient treatment and support or equivalent document as established by the holders of the records and reports.

(c) Records and reports regarding providers and medications:

(i) Current medications and adverse reactions - A list of all known current medications prescribed by the licensed practitioner to the individual and a list of any known adverse reactions or allergies to medications or to environmental agents;

(ii) Name, address and telephone number of the case manager or primary clinician.

(d) Records and reports of other relevant treatment and evaluation:

(i) Psychological evaluation - A formal report, assessment, or evaluation based on psychological tests conducted by a psychologist;

(ii) Neuropsychological evaluation - A formal neuropsychological report, assessment, or evaluation based on neuropsychological tests conducted by a psychologist;

(iii) Educational assessment - A formal report, assessment, or evaluation of educational needs or equivalent document as established by the holders of the records and reports;

(iv) Functional assessment - A formal report, assessment, or evaluation of degree of functional independence. This may include but is not limited to: occupational therapy evaluations, rehabilitative services database activities assessment, residential level of care screening, problem severity scale, instruments used for functional assessment or equivalent document as established by the holders of the records and reports;

(v) Forensic evaluation - An evaluation or report conducted pursuant to chapter 10.77 RCW;

(vi) Offender/violence alert - A any documents pertaining to statutory obligations regarding dangerous or criminal behavior or to dangerous or criminal propensities. This includes, but is not limited to, formal documents specifically designed to track the need to provide or past provision of: duty to warn, duty to report child/elder abuse, victim/witness notification, violent offender notification, and sexual/kidnaping offender notification per RCW 4.24.550, 10.77.205, 13.40.215, 13.40.217, 26.44.330, 71.05.120, 71.05.330, 71.05.340, 71.05.425, 71.09.140, and 74.34.035;

(vii) Risk assessment - Any tests or formal evaluations administered or conducted as part of a formal violence or criminal risk assessment process that is not specifically addressed in any psychological evaluation or neuropsychological evaluation.

(e) Records and reports of legal status - Legal documents are documents filed with the court or produced by the court indicating current legal status or legal obligations including, but not limited to:

(i) Legal documents pertaining to chapter 71.05 RCW;
 (ii) Legal documents pertaining to chapter 71.34;
 (iii) Legal documents containing court findings pertaining to chapter 10.77 RCW;

- (iv) Legal documents regarding guardianship of the person;
- (v) Legal documents regarding durable power of attorney;
- (vi) Legal or official documents regarding a protective payee;
- (vii) Mental health advance directive.

(2) "**Relevant information**" means descriptions of a consumer's participation in, and response to, mental health treatment and services not available in a relevant record or report, including all statutorily mandated reporting or duty to warn notifications as identified in WAC 388-865-610 (1)(d)(vi), Offender/Violence alert, and all requests for evaluations for involuntary civil commitments under chapter 71.05 RCW. The information may be provided in verbal or written form at the discretion of the mental health service provider.

NEW SECTION

WAC 388-865-0620 Scope. Many records and reports are updated on a regular or as needed basis. The scope of the records and reports to be released to the department of corrections are dependent upon the reason for the request.

(1) For the purpose of a pre-sentence investigation release only the most recently completed or received records of those completed or received within the twenty-four-month period prior to the date of the request; or

(2) For all other purposes release all versions of records and reports that were completed or received within the ten year period prior to the date of the request that are still available.

NEW SECTION

WAC 388-865-0630 Time frame. The mental health service provider shall provide the requested relevant records, reports and information to the authorized department of corrections person in a timely manner, according to the purpose of the request:

(1) Pre-sentence investigation - within seven calendar days of the receipt of the request. If some or all of the requested relevant records, reports and information are not available within that time period the mental health service provider shall notify the authorized department of corrections person prior to the end of the seven-day-period and provide the requested relevant records, reports or information within a mutually agreed to time period; or

(2) All other purposes - within thirty calendar days of the receipt of the request. If some or all of the requested relevant records, reports and information are not available within that time period the mental health service provider shall notify the authorized department of corrections person prior to the end of the thirty-day period and provide the requested relevant records, reports or information within a mutually agreed to time period.

NEW SECTION

WAC 388-865-0640 Written requests. The written request for relevant records, reports and information shall include:

(1) Verification that the person for whom records, reports and information are being requested is under the authority of the department of corrections, per chapter 9.94A RCW, and the expiration date of that authority.

(2) Sufficient information to identify the person for whom records, reports and information are being requested including name and other identifying data.

(3) Specification as to which records and reports are being requested and the purpose for the request.

(4) Specification as to what relevant information is requested and the purpose for the request.

(5) Identification of the department of corrections person to whom the records, reports and information shall be sent, including the person's name, title and address.

(6) Name, title and signature of the requestor and date of the request.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-860-010	Purpose.
WAC 388-860-020	Definitions.
WAC 388-860-030	Application for admission— Voluntary minor.
WAC 388-860-040	Emergency detention.
WAC 388-860-050	Investigation and involuntary detention.
WAC 388-860-060	Fourteen-day commitment petition.
WAC 388-860-070	Fourteen-day commitment— Hearing.
WAC 388-860-080	One hundred eighty-day peti- tion, hearing, and commit- ment.
WAC 388-860-090	Detention and commitment after eighteenth birthday.
WAC 388-860-100	Transfer from juvenile cor- rectional institutions.
WAC 388-860-110	Conditional release or early discharge.
WAC 388-860-120	Release of voluntary/involuntary minors to the custody of par- ents.
WAC 388-860-130	Elopement of minors.

PROPOSED

WAC 388-860-140	Long-term placement—Designated placement committee.	<u>REPEALER</u>	The following sections of the Washington Administrative Code are repealed:
WAC 388-860-150	Revocation of a less-restrictive alternative treatment or conditional release.	WAC 388-861-010	Purpose.
WAC 388-860-160	Requirements for certifying evaluation and treatment components for minors.	WAC 388-861-020	Definitions.
WAC 388-860-170	Certification standards for evaluation and treatment program for minors.	WAC 388-861-030	Private agencies which may admit voluntary patients.
WAC 388-860-180	Outpatient component.	WAC 388-861-040	Voluntary admission to public or private agency—Voluntary adult.
WAC 388-860-190	Emergency component.	WAC 388-861-081	Periodic review—Voluntary inpatient.
WAC 388-860-200	Inpatient component.	WAC 388-861-090	Limitation on length of stay—Readmission voluntary patients.
WAC 388-860-210	Certification procedure—Waivers—Provisional certification—Renewal of certification.	WAC 388-861-110	Discharge of voluntary patient—Release of clinical summary.
WAC 388-860-220	Decertification.	WAC 388-861-115	Transfer of a patient between state-operated facilities for persons with mental illness.
WAC 388-860-230	Appeal procedure.	WAC 388-861-131	Nonadmission of involuntarily detained person—Transportation.
WAC 388-860-240	Involuntary evaluation and treatment costs—Seventy-two hour detentions/fourteen-day commitments.	WAC 388-861-141	Protection of patient's property—Involuntary patient.
WAC 388-860-250	Involuntary evaluation and treatment costs—One hundred eighty-day commitments.	WAC 388-861-151	Evaluation and examination—Involuntary patient.
WAC 388-860-260	Involuntary treatment program administrative costs—Seventy-two hour/fourteen-day commitment.	WAC 388-861-161	Treatment prior to hearings—Involuntary patient.
WAC 388-860-270	Involuntary treatment program transportation costs.	WAC 388-861-171	Early release or discharge of involuntary patient—Release of clinical summary—Notification of court.
WAC 388-860-280	Involuntary treatment program—Legal costs.	WAC 388-861-181	Conditional release—Involuntary patient.
WAC 388-860-290	Patient rights.	WAC 388-861-191	Revocation of conditional release—Secretary's designee—Involuntary patient.
WAC 388-860-300	Confidentiality.	WAC 388-861-201	Discharge of indigent patient—Involuntary patient.
WAC 388-860-310	Confidentiality of court proceeding records.	WAC 388-861-211	Advising patient of rights.
WAC 388-860-315	Mental health service provider license and certification fees.	WAC 388-861-221	Restoration procedure for a former involuntarily committed person's right to firearm possession.
WAC 388-860-316	Fee payment and refunds.	WAC 388-861-231	Conversion to voluntary status by involuntary patient—Rights.
WAC 388-860-317	Denial, revocation, suspension, and reinstatement.		

WAC 388-861-241	Rights of patient.	<u>REPEALER</u>	
WAC 388-861-261	Requirements for certifying evaluation and treatment components.		The following sections of the Washington Administrative Code are repealed:
WAC 388-861-263	Certification standards for evaluation and treatment program.	WAC 388-862-010	Purpose and authority.
WAC 388-861-271	Outpatient component.	WAC 388-862-020	Definitions.
WAC 388-861-281	Emergency component.	WAC 388-862-030	Waiver of rules.
WAC 388-861-291	Short-term inpatient component.	WAC 388-862-040	Department responsibilities and duties.
WAC 388-861-293	Certification procedure—Waivers—Provisional certification—Renewal of certification.	WAC 388-862-050	Regional support networks—General responsibilities and duties.
WAC 388-861-295	Decertification.	WAC 388-862-060	Regional support networks—Recognition and certification.
WAC 388-861-297	Appeal procedure.	WAC 388-862-070	Regional support networks—Penalties for noncompliance.
WAC 388-861-301	Alternatives to inpatient treatment.	WAC 388-862-080	Regional support networks—Governance and community accountability.
WAC 388-861-341	Use of restraints and seclusion by agency not certified as an evaluation and treatment facility.	WAC 388-862-090	Regional support networks—Financial management.
WAC 388-861-351	Research.	WAC 388-862-100	Regional support network—Awareness of services.
WAC 388-861-361	Involuntary evaluation and treatment costs—Responsibility of involuntary patient.	WAC 388-862-110	Regional support networks—Resource management.
WAC 388-861-363	Involuntary evaluation and treatment costs—Collection by agency.	WAC 388-862-120	Regional support networks—Management information.
WAC 388-861-365	Involuntary evaluation and treatment costs—Responsibility of county.	WAC 388-862-130	Regional support networks—Staff qualifications.
WAC 388-861-367	Involuntary evaluation and treatment costs—Responsibility of department.	WAC 388-862-140	Regional support networks—Housing.
WAC 388-861-371	Exceptions to rules—Waivers.	WAC 388-862-150	Regional support networks and prepaid health plans—Quality improvement.
WAC 388-861-400	Mental health service provider license and certification fees.	WAC 388-862-160	Regional support networks and prepaid health plans—Ombuds service.
WAC 388-861-401	Fee payment and refunds.	WAC 388-862-170	Regional support networks and prepaid health plans—Consumer grievances.
WAC 388-861-402	Denial, revocation, suspension, and reinstatement.	WAC 388-862-180	Prepaid health plans—Purpose.
		WAC 388-862-190	Prepaid health plans—Eligible consumers.
		WAC 388-862-200	Prepaid health plans—Exemptions.

PROPOSED

WAC 388-862-210	Prepaid health plans— Enrolled recipient's choice of primary care provider.	WAC 388-862-410	Community support ser- vices—General require- ments.
WAC 388-862-220	Prepaid health plans—Other services.	WAC 388-862-420	Community support ser- vices—Case management services.
WAC 388-862-230	Prepaid health plans—Emer- gency services.	WAC 388-862-430	Community support ser- vices—Residential services.
WAC 388-862-240	Prepaid health plans—Con- sumer request for a second opinion.	WAC 388-862-440	Community support ser- vices—Employment ser- vices.
WAC 388-862-250	Prepaid health plans— Enrollment termination.	WAC 388-862-450	Community support ser- vices—Psychiatric and medi- cal services.
WAC 388-862-260	Prepaid health plans—Audit.	WAC 388-862-460	Community support ser- vices—In-home services.
WAC 388-862-270	Licensing procedures for ser- vice providers—Application and approval.	WAC 388-862-470	Community support ser- vices—Consumer or advo- cate run services.
WAC 388-862-275	Mental health service pro- vider license and certification fees.		
WAC 388-862-276	Fee payment and refunds.		
WAC 388-862-277	Denial, revocation, suspen- sion, and reinstatement.		
WAC 388-862-280	Licensing procedures for providers—Licensure status.		
WAC 388-862-290	Licensed service providers— Written schedule of fees.		
WAC 388-862-300	Licensed service providers— Quality assurance.		
WAC 388-862-310	Licensed service providers— Staff qualifications.		
WAC 388-862-320	Licensed service providers— Qualifications appropriate to the needs of the consumer population.		
WAC 388-862-330	Personnel management— Affirmative action.		
WAC 388-862-340	Consumer rights.		
WAC 388-862-350	Consent to treatment and access to records.		
WAC 388-862-360	Services administration— Confidentiality of consumer information.		
WAC 388-862-370	Research—Requirements.		
WAC 388-862-380	Licensed service providers— Accessibility.		
WAC 388-862-390	Crisis response services.		
WAC 388-862-400	Brief intervention services.		

WSR 01-09-019
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND

[Filed April 9, 2001, 9:48 a.m.]

Original Notice.

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

Title of Rule: Chapter 72-171 WAC, Special education programs.

Purpose: To implement federal regulatory changes enacted March 12, 1999, resulting from the 1997 amendments to the Individuals with Disabilities Education Act and conform procedures to state law.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: 20 U.S.C. §§ 1400 *et seq.*

Summary: Changes are needed to comply with federal regulatory changes adopted on March 12, 1999, as a result of the 1997 amendments to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 *et seq.*, and the corresponding state regulatory changes adopted by the State Educational Agency, Office of the Superintendent of Public Instruction, on January 1, 2000.

Reasons Supporting Proposal: Required by federal and state law.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Attorney General's Office, 1220 Main Street, Suite 510, Vancouver, WA 98660, (360) 759-2100; Implementation and Enforcement: Dr. Dean O. Stenehjem, Washington State School for the Blind, 2214 East 13th Street, Vancouver, WA 98661-4120, (360) 696-6321.

Name of Proponent: Washington State School for the Blind, governmental.

PROPOSED

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new and revised rules implement the 1997 amendments to the Individuals with Disabilities Education Act ("IDEA '97") and the regulations of the United States Department of Education adopted as a result of IDEA '97. The rules also provide policies and procedures which are consistent with corresponding regulations of the Office of the Superintendent of Public Instruction, the state educational agency responsible for ensuring compliance by public agencies involved in the delivery of special education.

Proposal Changes the Following Existing Rules: As described above.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.328 does not apply to this rule adoption. The rules are not considered significant legislative rules by the Washington State School for the Blind.

Hearing Location: Old Main Board Room, Washington State School for the Blind, 2214 East 13th Street, Vancouver, WA 98661, on June 7, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Janet Merz by June 1, 2001, (360) 696-6321 ext. 120.

Submit Written Comments to: Dr. Dean O. Stenejhem, Superintendent, Washington State School for the Blind, Vancouver, Washington 98661, fax (360) 737-2120, by June 6, 2001.

Date of Intended Adoption: June 7, 2001.

April 5, 2001

Dr. Dean O. Stenejhem
Superintendent

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 01-10 issue of the Register.

WSR 01-09-025
PROPOSED RULES
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION

[Filed April 10, 2001, 2:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-02-090.

Title of Rule: Public records, chapter 286-06 WAC, Deadlines—Applications, plans, and matching resources (WAC 286-13-040(5)), land and water conservation fund funding and candidate selection (WAC 286-40-020).

Purpose: To update agency WACs in three areas: Public records, where information will be added regarding IAC support of the Salmon Recovery Funding Board (RCW 79A.25.240) and routine improvements will be made to improve clarity, revise certain fees, and add definition. Deadlines, where a section on waivers will be clarified. Land

and Water Conservation Fund, where text will be added to ensure eligibility of a specific category of projects.

Statutory Authority for Adoption: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW.

Statute Being Implemented: RCW 79A.25.240.

Summary: Public Records: "Housekeeping" updates including noting IAC's administration of the Salmon Board's public records. Also, general text improvements, including clarifications; update of *photocopy* fees; expand sections on *assistance to the public, privacy*, and some prerogatives related to IAC's board. Deadlines: Improve "waiver of deadlines" section by added explanatory text. Land and Water Conservation Fund: Add text to ensure eligibility of habitat conservation projects.

Reasons Supporting Proposal: Improves accuracy and efficiency through better comprehension of rules' intent. Also eliminates an outdated section and helps ensure the eligibility of an important category of projects.

Name of Agency Personnel Responsible for Drafting: Greg Lovelady, 1111 Washington Street S.E., Olympia, WA 98504-0917, (360) 902-3008; Implementation and Enforcement: Laura Eckert Johnson, 1111 Washington Street S.E., Olympia, WA 98504-0917, (360) 902-3000.

Name of Proponent: Interagency Committee for Outdoor Recreation, public and governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See text update to WAC 286-40-020.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose, Summary and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule change is directed at one group of IAC grant recipient, that is, government agencies. If approved, the changes will enhance efficiency and compliance with existing laws and procedures. We do not believe that small businesses will be impacted in any way.

RCW 34.05.328 does not apply to this rule adoption. The Interagency Committee for Outdoor Recreation is exempted under RCW 34.05.328 (5)(a)(i).

Hearing Location: O'Reilly's, 560 Valley Mall Parkway, East Wenatchee, WA, on July 18, 2001, at 10 a.m.

Assistance for Persons with Disabilities: Contact Greg Lovelady by July 6, 2001, TDD (360) 902-1996 (leave message), or (360) 902-3008.

Submit Written Comments to: Greg Lovelady, Rules Coordinator, Interagency Committee for Outdoor Recreation, P.O. Box 40917, Olympia, WA 98504-0917, fax (360) 902-2026, by June 19, 2001.

Date of Intended Adoption: July 18, 2001.

April 6, 2001
Greg Lovelady
Rules Coordinator

NEW SECTION

WAC 286-06-045 Committee and the salmon recovery funding board. The committee provides support to the salmon recovery funding board, as directed in RCW 79A.25.240, including administration and management of the salmon board's public records. Such records shall be managed and made available through the committee's public records officer in the same manner as provided for committee records and set forth in this chapter.

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-050 Public records available. All public records of the committee and board, as defined in RCW 42.17.260, as now or hereafter amended, are available for public inspection and copying pursuant to this regulation, except as otherwise provided by law, including, but not limited to, RCW 42.17.225 and 42.17.310 and WAC 286-06-100 - Exemptions.

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-060 Responsibility. The ~~((committee's))~~ public records shall be ~~((in charge of))~~ available through a public records officer designated by the director. The public records officer shall be responsible for: Implementation of the ~~((committee's))~~ rules and regulations regarding release of public records, coordinating the staff of the committee in this regard, and generally ensuring compliance with the public records disclosure requirements of chapter 42.17 RCW as now or hereafter amended.

AMENDATORY SECTION (Amending WSR 98-08-014, filed 3/18/98, effective 4/18/98)

WAC 286-06-065 Indexes. (1) Through its public records officer, the committee shall maintain indexes for the records and files listed in subsection (2)(a) through ~~((j))~~ (g) of this section. These indexes:

- (a) Provide identifying information as to its files and records;
 - (b) Are available for public inspection and copying at its offices in the Natural Resources Building, Olympia, in the manner provided in this chapter for the inspection and copying of public records;
 - (c) Are updated at least ~~((once a))~~ every five years and revised at appropriate intervals;
 - (d) Are public records even if the records to which they refer may not, in all instances, be subject to disclosure.
- (2) Indexes of the following records and files are available:
- (a) Archived files;
 - (b) Equipment inventory;
 - (c) ~~((Summaries and memoranda of committee meetings;~~
 - ~~((General))~~ Committee and board policies and procedures, including manuals;

~~((e))~~ (d) Active project files;

~~((f))~~ (e) Publications ~~((including grant program manuals, state-wide plans, technical assistance))~~ such as brochures and special reports;

~~((g))~~ Final adjudicative proceeding orders entered after June 30, 1990, as defined in RCW 34.05.010(1) that contain an analysis or decision of substantial importance to the committee in carrying out its duties (each listed alphabetically by subject with a phrase describing the issue or issues and relevant citations of law);

~~((h))~~ Declaratory orders entered after June 10, 1990, that contain an analysis or decision of substantial importance to the committee in carrying out its duties (each listed alphabetically by case name with a phrase describing the issue or issues and relevant citations of law);

~~((i))~~ Interpretive statements as defined in RCW 34.05.010(8) (each indexed by the committee program);

~~((j))~~ (f) Policy statements entered after June 30, 1990, as defined in RCW 34.05.010(14) ~~((also see)),~~ including grant program manuals((j));

(g) Rule-making files, as described in RCW 34.05.370, for each rule proposed for adoption in the State Register and adopted.

(3) The following general records and files are available by reference to topic, and generally arranged alphabetically or chronologically within such topic. Due to volume, costs and/or complexity, however, no master index is maintained.

- (a) Administrative files;
- (b) Comprehensive park-recreation plans;
- (c) Summaries of committee staff meetings;
- (d) Closed/inactive project files;
- (e) General correspondence;
- (f) Attorney general opinions;
- (g) Financial records;

(h) Summaries and memoranda of committee and board meetings;

(i) Final adjudicative proceeding orders entered after June 30, 1990, as defined in RCW 34.05.010(1) that contain an analysis or decision of substantial importance to the committee or board in carrying out its duties (each listed alphabetically by subject with a phrase describing the issue or issues and relevant citations of law);

(j) Declaratory orders entered after June 10, 1990, that contain an analysis or decision of substantial importance to the committee or board in carrying out its duties (each listed alphabetically by case name with a phrase describing the issue or issues and relevant citations of law);

(k) Interpretive statements as defined in RCW 34.05.010(8) (each indexed by the committee or board program).

(4) Before June 30, 1990, the committee maintained no index of:

- (a) Declaratory orders containing analysis or decisions of substantial importance to the committee in carrying out its duties;
- (b) Interpretive statements as defined in RCW 34.05.010(8);
- (c) Policy statements as defined in RCW 34.05.010(14).

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-080 Requests for public records. Consistent with chapter 42.17 RCW, public records may be inspected or copied or copies of such records may be obtained ~~((consistent with chapter 42.17 RCW (unreasonable invasions of privacy, protection from damage/disorganization, and excessive interference)))~~ by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing, preferably on a form prescribed by the director, which shall be available at its Olympia office or electronically. The ~~((form))~~ request shall be presented to the public records officer or designee. The request shall include the following information:

- (a) The name 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) A reference to the requested record as it is described in any current index, if the matter requested is referenced within indexes;
- (e) An appropriate description of the record requested, if the requested matter is not identifiable in the indexes.

(2) ~~((In all cases in which))~~ Whenever a member of the public ~~((is making))~~ makes a request, ~~((it shall be the obligation of))~~ the public records officer or designee ~~((to assist))~~ shall ensure the request receives a "date received" stamp or equivalent notation and that assistance is provided in appropriately identifying the public record requested as defined in RCW 42.17.320. The agency shall assist to the maximum extent consistent with ongoing operations, and retains the authority to condition records access to prevent unreasonable invasions of privacy, access to other information protected from disclosure by law, damage/disorganization, and excessive interference with office operations and equipment.

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-090 Copying. (1) No fee shall be charged for the inspection of public records.

(2) The director shall charge a fee of ~~((ten))~~ fifteen cents per page for providing copies of public records and for use of the committee's copy equipment. Copying in other formats shall be subject to a fee established by the director. These charges ~~((are))~~ will be the amount necessary to reimburse the committee for its actual costs incident to such copying.

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-100 Exemptions. (1) The committee and/or board and the director reserve~~((s))~~ the right to determine that a public record requested in accordance with the procedures outlined in WAC 286-06-080 is exempt under the provisions of state or federal law, or chapter 42.17 RCW.

(2) In addition, pursuant to chapter 42.17 RCW, the committee and/or board and the director reserve~~((s))~~ the right to delete identifying details when made available or published

in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy, or would disclose information otherwise protected by law.

(3) All denials of requests for public records, in whole or part, ~~((must))~~ will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-110 Review of denials. (1) Any person who objects to the denial of a request for a public record may petition the director for review by ~~((tendering))~~ submitting a written request. The request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) After receiving a written request for review of a decision denying inspection of a public record, the director, or designee, will either affirm or reverse the denial by the end of the second business day following receipt according to RCW 42.17.320. This shall constitute final committee and/or board action. Whenever possible in such matters, the director ~~((or designee))~~ shall first consult with the committee's or board's chair and ~~((or office of the attorney general))~~ members.

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-120 Protection of public records. Unless approved by the director, original records shall not be removed from the place designated for their inspection. The public records officer or designee may make reasonable arrangements for ensuring the security of the record(s) during inspections.

AMENDATORY SECTION (Amending WSR 98-08-014, filed 3/18/98, effective 4/18/98)

WAC 286-13-040 Deadlines—Applications, plans, and matching resources. (1) Applications. To allow time for review, applications must be submitted at least four calendar months before 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. *Excepted* are applications for the National Recreational Trails Funding Act, Riparian Habitat, and Youth Athletic Facilities Programs, and programs where the director specifically establishes another deadline to accomplish new or revised statutory direction.

(2) Plans. For purposes of project evaluation, all non-highway 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 six years.

PROPOSED

(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))~~ vary with the type of waiver requested, including:

- (a) When the applicant started the application/planning process (for application and plan deadline waivers);
- (b) ~~((What))~~ Progress ~~((has been))~~ made;
- (c) When final plan adoption will occur (for plan deadline waivers);
- (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 00-05-008, filed 2/4/00, effective 3/6/00)

WAC 286-40-020 Funding and candidate selection. Funding for projects approved under this chapter is from ~~((the recreation resource account))~~ any eligible account administered by the committee. Candidate project(s) are recommended by the director, and approved by the committee. Selection criteria include:

- (1) How well the project(s) has ranked in the evaluation;
- (2) How well the project(s) meets needs identified in the state-wide comprehensive outdoor recreation planning program and the general goals identified in WAC 286-04-030;
- (3) How well the project(s) meets the criteria in the Land and Water Conservation Fund Grants Manual;
- (4) An assessment of how quickly the project(s) will progress through planning and implementation stages.

WSR 01-09-035
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed April 11, 2001, 2:19 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under 00-04-027.

Title of Rule: WAC 458-20-13501 Timber harvest operations.

Purpose: To explain the tax-reporting responsibilities of persons engaging in business activities commonly associated with timber harvest operations.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: As the following relate to activities commonly associated with timber harvesting activities: RCW 82.04.100, 82.04.120, 82.04.230, 82.04.240, 82.04.280, 82.04.333, 82.16.020, and 82.16.050.

Summary: Timber harvest operations generally consist of a variety of different activities. These activities are subject to different tax rates and/or classifications under the Revenue Act, depending on the nature of the activity. This rule explains the application of the business and occupation (B&O), public utility, retail sales, and use taxes to persons performing activities associated with timber harvest operations. This rule explains how the public utility tax deduction available for the transportation of commodities to an export facility (RCW 82.16.050) applies to the transportation of logs, and how the B&O tax exemption provided by RCW 82.04.333 for small timber harvesters applies.

Reasons Supporting Proposal: To consolidate tax-reporting now provided by the department in multiple documents into a single comprehensive document.

Name of Agency Personnel Responsible for Drafting: Alan R. Lynn, 1025 East Union Avenue, Suite #400, Olympia, WA, (360) 570-6125; Implementation: Claire Hesselholt, 1025 East Union Avenue, Suite #400, Olympia, WA, (360) 570-6124; and Enforcement: Russell Brubaker, 1025 East Union Avenue, Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Timber harvest operations generally consist of a variety of different activities. These activities are subject to different tax rates and/or classifications under the Revenue Act, depending on the nature of the activity.

Information regarding the tax-reporting responsibilities of persons engaging in activities associated with timber harvest operations is currently found in the multiple documents (WACs and excise tax advisories) issued by the Department of Revenue. The department is proposing the adoption of a new rule to incorporate this tax-reporting information into a single document. This will allow the department to address the broad range of issues pertinent to timber harvest operations in a more comprehensive document, rather than relying on a mix of rules and advisories.

The proposed rule explains the application of the business and occupation (B&O), public utility, retail sales, and use taxes to persons performing activities associated with timber harvest operations. It explains when the extracting activity with respect to the harvesting of timber ends and the manufacturing activity begins. The rule explains the B&O tax consequences of activities incidental to the actual taking or harvesting of timber, and clarifies the tax-reporting responsibilities of persons constructing and maintaining logging roads.

This rule explains the tax-reporting responsibilities of persons hauling logs, and now the public utility tax deduction available for the transportation of commodities to an export facility (RCW 82.16.050) applies. It also explains the application of the B&O tax exemption available to small timber harvesters (RCW 82.04.333).

Proposal does not change existing rules. This is a proposal for a new rule. The department does anticipate repealing WAC 458-20-259 Small timber harvesters—Business and occupation tax exemption, in conjunction with the adoption of this new WAC 458-20-13501 Timber harvest operations, because the information now in Rule 259 is incorporated in the proposed Rule 13501. The department is announcing its intention to repeal Rule 259 through another filing with the code reviser.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rule and the proposed amendments do not impose any requirements or burdens upon small businesses that are not already specifically required by statute.

RCW 34.05.328 does not apply to this rule adoption. This is an interpretive rule as defined in RCW 34.05.328.

Hearing Location: Capitol Plaza Building, 4th Floor, Large Conference Room, 1025 East Union Avenue, Olympia, WA, on May 22, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Barb Vane no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 570-6182.

Submit Written Comments to: Alan R. Lynn, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail alanl@dor.wa.gov, by May 22, 2001.

Date of Intended Adoption: May 30, 2001.

April 11, 2001

Claire Hesselholt, Rules Manager
Legislation and Policy Division

NEW SECTION

WAC 458-20-13501 Timber harvest operations. (1)

Introduction. Timber harvest operations generally consist of a variety of different activities. These activities are subject to different tax rates and/or classifications under the Revenue Act, depending on the nature of the activity. This rule explains the application of the business and occupation (B&O), public utility, retail sales, and use taxes to persons performing activities associated with timber harvest operations. This rule explains how the public utility tax deduction available for the transportation of commodities to an export facility (RCW 82.16.050) applies to the transportation of logs (subsection (12)). It also explains how the B&O tax exemption provided by RCW 82.04.333 for small timber harvesters applies (subsection (13)).

In addition to the taxes addressed in this rule, the forest excise and real estate excise taxes often apply to certain activities or sales associated with timber harvest operations. Persons engaged in timber harvest operations should refer to the following rules for additional information:

- (a) WAC 458-20-135 (Extracting natural products);
- (b) WAC 458-20-136 (Manufacturing, processing for hire, fabricating);
- (c) WAC 458-20-13601 (Manufacturers and processors for hire—Sales and use tax exemption for machinery and equipment);
- (d) Chapter 458-40 WAC (Taxation of forest land and timber); and
- (e) Chapter 458-61 WAC (Real estate excise tax).

(2) **Timber harvesters.** Timber harvesters may engage in business activities that require them to report under the extracting, manufacturing, and/or wholesaling or retailing B&O tax classifications.

The definition of "extractor" (RCW 82.04.100) as it relates to the harvesting of trees (other than plantation Christmas trees) is generally identical to the definition of "harvester" (RCW 84.33.035). An exception is the specific provisions in the definition of "harvester" relating to trees harvested by federal, state, and local government entities. Both definitions include every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts (severs), or takes timber for sale or for commercial or industrial use. Both definitions exclude persons performing under contract the necessary labor or mechanical services for the extractor/harvester.

(a) **Extracting.** The felling, cutting (severing from land), or taking of trees is an extracting activity. RCW 82.04.100. The extracting B&O tax applies to the value of the products, which is the value of the severed trees prior to any manufacturing activity.

(b) **Manufacturing.** The cutting into length (bucking), delimiting, and measuring (for bucking) of felled, cut (severed), or taken trees is a manufacturing activity. RCW 82.04.120. The manufacturing B&O tax applies to the value of the products, which is generally the gross proceeds of sale, whether the manufactured product is sold at retail or wholesale. Refer also to RCW 82.04.450 and WAC 458-20-112 for more information regarding the value of products.

If the product is delivered to a point outside the state, transportation costs incurred by the seller from the last point at which manufacturing takes place within Washington may be deducted from the gross proceeds of sale when determining the value of the product. For example, in each situation below presume that the timber harvester delivers the product to the customer at a point outside the state:

(i) If there is no further manufacturing subsequent to manufacturing conducted at the harvest site, the measure of tax is the gross proceeds of the sale of the logs less transportation costs incurred by the seller from the harvest site to delivery to the customer;

(ii) If logs are hauled to a facility for processing into lumber, poles, or piles, the measure of tax is the gross proceeds of sale of the lumber, poles, or piles less transportation costs incurred by the seller from the facility to delivery to the customer; and

(iii) If logs are hauled to a facility that only removes the bark, the measure of tax is the gross proceeds of sale of the

logs less transportation costs incurred by the seller from the harvest site to the customer. This is because the mere removal of bark is not a manufacturing activity.

However, if at that facility the debarking is a part of a manufacturing process (e.g., cutting the logs into lumber), the entire process, including the debarking, is a manufacturing activity. In such a case, the measure of tax is the gross proceeds of sale of the products manufactured from the logs less transportation costs incurred by the seller from the facility to the customer.

(c) **Selling.** The sale of the logs is subject to either the wholesaling or retailing B&O tax, as the case may be, unless exempt by law. The measure of tax is the gross proceeds of sale without any deduction for transportation costs.

(i) When determining the gross proceeds of sale, the timber harvester may not deduct amounts paid to others. For example, a timber harvester enters into a contract with another person to perform the necessary labor and mechanical services for the harvesting of timber. The harvester is to receive sixty percent of the log sale proceeds, and the person contracting to perform the services is to receive forty percent. The log buyer purchases the logs for five hundred thousand dollars. The buyer pays three hundred thousand dollars to the harvester and two hundred thousand dollars to the person performing the harvesting services. The harvester's gross proceeds of sale is five hundred thousand dollars.

(ii) Retail sales tax must be collected and remitted on all sales to consumers, again unless exempt by law. Sellers must obtain resale certificates from their customers to document the wholesale nature of any transaction. (Refer to WAC 458-20-102 on resale certificates.)

(d) **Multiple activities tax credit (MATC).** An extractor and/or manufacturer who sells the product he or she extracts and/or manufactures must report under each of the appropriate "production" (extracting and/or manufacturing) and "selling" (wholesaling or retailing) classifications of the B&O tax. RCW 82.04.440. The extractor and/or manufacturer may then claim a multiple activities tax credit (MATC) for the extracting tax (RCW 82.04.230) or manufacturing tax (RCW 82.04.240), provided the credit does not exceed the wholesaling or retailing tax liability. See WAC 458-20-19301 (Multiple activities tax credits) for a more detailed explanation of the MATC reporting requirements.

(3) **Extractors for hire.** Persons performing extracting activities (labor or mechanical services) for timber harvesters are subject to the extracting for hire B&O tax upon the gross income from those services. RCW 82.04.280(3). For example, a person severing trees owned by a timber harvester is performing an extracting activity, and is considered an extractor for hire with respect to those services. (See also WAC 458-20-135 for more information regarding extractors for hire.) The measure of tax is the gross income from the services.

Extracting activities commonly performed by extractors for hire include, but are not limited to:

- (a) Cutting or severing trees;
- (b) Logging road construction or maintenance;

(c) Activities related to and performed on timber-producing property that are necessary and incidental to timber operations, such as:

- (i) Slash cleanup and burning;
- (ii) Scarification;
- (iii) Stream and pond cleaning or rebuilding;
- (iv) Restoration of logging roadways to a natural state;
- (v) Restoration of wildlife habitat; and
- (vi) Fire trail work.

(4) **Processors for hire.** Persons performing labor or mechanical services for timber harvesters during the manufacturing portion of a timber harvest operation are subject to the processing for hire B&O tax. RCW 82.04.280(3). (See also WAC 458-20-136 for more information regarding processors for hire.) For example, a person delimiting and bucking severed trees at the harvest site is a processor for hire if another person owns the severed trees. A person transporting logs by helicopter from where the logs were severed to a landing from which the logs will be transported to a mill is generally a processor for hire. However, if the manufacturing process on those logs has not yet begun the helicopter operator is an extractor for hire. The measure of tax is the gross income from the services.

Persons performing processing for hire activities for consumers must collect retail sales tax on those services unless otherwise exempt by law.

(5) **Hauling activities.** Persons performing services for timber harvesters are often required to haul logs by motor vehicle from the harvest site exclusively or in part over public roads. The income attributable to this hauling activity is subject to the public utility tax. While the appropriate tax rate will generally be the motor transportation tax rate, refer to WAC 458-20-180 for more information regarding the distinction between the motor and urban transportation tax rates and classifications. If the hauling is exclusively performed over private roads, the service and other activities B&O tax applies. For example, Hauler A hauls logs over private roads from the harvest site to transfer site, at which the logs are unloaded. Hauler B hauls these logs over both private and public roads from the transfer site to a mill. The income received by Hauler A is subject to the service and other activities B&O tax. The income received by Hauler B is subject to the appropriate classification of the public utility tax.

(a) **Subcontracting hauls to a third party.** If the person subcontracts all of the hauling to a third party, the amount paid to the third party is subject to the appropriate tax classification for the hauling activity. If the hauling is subject to the public utility tax, a deduction for the amount paid to the third party may be claimed as jointly furnished services. RCW 82.16.050(3). The law provides no similar deduction for hauls subject to the service and other activities B&O tax.

For example, EFH is hired by a timber harvester to perform the necessary labor and services to fell trees, delimit and buck these trees to length, and haul the logs to a mill. EFH is paid two hundred fifty thousand dollars. EFH hires Trucking to haul all of the logs from the woods to the mill, in part over public roads. Trucking is paid one hundred thousand dollars. The amount of income received by EFH attributable to felling the trees is fifty-five thousand dollars, while ninety-five

thousand dollars is attributable to delimiting and bucking the trees. EFH will report fifty-five thousand dollars and ninety-five thousand dollars under the extracting for hire and processing for hire B&O tax classifications, respectively. EFH will report one hundred thousand dollars under the appropriate public utility tax classification, and claim a deduction for the full one hundred thousand dollars as "jointly furnished services."

(b) **Hauls using own equipment.** If the person hauls the product using his or her own equipment, and has established hauling rates that he or she pays to third-parties for comparable hauls, these rates may be used to establish the measure of tax for the hauling activity. Otherwise, the measure of the tax should be all costs attributable to the hauling activity including, but not limited to, the following costs relative to the hauling equipment: Depreciation; repair parts and repair labor; and wages and benefits for employees or compensation to contractors driving or maintaining the equipment. If appropriate records are not maintained to document these costs, the department will accept one-third of the gross income derived from a contract for all labor or mechanical services beginning with the cutting and severance of trees through the hauling services as the measure of the motor transportation tax.

(c) **Deduction for hauls to export facilities.** Refer also to subsection (12) below for information regarding the deduction available for certain log hauls to export facilities.

(6) **Common timber sale arrangements.** Persons who sell and/or take timber may incur either a B&O, timber excise, or real estate excise tax liability, or possibly both a B&O and a timber excise tax liability. There are a number of ways in which harvesting activities are conducted and timber is sold. The timing of the transfer of ownership of or the contractual right to sever standing timber determines which taxes are due and who is liable for remitting tax.

The following examples briefly identify two common types of timber sale arrangements and then state a conclusion as to the taxes that apply. These examples are not an all-inclusive list of the different types of timber sale arrangements, or the variations that may occur. This information should only be used as a general guide. The tax results of other types of arrangements must be determined only after a review of all the facts and circumstances. These examples presume that the trees being harvested are not Christmas trees, and that no participant is a federal, state, or local government entity.

(a) **Sale of standing timber (stumpage sales).** In this type of arrangement, Seller (landowner or other owner of the rights to standing timber) sells standing timber to Buyer. Buyer receives title to the timber from Seller before it is severed from the stump. Buyer may hire Contractor to perform the harvesting activity.

The tax consequences are:

(i) Seller is liable for real estate excise tax. A sale of real property has occurred under RCW 82.45.060. Refer to chapter 458-61 WAC for information on remitting the real estate excise tax.

(ii) Buyer is liable for both timber excise tax and B&O tax. Buyer is a "harvester" under RCW 84.33.035 and an "extractor" under RCW 82.04.100 because Buyer "from the

... land of another under a right or license ... fells, cuts (severs), or takes timber for sale or for commercial or industrial use." (See subsection (2).)

(iii) Contractor is liable for B&O tax and possibly public utility tax because Contractor "is performing under contract the necessary labor or mechanical services for the extractor/harvester." (See subsections (3), (4), and (5).)

(b) **Sale of harvested timber (logs).** In this type of sales transaction, Seller (landowner or other owner of the rights to standing timber) hires Contractor to perform the harvesting activity. Contractor obtains all the necessary cutting permits, performs all of the harvesting activities from severing the trees to delivering the logs for scaling, and makes all the arrangements for the sale of the logs. Contractor, in effect, is performing the harvesting and marketing services for Seller. Seller retains title to the logs until they are scaled, at which time title transfers to Buyer.

The tax consequences are:

(i) Seller is liable for both timber excise tax and B&O tax. Seller is a "harvester" under RCW 84.33.035 and an "extractor" under RCW 82.04.100 because Seller is "the person who from the person's own land or from the land of another under a right or license granted by lease or contract ... fells, cuts (severs), or takes timber for sale or for commercial or industrial use." (See subsection (2).)

(ii) Contractor is liable for B&O tax and possibly public utility tax because Contractor "is performing under contract the necessary labor or mechanical services for the extractor/harvester." (See subsections (3), (4), and (5).)

(iii) There is no real estate excise tax liability because there is no sale of real property under chapter 82.45 RCW.

(7) **Equipment and supplies used in timber harvest operations.** The retail sales tax applies to all purchases of equipment, component parts of equipment, and supplies by persons engaging in timber operations unless a specific exemption applies. Purchases of fertilizer and spray materials (e.g., pesticides) for use in the cultivating of timber are also subject to the retail sales tax, unless purchased for resale as tangible personal property. If the seller fails to collect the appropriate retail sales tax, the buyer is required to remit the retail sales tax (commonly referred to as "deferred retail sales tax") or use tax directly to the department.

If a person using property in Washington incurs a use tax liability, and prior to that use paid a retail sales or use tax on the same property to another state or foreign country (or political subdivision of either), that person may claim a credit for those taxes against the Washington use tax liability.

(a) **Seeds and seedlings.** Persons cultivating timber often purchase or collect tree seeds that are raised into tree seedlings. The growing of the seed may be performed by the person cultivating timber, or through the use of a third-party grower. In the case of a third-party grower, the seed is provided to the grower and tree seedlings are received back after a specified growing period.

The purchase of seeds or seedlings by a person cultivating timber is subject to the retail sales tax. If the seller fails to collect retail sales tax, the buyer must remit retail sales tax (commonly referred to as "deferred sales tax") or use tax, unless otherwise exempt by law. The use of seed collected by

a person cultivating timber is subject to use tax. In the case of seed provided to third-party growers in Washington, the seed owner, and not the third-party grower, incurs any use tax liability upon the value of the seed. The value of seedlings brought into and used in Washington is subject to the use tax, unless retail sales or use tax was previously paid on the seedlings or on the seed from which the seedlings were grown.

(b) **Exemption available for certain manufacturing equipment.** RCW 82.08.02565 and 82.12.02565 provide a retail sales and use tax exemption for certain machinery and equipment used by manufacturers. Persons engaged in both extracting and manufacturing activities should refer to WAC 458-20-13601 for an explanation of how these exemptions may apply to them.

(c) **Property manufactured for commercial use.** Persons manufacturing tangible personal property for commercial or industrial use are subject to both the manufacturing B&O and use taxes upon the value of the property manufactured, unless a specific exemption applies. (See also WAC 458-20-134 on commercial or industrial use and WAC 458-20-112 on the value of products.) If the person also extracts the product, the extracting B&O tax is also due and a MATC may be taken.

For example, ABC Company severs trees, manufactures the logs into lumber, and then uses the lumber to construct an office building. The use of the lumber by ABC in constructing its office building is a commercial or industrial use. ABC is subject to the extracting and manufacturing B&O taxes and may claim a MATC. ABC is also responsible for remitting use tax on the value of the lumber incorporated into the office building.

(8) **Activities and/or income incidental to timber operations.** The following activities or income, and the applicable tax classifications are often associated with timber operations. These tax-reporting requirements apply even if these activities are incidental to the person's primary business activity.

(a) **Taking other natural products from timberland.** The taking of natural products such as boughs, mushrooms, seeds, and cones for sale or commercial or industrial use is subject to the extracting B&O tax. The sale of these products is subject to the wholesaling or retailing B&O tax, as the case may be. Persons both extracting and selling natural products should refer to WAC 458-20-19301 (Multiple activities tax credit) for an explanation of the MATC reporting requirements. The retail sales tax applies to sales to consumers, unless a specific exemption applies.

(b) **Timber cruising, scaling, and access fees.** Charges for timber cruising, scaling services, and to allow others to use private roads are subject to the service and other activities B&O tax. This tax classification also applies to access fees for activities such as hunting, taking firewood, bough cutting, mushroom picking, or grazing. Charges to allow a person to take an identified quantity of tangible personal property are considered sales of that property (see subsection (8)(d) below).

(c) **Planting, thinning, and spraying.** The service and other activities B&O tax applies to the gross proceeds of sale received for planting trees or other vegetation, precommer-

cial thinning, and spraying or applying fertilizers, pesticides, or herbicides.

(d) **Sales of firewood and Christmas trees.** Sales of firewood, Christmas trees, and other tangible personal property are either wholesale (subject to the wholesaling B&O tax) or retail (subject to the retailing B&O and retail sales taxes) sales, depending on the nature of the transaction. (See WAC 458-20-102 for an explanation of the documentation requirements for wholesale sales.) These sales are often made in the nature of charges allowing the buyer to select and take an identified quantity of the property (e.g., six cords of firewood or two Christmas trees).

(e) **Unloading logs from logging trucks.** The unloading of logs from logging trucks onto rail cars at transfer points is subject to the retailing B&O and retail sales taxes when the activity is a rental of equipment with operator. RCW 82.04.050. (See also WAC 458-20-211 for more information regarding the rental of equipment with an operator.) If this activity is not a rental of equipment with operator, the activity is subject to the service and other activities B&O tax. The unloading of logs from logging trucks is subject to the stevedoring B&O tax if performed at an export facility as a part of or to await future movement in waterborne export. (See also WAC 458-20-193D for additional tax-reporting information regarding services associated with interstate or foreign commerce.)

(f) **Transporting logs by water.** The business of transporting logs by water (e.g., log booming and rafting) is subject to the "other public service business" classification of the public utility tax. This tax classification applies to the gross income from this activity even if the person segregates a charge for boomsticks used while transporting the logs. In many cases logs will be towed to a location specified by the customer for storage. Any charges for boomsticks while the logs are stored are rentals of tangible personal property and subject to the retailing B&O and retail sales tax if to a consumer. (See also WAC 458-20-211 for more information regarding the rental of tangible personal property.)

(g) **Export sorting yard operations.** Export sorting yard operations generally consist of multiple activities. These activities can include, but are not necessarily limited to, services such as weighing, tagging, banding, appraising, and sorting of logs. Other incidental activities, such as the debarking, removal of imperfections such as crooks, knots, splits, and seams, and trimming of log ends to remove defects, are also performed as needed. Income received by persons performing the export sorting yard activities as identified in this subsection is subject to the service and other activities B&O tax.

(9) **Harvesting Christmas trees.** Persons growing, producing, or harvesting Christmas trees are either farmers or extractors under the law, as explained below. Activities generally associated with the harvesting of Christmas trees, such as cutting, trimming, shearing, and bailing (packaging) are not manufacturing activities because they are not the "cutting, delimiting, and measuring of felled, cut, or taken trees" under RCW 82.04.120.

(a) **Plantation Christmas tree operations.** Persons growing or producing plantation Christmas trees on their own

lands or upon lands in which they have a present right of possession are farmers. RCW 82.04.213. Plantation Christmas trees are Christmas trees that are exempt from the timber excise tax under RCW 84.33.170. This requires that the Christmas trees be grown on land prepared by intensive cultivation and tilling, such as irrigating, plowing, or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising Christmas trees. RCW 82.04.035, 84.33.170, and 84.33.035.

(i) Wholesale sales of plantation Christmas trees by farmers are exempt from B&O tax. RCW 82.04.330. Retail sales of plantation Christmas trees by farmers are subject to the retailing B&O and retail sales taxes. See also WAC 458-20-210 (Sales of agricultural products by farmers.)

(ii) Farmers growing or producing plantation Christmas trees may purchase seeds, seedlings, fertilizer, and spray materials at wholesale. RCW 82.04.050 and 82.04.060. See also WAC 458-20-122 (Sales of feed, seed, fertilizer, spray materials, and other tangible personal property for farm use).

(iii) Persons performing cultivation or harvesting services for farmers are generally subject to the service and other activities B&O tax upon the gross income from those services. See also WAC 458-20-209 (Farming for hire and horticultural services performed for farmers).

(b) **Other Christmas tree operations.** Persons who either directly or by contracting with others for the necessary labor or mechanical services fell, cut, or take Christmas trees other than plantation Christmas trees are extractors. RCW 82.04.100. The tax-reporting instructions regarding extracting and extracting for hire activities provided elsewhere in this rule apply.

(10) **Timber harvest operations in conjunction with other land clearing or construction activities.** Persons sometimes engage in timber harvest operations in conjunction with the clearing of land for and/or the construction of residential communities, golf courses, parks, or other development. In such cases, these persons are engaging in separate business activities, each of which may be subject to different tax liabilities. Income attributable to the timber harvest operations is subject to the tax classifications as described elsewhere in this rule. Income attributable to the clearing of land for and/or the construction of the residential community, golf course, park, or other development is subject to the wholesaling, retailing, retail sales, or public road construction taxes, as the case may be. Refer to WAC 458-20-170, 458-20-171, and/or 458-20-172 for tax-reporting information regarding these construction activities. Persons cutting and/or trimming trees after the land is developed should refer to WAC 458-20-226 (Landscape and horticultural services).

(11) **Logging road construction and maintenance.** Constructing or maintaining logging roads (whether active or inactive) is considered an extracting activity. Income derived from this activity is subject to the extracting or extracting for hire B&O tax, as the case may be. A person constructing or maintaining a logging road is a consumer of all materials incorporated into the logging road. The purchase and/or use of these materials is subject to either the retail sales or use tax.

(a) **Logging road materials provided without charge.** Landowners/timber harvesters may provide materials (e.g., crushed rock) without charge to persons constructing or maintaining logging roads. In such cases, while both the person providing the materials without charge and the person applying the materials to the road are consumers under the law, tax is due only once on the value of the materials. The person constructing or maintaining the roads is responsible for remitting use tax on the value of the materials, unless that person documents that the landowner and/or timber harvester previously remitted the appropriate retail sales or use tax.

Alternatively, the person may take a written statement from the landowner/timber harvester certifying that the landowner/timber harvester has remitted (for past periods) and/or will remit (for future periods) all applicable retail sales or use taxes due on materials provided without charge. This statement must identify the period of time, not to exceed four years, for which it is effective. The statement must identify the landowner/timber harvester's tax reporting account number and must be signed by a person who is authorized to make such a representation.

(b) **Extracted and/or manufactured logging road materials.** Persons constructing or maintaining logging roads are subject to the B&O and use taxes on the value of applied materials they extract and/or manufacture from private pits, quarries, or other locations. The measure of tax is the value of the extracted or manufactured products, as the case may be. See WAC 458-20-112 for additional information regarding how to determine the "value of products."

(i) If the person either directly or by contracting with others extracts and crushes, washes, screens, or blends materials to be incorporated into the road, extracting B&O tax is due on the value of the extracted product before any manufacturing. The manufacturing B&O and use taxes are also due upon the value of manufactured product. If the "cost basis" is the appropriate method for determining the value of products under WAC 458-20-112, this value includes the cost of transportation to a processing point, but does not include any transportation from the processing point to the road site. A MATC may be taken under the B&O tax classification as explained in WAC 458-20-19301.

(ii) In the case of fill dirt, sand, gravel, or rock that is extracted from a location away from the logging road site, but not further processed, extracting B&O and use taxes are due upon the value of the extracted product. If the "cost of production basis" is the appropriate method for determining the value of products under WAC 458-20-112, this value does not include transportation costs to the road site.

(iii) The mere severance of fill dirt, sand, gravel, or rock from outcroppings at the side of a logging road for placement in the road is a part of the logging road construction or maintenance activity. The person incorporating these materials into the road does not incur an extracting and/or use tax liability with respect to these materials.

(12) **Deduction for hauling logs to export yards.** RCW 82.16.050 provides a public utility tax deduction for amounts derived from the transportation of commodities from points of origin within this state to an export elevator, wharf, dock, or shipside ("export facility") on tidewater or

navigable tributaries of tidewaters. The commodities must be forwarded from the facility, without intervening transportation, by vessel and in their original form, to an interstate or foreign destination. No deduction is allowed when the point of origin and the point of delivery are located within the corporate limits of the same city or town.

(a) **Conditions for deduction.** This deduction is available only to the person making the last haul, not including hauls within the export facility, before the logs are put on the ship. This deduction is not available if the haul starts in the same city or town where the export facility is located.

The deduction is available only if:

(i) The logs eventually go by vessel to another state or country; and

(ii) The form of the logs does not change between the time the logs are delivered to the export facility and the time

the logs are put on the ship. The mere removal of bark from the logs (debarking) and/or the incidental removal of imperfections (see subsection (8)(g), above) while the logs are at the export facility is not itself a manufacturing activity, nor does it result in a change in the "original form" of the logs as contemplated by RCW 82.16.050.

(b) **Documentation requirements for deduction.** The log hauler must prove entitlement to the deduction. Delivery tickets that show delivery to an export facility are not, alone, sufficient proof. A certificate from the export facility operator is acceptable additional proof if it is substantially in the following form. Rather than a certificate covering each haul, a "blanket certificate" may be used for a one-year period of time if no significant changes in operation will occur within this period of time.

Exemption certificate for logs delivered to an export facility

The undersigned export facility operator hereby certifies:

That _____ percentage or more of all logs hauled to the storage facilities at _____, the same located on tidewater or navigable tributaries thereto, will be shipped by vessel directly to an out-of-state or foreign destination and the following conditions will be met:

1. The logs will not go through a process to change the form of the logs before shipment to another state or country.
2. There will be no intervening transportation of these logs from the time of receipt at the export facility until loaded on the vessel for the interstate or foreign journey.

Trucking Firm _____
 Trucking Firm Address _____
 Trucking Firm UBI# _____
 Export Facility Operator _____
 Operator UBI# _____
 Person Giving Statement _____
 Title of Person Giving Statement _____
 Date _____

(c) **Examples.** The following examples identify a number of facts and then state a conclusion regarding the deductibility of income derived from hauling logs to export facilities. Unless specifically provided otherwise, presume that the logs are shipped directly to another country from the export facility. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) Logs are hauled from the harvest site to an export facility. While the bark will be removed from fifty percent of the logs, no other processing takes place. Because the mere removal of bark is not considered a change in the form of the logs, the export facility may provide a certificate in the above form indicating that all logs at this facility will ultimately be shipped to another country. The hauler may then claim a deduction for one hundred percent of this haul.

(ii) Logs are hauled from the harvest site to an export sorting area. At this location further sorting takes place and eighty percent of the logs are hauled approximately one mile on public roads to shipside and shipped to another country. The other twenty percent of the logs are sold to local saw-

mills. The haul to the sorting yard is subject to tax because there is another haul from the sorting yard to shipside. It is immaterial that the hauler may be paid based on an "export" rate.

The haul from the sorting yard to shipside is deductible if it does not start and end within the corporate limits of the same city or town, and the hauler obtains the appropriate exemption certificate. The haul to the local sawmills is not deductible.

(iii) Logs are hauled from the harvest site to an export facility. The hauler is aware that all logs will need to be hauled a distance of approximately one-half mile across the export facility yard to reach the ship when it arrives at the dock. The dock is located next to the export facility. The hauler may take the deduction, provided the appropriate exemption certificate is obtained. Movement of the logs within the export facility is not an intervening haul.

(13) **Small timber harvesters—Business and occupation tax exemption.** RCW 82.04.333 provides a limited exemption from B&O tax for small harvesters whose value of product harvested, gross proceeds of log sales, or gross

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income of the timber harvesting business is less than one hundred thousand dollars per year.

A "small harvester" is a harvester who takes timber in an amount not exceeding two million board feet in a calendar year. It is important to note that whenever the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein, fells, cuts, or takes timber for sale or for commercial or industrial use, not exceeding these amounts, the small harvester is the first person other than the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein, who acquires title to or a possessory interest in such timber. RCW 84.33.073.

(a) **Registration - tax return.** A person whose only business activity is as small harvester of timber and whose gross income in a calendar year from the harvesting of timber is less than one hundred thousand dollars, is not required to register with the department for B&O tax purposes. This person must nonetheless register with the forest tax division of the department for payment of the timber excise tax. (See also chapters 84.33 RCW and 458-40 WAC for more information regarding the timber excise tax.)

An unregistered small harvester of timber is required to register with the department for B&O tax purposes in the month when the gross proceeds received during a calendar year from the timber harvested exceed the exempt amount. The harvester must then file and report on a return all proceeds received during the calendar year to the time when the filing of a return is required.

(b) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all facts and circumstances. In each example, the harvester must register with the department's forest tax division for the payment of timber excise tax, and must report under the appropriate tax classifications as described above in this rule.

(i) A small harvester not currently registered with the department for B&O tax purposes harvests timber in June and again in August, receiving fifty thousand dollars in June and two hundred thousand dollars in August from the sale of the logs harvested.

B&O tax is due on the entire two hundred fifty thousand dollars received from the sale of logs. The small harvester must register with the department in August when the receipts from the timber harvesting business exceed the one hundred thousand dollars exemption amount. A tax return is to be filed in the appropriate period as provided in WAC 458-20-22801.

(ii) A person is primarily engaged in another business that is currently registered with the department for B&O tax purposes and has monthly receipts of two hundred fifty thousand dollars. The person is a small harvester under RCW 84.33.073 and receives sixty thousand dollars from the sale of the timber harvested.

B&O tax remains due on two hundred fifty thousand dollars from the other business activities. The sixty thousand

dollars received from the sale of logs is exempt and is not reported on the person's combined excise tax return. The exemption applies to the activity of harvesting timber and receipts from the sale of logs are not combined with the receipts from other business activities to make the sale of logs taxable.

(iii) A small harvester not otherwise registered with the department for B&O tax purposes contracts with a logging company to provide the labor and mechanical services of the harvesting. The small harvester is to receive sixty percent and the logging company forty percent of the log sale proceeds. The log purchaser pays two hundred fifty thousand dollars for the logs during the calendar year, paying one hundred fifty thousand dollars to the small harvester and one hundred thousand dollars to the logging company.

For the small harvester, B&O tax is due on the entire two hundred fifty thousand dollars paid for the logs. The small harvester is taxed upon the gross sales price of the logs without deduction for the amount paid to the logging company. RCW 82.04.070. The small harvester must register with the department for B&O tax purposes in the month when, for the calendar year, the proceeds from all timber harvested exceed one hundred thousand dollars. The logging company is taxed on the one hundred thousand dollars it received under the appropriate business tax classification(s). The logging company is not a small harvester as defined in RCW 84.33.073.

WSR 01-09-037

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 11, 2001, 4:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-02-046.

Title of Rule: Amending WAC 388-501-0300 Limits on scope of medical program services.

Purpose: The department recently reorganized its rules, establishing new chapters for several programs and services. WAC 388-501-0300(2) lists services, equipment, supplies, and items that are now codified primarily in new chapters 388-531 and 388-543 WAC. In order to avoid unnecessary duplication, the department is amending WAC 388-531-0300 to eliminate the list in subsection (2), clarify the remaining policies, and add cross-references to WAC 388-501-0165.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The department is proposing to amend WAC 388-501-0300 by eliminating subsection (2) to avoid duplicating policies that are codified in other rules, primarily chapters 388-531 and 388-543 WAC. The department is also proposing to clarify remaining policy by rewriting it, and to add cross-references to WAC 388-501-0165.

Reasons Supporting Proposal: To eliminate duplicative rules, and to clarify department policy to meet the mandates of the Governor's Executive Order 97-02.

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

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule eliminates the list in subsection (2) to avoid duplicating rules that are codified in chapters 388-531 and 388-543 WAC. It also clarifies the remaining policy and adds cross-references to WAC 388-501-0165. The anticipated effect is to avoid confusion and comply with the mandates in the Governor's Executive Order 97-02.

Proposal Changes the Following Existing Rules: The rules proposed eliminate the list in subsection (2), rewrite the remaining sections for clarification, and add cross-references to WAC 388-501-0165.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department analyzed the proposed rules and concludes that they do not change existing policy, and so will not have a more than minor impact on the small businesses affected by them.

RCW 34.05.328 does not apply to this rule adoption. The department analyzed the proposed rule and concludes that since it does not change existing department policy, it does not make "significant amendments to a policy or regulatory program." Therefore the department concludes that the proposed rules do not meet the definition of a "significant legislative rule."

Hearing Location: Blake Office Building East, 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on May 22, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, Rules Coordinator, by May 17, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coo-peKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Kelly Cooper, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by May 22, 2001.

Date of Intended Adoption: Not sooner than May 23, 2001.

April 9, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3599 [WSR 00-23-052], filed 11/13/00, effective 12/14/00)

WAC 388-501-0300 Limits on scope of medical program services. (1) The medical assistance administration (MAA) ~~((shall pay))~~ pays only for equipment, supplies, and services that are listed as covered in MAA published issuances, including Washington Administrative Code (WAC), ~~((billing instructions, numbered memoranda, and bulletins, and))~~ when the items or services are:

(a) Within the scope of an eligible client's medical care program;

(b) Medically necessary as defined in WAC 388-500-0005;

(c) Billed according to the requirements in WAC 388-502-0100, 388-502-0110, and 388-502-0150; and

(d) Within accepted medical, dental, or psychiatric practice standards and are:

(i) Consistent with a diagnosis; and

(ii) Reasonable in amount and duration of care, treatment, or service.

~~((d) Not listed under subsection (2) of this section; and~~

~~(e) Billed according to the conditions of payment under WAC 388-87-010.~~

~~(2) Unless required under EPSDT/healthy kids program; included as part of a managed care plan service package; included in a waived program; or part of one of the Medicare programs for the qualified Medicare beneficiaries, the MAA shall specifically exclude from the scope of covered services:~~

~~(a) Nonmedical equipment, supplies, personal or comfort items and/or services, including, but not limited to:~~

~~(i) Air conditioners or air cleaner devices, dehumidifiers, other environmental control devices, heating pads;~~

~~(ii) Enuresis (bed wetting) training equipment;~~

~~(iii) Recliner and/or geri-chairs;~~

~~(iv) Exercise equipment;~~

~~(v) Whirlpool baths;~~

~~(vi) Telephones, radio, television;~~

~~(vii) Any services connected to the telephone, television, or radio;~~

~~(viii) Homemaker services;~~

~~(ix) Utility bills; or~~

~~(x) Meals delivered to the home.~~

~~(b) Services, procedures, treatment, devices, drugs, or application of associated services which the department or HCFA consider investigative or experimental on the date the services are provided;~~

~~(c) Physical examinations or routine checkups;~~

~~(d) Cosmetic treatment or surgery, except for medically necessary reconstructive surgery to correct defects attributable to an accident, birth defect, or illness;~~

~~(e) Routine foot care that includes, but not limited to:~~

~~(i) Medically unnecessary treatment of mycotic disease;~~

~~(ii) Removal of warts, corns, or calluses;~~

~~(iii) Trimming of nails and other hygiene care; or~~

~~(iv) Treatment of asymptomatic flat feet.~~

~~(f) More costly services when less costly equally effective services as determined by the department are available;~~

~~(g) Procedures, treatment, prosthetics, or supplies related to gender dysphoria surgery except when recommended after a multidisciplinary evaluation including but not limited to urology, endocrinology, and psychiatry;~~

~~(h) Care, testing, or treatment of infertility, frigidity, or impotency. This includes procedures for sterilization reversals and donor ovum, sperm, or womb;~~

~~(i) Acupuncture, massage, or massage therapy;~~

~~(j) Orthoptic eye training therapy;~~

~~(k) Weight reduction and control services not provided in conjunction with a MAA medically approved program. This includes food supplements and educational products;~~

~~(l) Parts of the body, including organs, tissues, bones, and blood;~~

~~(m) Blood and eye bank charges;~~

~~(n) Domiciliary or custodial care, excluding nursing facility care;~~

~~(o) Hair pieces, wigs, or hair transplantation;~~

~~(p) Biofeedback or other self-help care;~~

~~(q) Marital counseling or sex therapy;~~

~~(r) Any service specifically excluded by statute; and~~

~~(s) Home births, except when provided as an approved service under MAA's planned home birth pilot project.~~

~~(3) Clients shall be responsible for payment as described under WAC 388-87-010 for services not covered under the client's medical care program))~~

(2) MAA covers equipment, supplies, or services that are listed as noncovered when the equipment, supplies, or services are medically necessary and:

(a) Required under the EPSDT/healthy kids program;

(b) Included in a waived program; or

(c) Part of one of the medical assistance programs for qualified Medicare beneficiaries.

(3) When a client or a client's representative requests equipment, supplies, or services that are listed as noncovered, MAA evaluates the request under WAC 388-501-0165.

(4) MAA evaluates requests for covered equipment, supplies, or services that are subject to limitations or other restrictions, and approves such equipment, supplies, or services beyond those limitations or restrictions when medically necessary, under the standards for covered services in WAC 388-501-0165.

(5) MAA evaluates a request for a service that is in a covered category, but is determined to be experimental or investigational under WAC 388-531-0550, under the provisions of WAC 388-501-0165 which relate to medical necessity.

(6) Clients are responsible for payment as described under WAC 388-502-0160, for services that are not covered under the client's medical care program.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 01-09-040

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed April 12, 2001, 10:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-01-142.

Title of Rule: WAC 458-20-17802 Collection of use tax by county auditors and department of licensing—Measure of tax.

Purpose: This rule explains how county auditors, their subagents, and the Department of Licensing determine the measure of any use tax due when a person transfers the certificate of ownership of a motor vehicle.

Statutory Authority for Adoption: RCW 82.12.045(6), 82.32.300.

Statute Being Implemented: RCW 82.12.045.

Summary: This rule explains that when a person transferring the certificate of ownership of a vehicle owes use tax, the county auditor, their subagent or the Department of Licensing will determine if the purchase price represents true value by comparing the purchase price against the average retail sale price of similar vehicles. The rule explains the circumstances under which the purchase price will and will not be presumed to represent the true value. It also explains the options a person transferring ownership may use to document true value when the purchase price is not presumed to represent true value.

Reasons Supporting Proposal: A 1999 Joint Legislative Audit Review Committee audit recommended that the guidelines for the collection of use tax by county auditors and subagents be incorporated into an administrative rule.

Name of Agency Personnel Responsible for Drafting: JoAnne Gordon, 1025 East Union Avenue, Suite #400, Olympia, WA, (360) 570-6120; Implementation: Claire Hesselholt, 1025 East Union Avenue, Suite #400, Olympia, WA, (360) 570-6124; and Enforcement: Russell Brubaker, 1025 East Union Avenue, Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains the collection of use tax by the county auditors, their subagents, and the Department of Licensing as prescribed by RCW 82.12.045. This rule explains that when a person applies to transfer the certificate of ownership of a motor vehicle acquired without the payment of use tax, the county auditor, its subagent, or the Department of Licensing will collect use tax based on the value of the article used. The rule explains that the value of the article used is generally the purchase price. However, under circumstances that the purchase price does not represent true value, the value of the article used must be determined as nearly as possible by the retail-selling price of similar vehicles in same area.

The rule explains that county auditor, its subagent, or the Department of Licensing will verify that the purchase price represents the true value by using an automated system to compare the purchase price to the average retail selling prices of similar vehicles. The rule also describes the conditions under which the purchase price will be presumed to represent true value and the conditions under which the value will not be presumed to represent true value. In those situations where the purchase price is not presumed to represent the true value, the rule explains that the person may pay use tax based upon the average retail value as indicated by the automated system or the person may document true value using one of five options. The rule discusses each option and provides examples.

Proposal does not change existing rules. Currently, there are no administrative rules discussing the collection of use tax by county auditors, their subagents, and the Department of Licensing. As outlined above, the Department of Revenue proposes to adopt WAC 458-20-17802, a new rule.

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No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rule and the proposed amendments do not impose any requirements or burdens upon small businesses that are not already specifically required by statute.

RCW 34.05.328 does not apply to this rule adoption. The proposed rule is not a significant legislative rule as defined in RCW 34.05.328.

Hearing Location: Capitol Plaza Building, 4th Floor, Large Conference Room, 1025 East Union Avenue, Olympia, WA, on May 30, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Barb Vane no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 570-6182.

Submit Written Comments to: JoAnne Gordon, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail joanneg@dor.wa.gov, by May 30, 2001.

Date of Intended Adoption: June 7, 2001.

April 12, 2001

Claire Hesselholt, Rules Manager
Legislation and Policy Division

NEW SECTION

WAC 458-20-17802 Collection of use tax by county auditors and department of licensing—Measure of tax.

(1) **Introduction.** The department of revenue has authorized county auditors and the department of licensing to collect the use tax imposed by chapter 82.12 RCW when a person applies to transfer the certificate of ownership of a motor vehicle acquired without the payment of sales tax. See RCW 82.12.045. This rule explains how county auditors, their subagents, and the department of licensing determine the measure of the use tax. This rule does not relieve a seller registered with the department of revenue of the statutory requirement to collect sales tax when selling tangible personal property, including motor vehicles. RCW 82.08.020 and 82.08.0251. The use tax reporting responsibilities of Washington residents in other situations and the general nature of the use tax are addressed in WAC 458-20-178 (Use tax). The various use tax exemptions provided by chapter 82.12 RCW are discussed in WAC 458-20-17801 (Use tax exemptions). The application of tax to vehicles acquired by Indians and Indian tribes is discussed in WAC 458-20-192 (Indians—Indian country).

Vehicle licensing locations and information about vehicle titles and registration are available from the department of licensing on the Internet at: <http://www.wa.gov/dol/>, under "vehicles list." This information is also available by contacting the local county auditor's office listed in the government pages of the telephone directory.

(2) **What are motor vehicles?** For the purposes of this rule and the collection of use tax by county auditors, their subagents, and the department of licensing, the term "motor vehicle" includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure

of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. RCW 82.12.045(2).

(3) **What is use tax based on?** For purposes of computing the amount of use tax due, the value of the article used is the measure of tax. The value of the article used is generally the purchase price. If the purchase price does not represent the true value of the article used, the value must be determined as nearly as possible according to the retail selling price at place of use of similar vehicles of like quality and character. RCW 82.12.010.

(4) **Use of automated system to verify measure of tax.** When a person applies to transfer the certificate of ownership of a motor vehicle, county auditors, their subagents, or the department of licensing must verify that the purchase price represents the true value. In doing so, county auditors, their subagents, or the department of licensing compare the vehicle's purchase price to the average retail value of comparable vehicles using an automated system. The automated system identifies the average retail value using a database that is provided by a regional industry standard source specializing in providing valuation services to local, state, and federal governments, and the private sector.

In limited situations, the automated system's database may not provide the average retail value for a motor vehicle. For example, the automated system's database does not provide average retail value information for collectible vehicles or vehicles manufactured between 1970 and 1980. In the absence of an average retail value, county auditors, their subagents, or the department of licensing will determine the true value as closely as nearly possible according to the retail selling price at place of use of similar vehicles of like character and quality. To assist in this process, the department of revenue and the department of licensing may approve the use of alternative valuing authorities as necessary.

(5) **What happens when the purchase price is presumed to represent the true value?** County auditors, their subagents, or the department of licensing will use the purchase price to compute the amount of use tax due when the purchase price represents the vehicle's true value. County auditors, their subagents, or department of licensing will presume the purchase price represents the vehicle's true value if one of the following conditions is met:

(a) The vehicle's average retail value, as provided by the automated system, is less than \$3,000.

For example, a person buys a motor vehicle for \$800. The automated system indicates that the vehicle's average retail value is \$2,900. The purchase price is presumed to represent the vehicle's true value because the average retail value is less than \$3,000.

(b) The vehicle's purchase price is not more than \$2,000 below the average retail value as provided by the automated system.

For example, a person buys a used motor vehicle for \$4,500. The automated system indicates the vehicle's average retail value is \$6,000. When compared to the average retail value, the purchase price is not more than \$2,000 below

the average retail value. Consequently, the purchase price is presumed to represent the vehicle's true value.

(6) What happens when the purchase price is not presumed to represent the true value? If the vehicle's purchase price is not presumed to be the true value as explained in subsection (5) of this rule, a person may remit use tax based on the average retail value as indicated by the automated system or substantiate the true value of the vehicle using any one of the following methods.

(a) Industry-accepted pricing guide. A person applying to transfer a certificate of ownership may provide the county auditor, a subagent, or the department of licensing with documentation from one of the various industry-accepted pricing guides. The value from the alternative industry-accepted pricing guide must represent the retail value of a similarly equipped vehicle of the same make, model, and year in a comparable condition. The purchase price is presumed to represent the vehicle's true value if the purchase price is not more than \$2,000 below the retail value.

For example, a person buys a vehicle for \$3,500. The automated system indicates that the vehicle's average retail value is \$5,700. An industry-accepted pricing guide shows that the retail value of a similar equipped vehicle in a comparable condition of the same make, model, and year is \$5,000. When compared to the retail value established by the industry-accepted pricing guide, the purchase price is not more than \$2,000 below the retail value. Consequently, the purchase price is presumed to represent the vehicle's true value.

(b) Declaration of buyer and seller. A person applying to transfer a certificate of ownership may provide to the county auditor, a subagent, or the department of licensing a Declaration of Buyer and Seller Regarding Value of Used Vehicle Sale (REV 32 2501) to substantiate that the purchase price is the true value of the vehicle. The declaration must be signed by both the buyer and the seller and must certify to the purchase price and the vehicle's condition under penalty of perjury. The department of revenue may review a declaration and assess additional tax, interest, and penalties. A person may appeal an assessment as provided in WAC 458-20-100.

The declaration is available from the department of revenue on the Internet at <http://dor.wa.gov/> under "other forms and records." It is also available at all vehicle licensing locations, department of revenue field offices, or by writing:

Department of Revenue
Taxpayer Services
P.O. Box 47478
Olympia, WA 98504-7478

(c) Written appraisal. A person applying to transfer a certificate of ownership may present to the county auditor, a subagent, or the department of licensing a written appraisal from an automobile dealer, insurance or other vehicle appraiser to substantiate the true value of the vehicle. If an automobile dealer performs the appraisal, the dealer must be currently licensed with the department of licensing's dealer services division or be a licensed vehicle dealer in another jurisdiction.

The written estimate must appear on company stationery or have the business card attached and include the vehicle description. The person performing the appraisal must cer-

tify that the stated value represents the retail selling price of a similarly equipped vehicle of the same make, model, and year in a comparable condition. The department of revenue may review an appraisal and assess additional tax, interest, and penalties. A person may appeal an assessment as provided in WAC 458-20-100 (Appeals, small claims and settlements).

(d) Declaration of use tax. A person applying to transfer a certificate of ownership may present to the county auditor, a subagent, or the department of licensing a Declaration of Use Tax (REV 32 2486e) to substantiate the true value of the vehicle. An authorized employee of the department of revenue must complete the declaration. Determining the true value may require a visual inspection that is not available at all department of revenue locations.

(e) Repair estimate. A person applying to transfer a certificate of ownership may present to the county auditor, a subagent, or the department of licensing a written repair estimate, prepared by an auto repair or auto body repair business. This estimate will then be used to assist with determining the true value of the vehicle. The written estimate must appear on company stationery or have the business card attached. In addition, the written estimate must include the vehicle description and an itemized list of repairs. The department of revenue may review an appraisal and assess additional tax, interest, and penalties. A person may appeal an assessment as provided in WAC 458-20-100 (Appeals, small claims and settlements).

The purchase price is presumed to represent the true value if the total of the purchase price and the repair estimate is not more than \$2,000 below the average retail value. For example, a person purchases a vehicle with extensive bumper damage for \$1,700. The automated system indicates that the vehicle's average retail value is \$6,000. An estimate from an auto body repair business indicates a cost of \$2,500 to repair the bumper damage. The purchase price is presumed to represent the vehicle's true value because when the total of the purchase price and the repair estimate (\$4,200) is compared to the average retail value, the total is not more than \$2,000 below the average retail value (\$6,000).

WSR 01-09-057
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND

[Filed April 16, 2001, 10:31 a.m.]

Original Notice.

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

Title of Rule: Chapter 72-120 WAC, Student conduct code.

Purpose: To implement federal regulatory changes regarding discipline enacted March 12, 1999, resulting from the 1997 amendments to the Individuals with Disabilities Education Act and conform procedures to state law.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: 20 U.S.C. §§ 1400 *et seq.*

Summary: Changes are needed to comply with the federal regulatory changes regarding discipline for children with disabilities adopted on March 12, 1999, as a result of the 1997 amendments to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 *et seq.*, and the corresponding state regulatory changes related to disciplinary exclusion adopted by the State Educational Agency, Office of the Superintendent of Public Instruction, on January 1, 2000.

Reasons Supporting Proposal: Required for federal and state law.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Attorney General's Office, 1220 Main Street, Suite 510, Vancouver, WA 98660, (360) 759-2100; Implementation and Enforcement: Dr. Dean O. Stenehjelm, Washington State School for the Blind, 2214 East 13th Street, Vancouver, WA 98661-4120, (360) 696-6321.

Name of Proponent: Washington State School for the Blind, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new and revised rules implement the 1997 amendments to the Individuals with Disabilities Education Act ("IDEA '97") and the regulations of the United States Department of Education related to discipline and disciplinary exclusion of children with disabilities adopted as a result of IDEA '97. The rules also provide policies and procedures which are consistent with corresponding regulations of the Office of the Superintendent of Public Instruction, the State Educational Agency responsible for ensuring compliance by public agencies involved in the delivery of special education.

Proposal Changes the Following Existing Rules: As described above.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The rules are not considered significant legislative rules by the Washington State School for the Blind.

Hearing Location: Old Main Board Room, Washington State School for the Blind, 2214 East 13th Street, Vancouver, WA 98661, on June 7, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Janet Merz by June 1, 2001, (360) 696-6321 ext. 120.

Submit Written Comments to: Dr. Dean O. Stenehjelm, Superintendent, Washington State School for the Blind, Vancouver, Washington 98661, fax (360) 737-2120, by June 6, 2001.

Date of Intended Adoption: June 7, 2001.

April 12, 2001
Dr. Dean O. Stenehjelm
Superintendent

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 01-10 issue of the Register.

WSR 01-09-068
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed April 16, 2001, 4:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-01-113.

Title of Rule: WAC 388-478-0070 Monthly income and countable resource standards for MN and MI and 388-478-0080 SSI-related CN income level and countable resource standards.

Purpose: Implements the increased federal standards for the one-person medically needy income level (MNIL), for the medically indigent program, and the SSI-related categorically needy income level (CNIL).

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.575.

Statute Being Implemented: RCW 74.04.057.

Summary: Increased federal standards as described under Purpose above.

Reasons Supporting Proposal: Increasing income and resource standards benefits medical assistance clients.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA, Mailstop 45534, 925 Plum Street, Olympia, WA 98504, (360) 725-1330.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule amendment will have no impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of a significant legislative rule.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on May 22, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by May 17, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by May 22, 2001.

Date of Intended Adoption: Not before May 23, 2001.
April 12, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

PROPOSED

AMENDATORY SECTION (Amending WSR 00-10-095, filed 5/2/00, effective 5/2/00)

WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN) and medically indigent (MI) programs. (1) Beginning January 1, ((2000)) 2001, the medically needy income level (MNIL) and MI monthly income standards are as follows:

(a) One person	\$((539)) <u>556.00</u>
(b) Two persons	\$592
(c) Three persons	\$667
(d) Four persons	\$742
(e) Five persons	\$858
(f) Six persons	\$975
(g) Seven persons	\$1,125
(h) Eight persons	\$1,242
(i) Nine persons	\$1,358
(j) Ten persons and more	\$1,483

(2) The MNIL standard for a person who meets institutional status requirements is in WAC 388-513-1305(3).

(3) Countable resource standards for the MN and MI programs are:

(a) One person	\$2,000
(b) Two persons	\$3,000
(c) For each additional family member add	\$50

AMENDATORY SECTION (Amending WSR 00-10-095, filed 5/2/00, effective 5/2/00)

WAC 388-478-0080 SSI-related categorically needy income level (CNIL) and countable resource standards.

(1) The SSI-related CNIL standard is the same as the SSI monthly payment standard based upon the area of the state where the person lives. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston, and Kitsap. Area 2 is all other counties. Beginning January 1, ((2000)) 2001, the CNIL monthly income standards are as follows:

	Area 1	Area 2
(a) Single person	\$((539.00)) <u>555.90</u>	\$((518.55)) <u>535.45</u>
(b) A legally married couple who are both eligible	\$((790.00)) <u>815.90</u>	\$((769.00)) <u>796.00</u>
(c) Supplied shelter	<u>\$357.05</u>	<u>\$357.05</u>

(2) The countable resource standards for the SSI-related CN medical program are:

(a) One person	\$2,000
(b) A legally married couple	\$3,000

WSR 01-09-070
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed April 16, 2001, 4:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-19-049 and 00-19-042.

Title of Rule: WAC 388-550-1050 Hospital services definitions, 388-550-1100 Hospital coverage, 388-550-2800 Inpatient payment methods and limits, 388-550-2900 Payment limits—Inpatient hospital services, 388-550-3300 Hospital peer groups and cost caps, 388-550-3600 Diagnosis-related group (DRG) payment—Hospital transfers, 388-550-3700 DRG high-cost and low-cost outliers, 388-550-3800 Rebasing and recalibration, 388-550-4300 Hospitals and units exempt from the DRG payment method, 388-550-4400 Services—Exempt from DRG payments, 388-550-4500 Payment method—Inpatient RCC and administrative day rate and outpatient rate and 388-550-4800 Hospital payment method—State-only programs; and repealing WAC 388-550-2700 Substance abuse detoxification services.

Purpose: To update and clarify: Payment methodology for DRG exempt hospitals and DRG exempt services for Title XIX and state programs; hospital payment method for state programs; outpatient services record retention language; effective dates for high-cost and low-cost outlier thresholds; policies with the department's Division of Alcohol and Substance Abuse (DASA) and the Mental Health Division (MHD); effective dates for recalibrating relative weights; those hospitals, units, and services exempt from DRG payment; and the method by which the department calculates hospital ratio of costs-to-charges (RCC). Also, to repeal a rule that no longer reflects current program policy.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090, 42 U.S.C. 1395x(v), 42 C.F.R. 447.271, .11303, and .2652.

Summary: This amendment updates and clarifies the payment methodology used for reimbursing hospital providers for services provided to MAA clients. It also (1) clarifies the requirements for outpatient services record retention language; (2) updates and clarifies high-cost and low-cost outlier thresholds; (3) updates effective dates for recalibrating relative weights; (4) coordinates policies with DASA and MHD; and (5) repeals WAC 388-550-2700 because it no longer reflects current program policy.

Reasons Supporting Proposal: It will provide hospital providers with a clearer understanding of current department policy and business practices.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: Larry Linn, P.O. Box 45510, Olympia, WA 98504, (360) 725-1856.

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

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

PROPOSED

Explanation of Rule, its Purpose, and Anticipated Effects: This rule amendment updates the payment methodology used to reimburse hospital providers for services provided to MAA clients. It also (1) clarifies the requirements for outpatient services record retention language; (2) updates and clarifies high-cost and low-cost outlier thresholds; (3) updates effective dates for recalibrating relative weights; (4) coordinates policies with DASA and MHD; and (5) repeals WAC 388-550-2700 because it no longer reflects current program policy. The purpose is to inform hospital providers of current MAA policy, and to make that policy clear and understandable. It is anticipated that this amendment will lessen the confusion and misunderstanding that hospital providers may have regarding MAA policy.

Proposal Changes the Following Existing Rules: The proposed rule amendment clarifies and updates current MAA operational policies for reimbursing hospitals for services provided to eligible clients.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and concluded that no new costs will be imposed on businesses affected by them.

RCW 34.05.328 does not apply to this rule adoption. The rule does not fit the definition of a significant legislative rule.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by June 21, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 26, 2001.

Date of Intended Adoption: Not sooner than June 27, 2001.

April 13, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 01-11 issue of the Register.

WSR 01-09-071

WITHDRAWAL OF PROPOSED RULES FOREST PRACTICES BOARD

(By the Code Reviser's Office)

[Filed April 17, 2001, 9:53 a.m.]

WAC 222-10-020, 222-22-010, 222-22-030, 222-22-035, 222-22-040, 222-22-050, 222-22-060, 222-22-065 and 222-46-065, proposed by the Forest Practices Board in WSR 00-20-063 appearing in issue 00-20 of the State Register, which was distributed on October 18, 2000, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the pro-

posal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 01-09-072

WITHDRAWAL OF PROPOSED RULES GAMBLING COMMISSION

(By the Code Reviser's Office)

[Filed April 17, 2001, 9:54 a.m.]

WAC 230-04-202, proposed by the Gambling Commission in WSR 00-20-083 appearing in issue 00-20 of the State Register, which was distributed on October 18, 2000, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 01-09-073

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(By the Code Reviser's Office)

[Filed April 17, 2001, 9:54 a.m.]

WAC 388-470-0075, proposed by the Department of Social and Health Services in WSR 00-20-094 appearing in issue 00-20 of the State Register, which was distributed on October 18, 2000, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 01-09-074

WITHDRAWAL OF PROPOSED RULES OFFICE OF THE INSURANCE COMMISSIONER

(By the Code Reviser's Office)

[Filed April 17, 2001, 9:55 a.m.]

WAC 284-16-020, proposed by the Office of the Insurance Commissioner in WSR 00-20-104 appearing in issue 00-20 of the State Register, which was distributed on October 18, 2000, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 01-09-075
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed April 17, 2001, 1:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-04-092.

Title of Rule: Chapter 16-238 WAC, WSDA grain inspection program—Fee schedule.

Purpose: Reinstate grain inspection program rules and fees for inspection services. Adjust the WSDA grain inspection program fee schedule to reflect increases in hourly fees, targeted unit fees, and targeted export tonnage fees for grain and commodity inspection services.

Statutory Authority for Adoption: RCW 22.09.790.

Statute Being Implemented: Chapter 22.09 RCW.

Summary: Reinstate grain inspection program rules and fees for inspection services. Due to a clerical error, the fees for the grain inspection program were repealed. RCW 22.09.790 requires the department to recover costs for inspection, weighing, and grading of grain. Fees cannot be changed or deleted without federal approval. The fee schedule established fees for services performed by the department for testing, grading, weighing, and inspecting grain, pulses, and similar commodities.

Adjust the WSDA grain inspection program fee schedule to reflect increases in hourly fees, targeted unit fees, and targeted export tonnage fees for grain and commodity inspection services. Changes have been made in the language and format of the fee schedule to improve clarity.

Reasons Supporting Proposal: The fee increase is necessary to offset equipment upgrades necessary under United States Department of Agriculture requirements and to maintain operating reserves appropriate for a fee for service program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randall R. Deike, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1921.

Name of Proponent: Grain Inspection Advisory Committee, public.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The proposed fee increases are within the allowable fiscal growth factor ranges established by Initiative 601.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 16-238 WAC, The WSDA grain inspection program—Fee schedule, establishes user fees assessed for services provided to applicants. Equipment upgrades will be necessary by May 2003 to allow the Washington State Department of Agriculture to continue to be designated and delegated as an official grain inspection service provider by the United States Department of Agriculture. The WSDA grain inspection program is entirely fee supported and revenue generated through the assessment of fees must be adequate to support the program's operation.

Proposal Changes the Following Existing Rules: The proposal incorporates the allowable growth rate or a portion thereof for fiscal year 2001, effective June 30, 2001, and for fiscal year 2002, effective July 1, 2001, to selected hourly, unit, and tonnage fees assessed for services provided by the WSDA grain inspection program under the appropriate sections of chapter 16-238 WAC.

The proposal adds the definitions of the acronyms for the United States Department of Agriculture and the Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service to WAC 16-238-010.

The proposal adds the requirement that the applicant provide a full definition of the requested official commercial inspection services.

The proposal adds, as subsection (1)(c)(i)-(iv), a declining export tonnage rate scale to WAC 16-238-060.

The proposal deletes WAC 16-238-080 Miscellaneous fees, and incorporates those fees into WAC 16-238-060, 16-238-070, and 16-238-082 as appropriate.

The proposal adds the wording to WAC 16-238-060, 16-238-070, and 16-238-082 that incorporates the requirement that new or special analysis requests may require the applicant to provide supplies and/or equipment.

Other changes in the WSDA grain inspection program—Fee schedule are made to improve clarity and readability and do not reflect changes in existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. An analysis completed by the Department of Agriculture determined that small businesses are not disproportionately impacted by the fee increase proposal under chapter 16-238 WAC and that a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Washington State Department of Agriculture is not a named agency in RCW 34.05.328.

Hearing Location: Washington State Department of Agriculture, Natural Resources Building, Conference Room 205, 1111 Washington Street, Olympia, WA 98504-2560, on May 22, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by May 21, 2001, TDD (360) 902-1976, or (360) 902-1996.

Submit Written Comments to: Dannie McQueen, Hearing Officer, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2085, by May 22, 2001, 5:00 p.m.

Date of Intended Adoption: May 25, 2001.

April 17, 2001

Robert W. Gore

Assistant Director

Chapter 16-238

WSDA Grain Inspection Program—Fee Schedule

NEW SECTION

WAC 16-238-010 Definitions. (1) "Department" means the Washington state department of agriculture.

(2) "Ton" means two thousand pounds avoirdupois.

(3) "Overtime" means any time worked on Saturdays, Sundays, or holidays and all time worked before or after the regularly scheduled working hours, Monday through Friday.

(4) "Fees" means any charge made by the department for inspection and handling of any commodity or for services related to weighing or storage of grains or commodities.

(5) "Occasional work stoppage" means the union stop work meetings usually held once per month.

(6) "USDA" means the United States Department of Agriculture.

(7) "GIPSA/FGIS" means the Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service.

NEW SECTION

WAC 16-238-020 Grain and commodity inspection points. The following cities in the state of Washington are hereby designated as inspection points for the purpose of inspecting and weighing standardized grains, beans, peas, lentils and other commodities: Colfax, Kalama, Olympia, Pasco, Seattle, Spokane, Tacoma and Vancouver.

NEW SECTION

WAC 16-238-030 General provisions for assessment of fees. (1) Straight time fee, per hour, per employee, except GIPSA/FGIS scale authorization services \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

The straight time fee will be assessed where no other fee, guarantee of expenses or contractual agreement exists or is specified in the schedule of fees or in any situation where the fees generated through the service provided are not equivalent to the straight time fee, per hour, per employee, including applicable supervisory and clerical hours.

(2) GIPSA/FGIS scale authorization fee, per hour, per employee \$34.87.

\$35.87, effective June 30, 2001; \$36.87, effective July 1, 2001.

The GIPSA/FGIS scale authorization fee, per hour, per employee will be assessed when GIPSA/FGIS scale authorization services are requested or required. Travel time, mileage, per diem, overtime, late notice, call-back, standby and service cancellation fees may be assessed in addition to the hourly fee.

(3) Overtime and night shift rate per hour, per employee \$36.87.

\$7.06, effective June 30, 2001; \$7.25, effective July 1, 2001.

When a service is requested before or after regularly scheduled working hours, Monday through Friday, during established meal periods on any shift, or anytime on Saturdays, Sundays or holidays, the overtime and night shift rate per hour, per employee, including applicable supervisory and clerical hours, shall be charged in addition to the regular inspection and weighing fees. When an applicant contracts for a permanent night shift(s), the overtime and night shift fee for the night shift(s) will be waived after the initial seven-day notice period expires.

(4) Late notice fee, per hour, per employee \$4.57.
\$4.70, effective June 30, 2001; \$4.83, effective July 1, 2001.

Requests for service on Saturdays, Sundays, or holidays, or for work before or after regularly scheduled working hours, Monday through Friday, must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day prior to the requested service. When the request is not received by 2:00 p.m., service will be provided if personnel are available. The late notice fee will be assessed, per hour, per employee, for the hours of the requested service that the department is able to staff.

Note: Service requests that are beyond the normal scope or volume requested at an inspection site must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day prior to the requested date of service. The requested service will be provided if the department is able to locate adequate staff.

(5) Call-back fee, per employee \$22.94.
\$23.58, effective June 30, 2001; \$24.22, effective July 1, 2001.

(a) When requests for service are received after the close of business on a regular scheduled working day and the department can locate adequate staff to provide the requested service, a call-back fee will be assessed for each employee scheduled for that shift or service request.

(b) One call-back fee per employee will be assessed for each employee scheduled on a shift on a Saturday, Sunday, or holiday.

(6) Shift request fee, per hour, per employee \$6.87.
\$7.06, effective June 30, 2001; \$7.25, effective July 1, 2001.

Requests for establishing a night shift or graveyard shift must be provided in writing. The requested shift(s) will commence seven days after the written request is presented. If the night shift or graveyard shift begins before the seven-day notice period has expired, the shift request fee will be assessed per hour, per employee assigned to the new shift(s) until the seven-day notice period expires.

Locations that are not routinely staffed, due to inconsistent workloads that are inadequate to allow the department to maintain full-time staffing, will be subject to the shift request fee for day shifts in addition to night shifts or graveyard shifts.

At locations where staffing has been reduced, due to a lack of work, below the full-time permanent day shift numbers, and an applicant requests a day shift that will begin before the seven-day notice period has expired, the shift request fee will be assessed, per hour, per employee, until the seven-day notice period has expired for the personnel above the current permanent staff number that are necessary to staff the requested day shift work.

(7) Shift cancellation fee, per hour, per employee \$6.87.

\$7.06, effective June 30, 2001; \$7.25, effective July 1, 2001.

Requests for cancellation of an applicant requested night shift or graveyard shift must be provided, in writing, at least twenty-one days prior to the cessation date. If the applicant does not provide the full twenty-one day notice, the shift can-

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cellation fee will be assessed for all hours that the assigned staff would have worked until the twenty-one day notice period expires.

Locations that are not routinely staffed, due to inconsistent schedules, or at locations that are inadequately staffed due to a lack of work, will be assessed the shift cancellation fee for all shifts where the full twenty-one day cancellation notice period is not provided.

(8) Standby fee, four-hour minimum, per hour, per employee \$28.77. \$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

When a service is requested before or after the inspection office's established standard workday, Monday through Friday or anytime on Saturdays, Sundays, or holidays, and the service cannot be performed through no fault of the department, the four-hour minimum standby fee will be assessed, per employee; except as follows.

When service is requested at locations that are not routinely staffed on a Monday through Friday basis, due to inconsistent work schedules or a lack of work, and the department is able to staff appropriate personnel to accommodate the service requested by the applicant, and the requested service cannot be performed through no fault of the department, the four-hour minimum standby fee will be assessed, per employee.

When service is requested that commences within two hours of the regular starting time of a shift or ends within two hours of the regular ending time of a shift, and the service cannot be performed through no fault of the department, the standby fee will be assessed on a per hour, per employee basis.

The standby fee will be assessed, per hour, per employee, for all hours over the four-hour minimum that continue to be staffed at the request of the applicant.

(9) Service cancellation fee, per employee . . . \$115.08. \$108.36, effective June 30, 2001; \$111.36, effective July 1, 2001.

When a service is requested before or after working hours, Monday through Friday or anytime on a Saturday, Sunday or holiday, and a cancellation of the request is not received by 2:00 p.m. of the last regularly scheduled working day prior to the requested service, the service cancellation fee will be assessed, per employee.

When service is requested at locations that are not routinely staffed on a Monday through Friday basis, due to inconsistent schedules or at locations that are inadequately staffed due to a lack of work, and a cancellation of the request is not received by 2:00 p.m. of the inspection office's last regularly scheduled working day prior to the requested service, the service cancellation fee will be assessed, per employee.

(10) Guarantee of expense. When a service is requested that requires assignment of personnel at a facility where the volume of work at the established fees is not adequate to pay the cost of providing the service, a guarantee of the expense of providing the service is required.

(11) Guaranteed staffing levels. An applicant may enter into an agreement with the department at guaranteed staffing levels and negotiated minimum hours and unit fees, provided

the department has adequate trained personnel to accommodate the request.

(12) Revenue insufficiency - export locations. When the lot size or workload is not of sufficient size to generate revenue equivalent to the straight time fee, per hour, per employee, an additional fee shall be assessed so that total revenue generated on a daily basis is equal to the straight time fee, per hour, per employee: Provided, That such revenue insufficiency may be established on the basis of the average hourly revenue generated at the work site over the Monday through Sunday work week (weekly averaging), upon written request of the applicant for service. In the absence of such request, fees shall be assessed on a daily basis.

Note: The weekly averaging computation utilizes the prior week's invoices representing shiplots completed before the start of business on Monday and does not include fees assessed for GIPSA/FGIS scale authorization, overtime, late notice, call-back, standby, shift request, or shift cancellation.

(13) Official commercial inspection services. Official commercial inspection services may be provided, on-site, at the applicant's request, when:

- (a) Appropriate space, equipment and security can be provided by the applicant;
- (b) The applicant provides a full definition of the requested services;
- (c) The program is able to provide appropriate licensed personnel to accomplish the defined, requested service; and
- (d) A guarantee of expense can be negotiated.

Note: The applicant must fully define the requested services so the department can determine appropriate staffing levels and create a guarantee of expense proposal.

(14) Travel time, mileage, per diem. When service requests are performed at other than the established grain and commodity inspection points, or qualified personnel to provide the requested service must travel from a different inspection point to the service location, the applicant may be assessed:

- (a) Travel time from the established inspection point to the service location and return, at the appropriate fee(s) cited in WAC 16-238-030, per employee; and
- (b) Mileage from the established inspection point to the service location and return, at the state of Washington's current general administration private vehicle mileage reimbursement rate.
- (c) In addition, if the travel is of sufficient duration, an amount equal to the established state of Washington per diem rates provided to the employee(s) in travel status will be assessed to the applicant.

(15) Timely payment. Payment of fees and charges is due within thirty days after the date of the statement.

- (a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or
- (b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and
- (c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

NEW SECTION

WAC 16-238-060 Fees for official sampling, inspection, and/or weighing services under the United States Grain Standards Act. (1) Fees for combination inspection and weighing services:

- (a) From barges or waterborne vessel to elevator, per ton. \$0.128.
(b) Bin transfers, per ton \$0.128.
(c) From elevator to ocean-going vessel:
(i) First 3,000,000 short tons per fiscal year, per ton. \$0.128.
\$0.131 effective June 30, 2001; \$0.134, effective July 1, 2001.

- (ii) From 3,000,001 to 5,000,000 short tons per fiscal year, per ton \$0.131.
(iii) From 5,000,001 to 6,500,000 short tons per fiscal year, per ton \$0.128.
(iv) Over 6,500,000 short tons per fiscal year, per ton. \$0.120.

Note: The tonnage assessment is applied in full lot increments and is reset at the beginning of each fiscal year. The fiscal year begins July 1 and ends the following June 30.

- (d) From elevator to unit trains or from unit trains to elevator, per ton \$0.128.

(2) Fees for official sampling and inspection, without weighing; or sampling only without weighing, of:

- (a) Carlots sampled by USDA approved diverter-type mechanical samplers, per car \$15.50.
\$15.94, effective June 30, 2001; \$16.00, effective July 1, 2001.

Note: The per car fee will be assessed for each carlot included in a batch when an applicant requests batch grading of railcars sampled by diverter-type mechanical sampler.

- (b) Carlots, sampled by USDA approved grain trier, original inspections, subsequent original inspections, and new sample reinspections, per car \$24.00.
\$24.68, effective June 30, 2001; \$25.00, effective July 1, 2001.

- (c) Trucklots, sampled by approved grain trier, original or new sample reinspections, per truck \$15.00.
\$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

- (d) Reinspections, based on official file sample, per sample, except Canola \$9.00.
\$9.25, effective June 30, 2001; \$9.50, effective July 1, 2001.

Note: Canola reinspections are provided on an hourly fee basis.

- (e) Bagged grains, per hundredweight (cwt). \$0.065.
\$0.066, effective June 30, 2001; \$0.067, effective July 1, 2001.

Note: Factor-only reinspections available at the established reinspection fee, contingent on GIPSA/FGIS approval of the factor-only reinspection service option.

Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of Canola are equivalent to the USDA published.

(3) Fees for official Class X weighing service; without inspection:

- (a) From elevator to conveyance, except trucks, per ton. \$0.107.
\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

- (b) From conveyance to elevator, except trucks, per ton. \$0.107.
\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

- (c) Bin transfers, per ton \$0.107.
\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

- (d) Trucks, per weight lot \$7.50.
\$7.71, effective June 30, 2001; \$7.92, effective July 1, 2001.

- (4) Fees for other official weighing services:
(a) Class Y weighing services, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

- (b) Checkweighing of bagged grain, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

- (5) Fees for inspection of submitted samples:
(a) Analysis under the United States Grain Standards Act, except Canola, per inspection. \$7.75.
\$7.97, effective June 30, 2001; \$8.00, effective July 1, 2001.

Note: Submitted sample certificates of grade for barley may show, on request, dockage to the nearest one-tenth percent without additional charge.

- (b) Canola, per inspection \$14.20.
\$14.60, effective June 30, 2001; \$15.00, effective July 1, 2001.

Note: Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of Canola are equivalent to the USDA published fees.

- (c) Reinspections, based on official file sample, per sample, except Canola \$9.00.
\$9.25, effective June 30, 2001; \$9.50, effective July 1, 2001.

Note: Canola reinspections are provided as an hourly fee service.
Note: When submitted samples are not of sufficient size to allow for official grade analysis, obtainable factors may be provided, upon request of the applicant, at the factor-only rate shown in subsection (6) of this section.

- (6) Fees for factor analysis:
(a) Nongrade determining factors requested by applicant, in addition to the original inspection grade results, per factor \$2.50.
\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

- (b) Nongrade determining factors requested in shiploading subplot analysis, per factor \$2.50.
\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

- (c) Factor only determinations, per factor. \$2.50.
\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

PROPOSED

Note: A maximum of three factors will be available at the factor-only fee. Applicants requesting more than three factors will be assessed the appropriate submitted sample rate shown in subsection (5) of this section.

(7) Fees for official constituent analysis via near-infrared transmittance (NIRT) technology:

(a) In conjunction with official inspection for grade, per test \$6.25.

\$6.42, effective June 30, 2001; \$6.50, effective July 1, 2001.

(b) Not in conjunction with official inspection for grade, per test \$8.50.

\$8.74, effective June 30, 2001; \$8.80, effective July 1, 2001.

(c) Reinspection based on official file sample, per test \$8.50.

\$8.74, effective June 30, 2001; \$8.80, effective July 1, 2001.

Note: When a reinspection service includes a request for a new sample, the appropriate sampling fee in subsection (2) of this section will be assessed in addition to the fee cited in (c) of this subsection.

(8) Fees for qualitative or quantitative testing for the presence of mycotoxins via USDA approved "ELISA" or "Fluorometric" methods:

(a) Official sample or new sample reinspection, including official sampling, per test \$37.50.

(b) Submitted samples and reinspections based on official file sample, per test \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: Mycotoxin testing services utilizing thin layer chromatography or equivalent USDA approved technology available at the USDA published rate.

(9) Fees for stowage examination services on vessels or ocean-going barges:

(a) Initial inspection, five hold/stowage space/tank maximum, minimum fee \$120.00.

\$123.44 effective June 30, 2001; \$126.50 effective July 1, 2001.

(b) Initial inspection, above five hold/stowage space/tank maximum, per hold/stowage space/tank . \$24.00.

\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.

(c) Return to hold/stowage space/tank during inspection service, per hold/stowage space/tank \$24.00.

\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.

(d) Subsequent inspections, three hold/stowage space/tank maximum, minimum fee \$72.00.

\$74.06, effective June 30, 2001; \$75.90, effective July 1, 2001.

(e) Subsequent inspection, above three hold/stowage space/tank maximum, per hold/stowage space/tank . \$24.00.

(f) Travel time, midstream or at a nongrain loading berth, two-hour minimum per inspection request, per hour, per employee \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(g) Stowage examination services requested on a Saturday, Sunday, or holiday, four-hour minimum, per hour, per employee \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: At anchor stowage examination services will be conducted at the convenience of the designated grain inspection office during daylight hours under safe working and weather conditions. The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point. Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services. Appropriate fees contained in WAC 16-238-030 may be assessed in addition to the fees noted in (a) through (f) of this subsection.

(10) Fees for other stowage examination services:

(a) Sea van containers, when not in conjunction with checkloading service, per inspection \$8.10.

\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.

(b) Railcars, trucks, or other containers, per railcar, not in conjunction with loading, per inspection \$8.10.

\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.

Note: Fees for stowage examination service will not be assessed when official sampling and inspection, or official weighing occurs at the time of loading, unless the applicant requests an official stowage examination certificate. The stowage examination requirement associated with service at the time of loading may be waived in accordance with GIPSA/FGIS Directive 9020.1.

(11) Fees for phytosanitary certification:

(a) In conjunction with official inspection, per certificate \$6.75.

\$6.94, effective June 30, 2001; \$7.13, effective July 1, 2001.

Note: Hourly fees may be assessed for research necessary to produce the requested certificate.

(b) When not in conjunction with official inspection, add required sampling time, per hour per employee. . . . \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(12) Fees for miscellaneous services:

(a) Waxy corn, per analysis \$12.75.

\$13.11, effective June 30, 2001; \$13.40, effective July 1, 2001.

(b) Ship composite samples, initial set of three provided to applicant.

(c) Ship composite samples, in excess of (b) of this subsection, when requested in advance, per sample \$5.25.

\$5.40, effective June 30, 2001; \$5.50, effective July 1, 2001.

(d) Divided original certificates or letterhead statements, per certificate or letterhead statement \$1.50.

\$1.54, effective June 30, 2001; \$1.58, effective July 1, 2001.

(e) Extra copies of certificates or letterhead statements, per certificate or letterhead statement \$3.00.

\$3.08, effective June 30, 2001; \$3.16, effective July 1, 2001.

PROPOSED

PROPOSED

- (f) Facsimile transmissions, per page \$1.00.
\$1.02, effective June 30, 2001; \$1.04, effective July 1, 2001.
- (g) Mailing of samples, at cost, minimum fee . . . \$2.00.
\$2.05, effective June 30, 2001; \$2.11, effective July 1, 2001.
- (h) Sample pickup fee, on department established routes, per sample \$0.60.
\$0.61, effective June 30, 2001; \$0.62, effective July 1, 2001.

Other services under the United States Grain Standards Act not specifically identified in WAC 16-239-060 will be provided under the appropriate subsection(s) of WAC 16-238-030 and/or at the published rates of the laboratory or organization providing the official service or analysis. New or special analysis requests may require applicant provided supplies and/or equipment.

NEW SECTION

WAC 16-238-070 Fees for official services under the Agricultural Marketing Act of 1946. (1) Fees for combination inspection and weighing services:

- (a) Bulk commodities under federal or state standards, per ton. \$0.128.
\$0.131, effective June 30, 2001; \$0.134, effective July 1, 2001.
- (b) Bulk commodities, factor determinations, per ton. \$0.128.
\$0.131, effective June 30, 2001; \$0.134, effective July 1, 2001.

(c) Sample and weigh grain by-products into thirty ton maximum containers, including stowage examination \$15.00.
\$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

(2) Fees for official sampling and inspection without weighing; or sampling only without weighing, of:

- (a) Bulk carlots, sampled by USDA approved diverter-type mechanical samplers, per car \$15.50.
\$15.94, effective June 30, 2001; \$16.00, effective July 1, 2001.
- (b) Bulk carlots, sampled by USDA approved grain trier, per car. \$24.00.
\$24.68, effective June 30, 2001; \$25.00, effective July 1, 2001.

(c) Bulk trucklots or containerlots, sampled by USDA approved grain trier, per truck or containerlot \$15.00.
\$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

(d) Inspection of bagged commodities, per hundred-weight (cwt) \$0.065.
\$0.066, effective June 30, 2001; \$0.067, effective July 1, 2001.

Note: A minimum fee equivalent to the hourly fee cited in WAC 16-238-020 is assessed for bagged and bulk commodity sampling and inspection, or sampling only services.

(3) Fees for official weighing service, without inspection:

- (a) From elevator to conveyance, except trucks, per ton. \$0.107.
\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.
- (b) From conveyance to elevator, except trucks, per ton. \$0.107.
\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(c) Bin transfers, per ton \$0.107.
\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(d) Trucks, per weight lot \$7.50.
\$7.71, effective June 30, 2001; \$7.92, effective July 1, 2001.

(4) Fees for other official weighing services:

- (a) Checkweighing of bagged commodities, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(5) Fees for inspection of submitted samples:

- (a) Standardized commodities, thresher run or processed, per sample \$14.20.
\$14.60, effective June 30, 2001; \$15.00, effective July 1, 2001.
- (b) Commodities inspected under GIPSA/FGIS factor-only inspection procedures, per sample \$14.20.
\$14.60, effective June 30, 2001; \$15.00, effective July 1, 2001.

Note: Fees for laboratory determinations of commodity constituents are assessed at the USDA published rate or at cost from the service provider.

(6) Fees for factor analysis:

- (a) Nongrade determining factors requested by applicant, in addition to the original inspection results, except moisture, per factor \$2.50.
\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.
- (b) Moisture only, per determination \$5.25.
\$5.40, effective June 30, 2001; \$5.50, effective July 1, 2001.

(c) Nongrade determining factors requested in shiploading subplot analysis, per factor \$2.50.
\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

(d) Factor-only determinations, first two factors. \$3.00.
\$3.08, effective June 30, 2001; \$3.16, effective July 1, 2001.

Note: Additional factors available at the per factor fee in (a) of this subsection. Applicants requesting more than five factors will be assessed the submitted sample rate in subsection (5) (a) of this section for the requested factors. When submitted samples are not of sufficient size to allow for official grade analysis, factor-only analysis will be available, on request of the applicant.

(7) Fees for qualitative or quantitative testing for the presence of mycotoxins via USDA approved "ELISA" or "Fluorometric" methods:

PROPOSED

- (a) Official samples and new sample reinspections, including official sampling, per test \$37.50.
- (b) Submitted samples and reinspections based on official file sample, per test \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: Mycotoxin testing services utilizing thin layer chromatography or equivalent USDA approved technology will be available at the USDA published rate.

(8) Fees for stowage examination services on vessels or ocean-going barges:

- (a) Initial inspection, five hold/stowage space/tank maximum, minimum fee \$120.00.
\$123.44, effective June 30, 2001; \$126.50, effective July 1, 2001.
- (b) Initial inspection, above five hold/stowage space/tank maximum, per hold/stowage space/tank . \$24.00.
\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.
- (c) Return to hold/stowage space/tank during inspection service, per hold/stowage space/tank \$24.00.
\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.
- (d) Subsequent inspection, three hold/stowage space/tank maximum, minimum fee \$72.00.
\$74.06, effective June 30, 2001; \$75.90, effective July 1, 2001.
- (e) Subsequent inspection, above three hold/stowage space/tank maximum, per hold/stowage space/tank . \$24.00.
- (f) Travel time, midstream or at a nongrain loading berth, two-hour minimum per inspection request, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.
- (g) Stowage examination services provided on a Saturday, Sunday, or holiday, four-hour minimum, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: At anchor stowage examination services will be conducted at the convenience of the designated grain inspection office during daylight hours under safe working and weather conditions. The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point. Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services. Appropriate fees contained in WAC 16-238-030 may be assessed in addition to the fees noted in (a) through (f) of this subsection.

- (9) Fees for other stowage examination services:
 - (a) Sea van containers, when not in conjunction with checkloading service, per inspection \$8.10.
\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.
 - (b) Railcars, trucks, or other containers, per railcar, truck or other container \$8.10.
\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.
- (10) Fees for phytosanitary certification:
 - (a) In conjunction with official inspection, per

certificate \$6.75.
\$6.94, effective June 30, 2001; \$7.13, effective July 1, 2001.

Note: Hourly fees may be assessed for research necessary to produce the requested certificate.

(b) When not in conjunction with official inspection, add required sampling time, per hour per employee. . . . \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(11) Fees for miscellaneous services:

- (a) Falling numbers determinations, per determination \$12.75.
\$13.11, effective June 30, 2001; \$13.40, effective July 1, 2001.
- (b) Liquefaction number, per determination. \$0.50.
\$0.51, effective June 30, 2001; \$0.52, effective July 1, 2001.
- (c) Divided original certificates or letterheads, per certificate or letterhead \$1.50.
\$1.54, effective June 30, 2001; \$1.58, effective July 1, 2001.
- (d) Extra copies of certificates or letterheads, per certificate or letterhead \$3.00.
\$3.08, effective June 30, 2001; \$3.16, effective July 1, 2001.
- (e) Sanitation inspections at commodity processing sites, initial inspection. no charge.
- (f) Sanitation inspections, return to failed facility, four-hour minimum, per hour, per employee. \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.
- (g) Sampling of processed commodities, two-hour minimum, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: Laboratory fees associated with processed commodity lots will be assessed per the GIPSA/FGIS rates. Postage and other costs for sample delivery to the appropriate analyzing laboratory will be assessed to the applicant for service.

- (h) Facsimile transmissions, per page. \$1.00.
\$1.02, effective June 30, 2001; \$1.04, effective July 1, 2001.
- (i) Mailing of samples, at cost, minimum fee. \$2.00.
\$2.05, effective June 30, 2001; \$2.11, effective July 1, 2001.
- (j) Sample pickup fee, on department established routes, per sample \$0.60.
\$0.61, effective June 30, 2001; \$0.62, effective July 1, 2001.

Other services under the Agricultural Marketing Act of 1946 not specifically identified in WAC 16-238-070 will be provided under the appropriate subsection(s) of WAC 16-238-030, and/or at the published rates of the laboratory or organization providing the official service or analysis. New or special analysis requests may require applicant-provided supplies and/or equipment.

NEW SECTION

WAC 16-238-082 Fees for services performed under state regulation or standards or "as specified" by the applicant for service when no official standards exist. (1) Inspection of miscellaneous agricultural commodities under chapter 16-213 WAC:

(a) Submitted sample inspection, cultivated buckwheat, Washington state grade or for factor-only analysis, per sample \$7.50.
\$7.71, effective June 30, 2001; \$7.92, effective July 1, 2001.

(b) Bulk carlots, cultivated buckwheat, sampled by USDA approved diverter-type mechanical samplers, per car \$15.50.
\$15.94, effective June 30, 2001; \$16.00, effective July 1, 2001.

(c) Bulk carlots, cultivated buckwheat, sampled by USDA approved grain trier, per car \$24.00.
\$24.68, effective June 30, 2001; \$25.00, effective July 1, 2001.

(d) Bulk trucklots or containerlots, cultivated buckwheat, sampled by USDA approved grain trier, per truck or containerlot \$15.00.
\$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

(e) Cracked corn, corn screenings, and mixed grain screenings sampling, inspection and weighing services are available at the fees cited in WAC 16-238-060.

(g) Bagged commodities, per hundredweight (cwt) \$0.065.
\$0.066, effective June 30, 2001; \$0.067, effective July 1, 2001.

(2) Fees for miscellaneous services:

(a) Unofficial constituent analysis via near-infrared transmittance (NIRT) technology available at the fees cited in WAC 16-238-060.

(b) Laboratory analysis of commodities covered in WAC 16-238-082, or for the analysis of constituents or conditions of grains or commodities not provided for in the official standards or specifically addressed in WAC 16-238-060 or 16-238-070 may be available as an unofficial service. If available, the services will be provided under the appropriate section(s) of WAC 16-238-030, and/or at the published rates of the laboratory or organization providing the service or analysis.

Services not specifically identified in WAC 16-238-082 may be provided under the appropriate subsection(s) of WAC 16-238-030, and/or at the published rates of the laboratory or organization providing the service or analysis. New or special analysis requests may require applicant provided supplies and/or equipment.

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

NEW SECTION

WAC 16-238-090 Covered commodities. Commodities covered under chapter 22.09 RCW in respect to sam-

pling, inspection, weighing, and quality or constituent determinations shall include all grains with standards or inspection criteria established under the United States Grain Standards Act, all commodities with standards or inspection criteria established under the Agricultural Marketing Act, all commodities with standards or inspection criteria established under Washington state standards, and the by-products resulting from conditioning or processing the above grains and commodities.

NEW SECTION

WAC 16-238-100 Grades and standards. The grades and standards established by the United States Department of Agriculture as of August 1, 1984, and subsequently, for all grains and commodities included within the provisions of this chapter, are hereby adopted. In addition, the procedures to sample, grade, test and weigh grains and commodities, established by the regulations and instructions under the United States Grain Standards Act and the Agricultural Marketing Act of 1946, are hereby adopted for this state.

NEW SECTION

WAC 16-238-110 Scales. United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service (USDA, GIPSA, FGIS) delegated official scale testing and authorization authority to the Washington state department of agriculture in July of 1984. Scales under USDA, GIPSA, FGIS jurisdiction are required to be tested and certified for accuracy at least twice per year by an authorized Washington state department of agriculture scale expert or USDA, GIPSA, FGIS scale specialist. When scales are tested by the department or by USDA, GIPSA, FGIS, a seal shall be placed on the scales. The seal shall be dated and shall indicate approval or rejection. When scales are tested, a copy of a scale test report shall be forwarded to the USDA, GIPSA, FGIS and copies shall be maintained by the department and at the facility where the scale is located.

WSR 01-09-078

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Mental Health Division)

[Filed April 17, 2001, 3:42 p.m.]

Supplemental Notice to WSR 01-07-116.

Preproposal statement of inquiry was filed as WSR 00-08-048.

Title of Rule: Chapter 388-865 WAC, Community mental health and involuntary treatment, formerly chapter 388-860 WAC, Juvenile involuntary treatment, chapter 388-861 WAC, Commitment, treatment and/or evaluation of mentally ill persons, and chapter 388-865 WAC, Community mental health treatment programs: WAC 388-865-0201 Allocation of funds to RSN/PHPs, 388-865-0203 Allocation formula for

PROPOSED

state hospital beds, and 388-865-0504 Exception to rule—Long-term certification.

Purpose: This supplemental filing contains the following changes from the original proposal WSR 01-07-116:

- Includes the specific distribution formulas in WAC 388-865-0201 and 388-865-0203 rather than referencing them as in the original proposal.
- Proposes for permanent adoption, WAC 388-865-0504, currently an emergency rule. This section was omitted from the original proposal.
- Withdraws proposed WAC 388-865-0307 from WSR 01-07-116.

Statutory Authority for Adoption: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, and 43.20B.020, 43.20B.335 [43.20B.335].

Statute Being Implemented: Chapters 71.05, 71.24, and 71.34 RCW.

Summary: These revisions have been made in response to stakeholder input.

Name of Agency Personnel Responsible for Drafting: Kathy Burns Peterson, OB-2, Olympia, Washington, (360) 902-0843; Implementation and Enforcement: Darleen Vernon, OB-2, Olympia, Washington, (360) 902-0873.

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 388-865-0201 describes a new formula for distributing funds to RSN/PHPs, and the process for phasing in the new formula.

WAC 388-865-0203 describes a new formula for allocating state hospital beds to RSN/PHPs, and the process for phasing in the allocation process.

WAC 388-865-0504 describes the process for an inpatient evaluation and treatment facility to be certified to provide treatment to adults on ninety or one hundred eighty-day patient involuntary commitment orders.

Proposal Changes the Following Existing Rules: The proposed changes will place the allocation formulas into rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Division staff have analyzed the proposed rule amendments and conclude that no new costs will be imposed on small businesses affected by the amendments. The preparation of a comprehensive SBEIS is not required. For information contact (360) 902-0830.

RCW 34.05.328 applies to this rule adoption. Portions of the rule making do not meet the definition of significant legislative rules. An analysis has been prepared. Please contact Kelly Cooper, (360) 664-6094 to receive a copy.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on May 22, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by May 17, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@shs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance

Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by May 22, 2001.

Date of Intended Adoption: No sooner than May 23, 2001.

April 13, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-865-0201 Allocation of funds to RSN/PHPs. This section describes how Medicaid and community mental health funds are allocated to the RSN/PHPs.

(1) Funding allocations are projected at the beginning of each fiscal year, using forecasted Medicaid enrollees for that fiscal year.

(2) Payments are made on the number of actual Medicaid enrollees each month, which may result in actual payments being higher or lower than projected payments, depending on whether actual Medicaid enrollees are more or less than forecasted enrollees.

(3) The mental health division (MHD) uses two different methodologies to allocate funds:

- (a) Historical method;
- (b) Prevalence method.

(4) For the period July 1, 2001 to June 30, 2005, the funds will be allocated using the methodologies as follows:

(a) For July, 1, 2001 to June 30, 2002, seventy-five percent of funds will be allocated using the historical method and twenty-five percent of funds will be allocated using the prevalence method;

(b) For June 1, 2002 to June 30, 2003, fifty percent of funds will be allocated using the historical method and fifty percent of funds will be allocated using the prevalence method;

(c) For June 1, 2003 to June 30, 2004, twenty-five percent of funds will be allocated using the historical method and seventy-five percent of funds will be allocated using the prevalence method;

(d) For June 1, 2004 forward, one hundred percent of funds will be allocated using the prevalence method. These percentages will remain in effect unless the department is directed otherwise by the state Legislature.

(5)(a) Historical method means that federal Medicaid funds projected to be paid to the RSN/PHPs are calculated using actuarially determined per member per month (PMPM) rates multiplied by the number of persons enrolled in the Medicaid program each month during the fiscal year.

(b) The actuarially determined rates were determined at the beginning of the managed care program (1992 for outpatient services and 1997 for inpatient services) and have been increased periodically by the Legislature.

(i) Rates differ by RSN and by category of enrollee (disabled and nondisabled adults and disabled and non-disabled children).

(ii) These rates are tracked by MHD.

(iii) The number of Medicaid enrollees is tracked by the medical assistance administration.

PROPOSED

(c) The product of rates and enrollees is the projected amount of Medicaid funding each RSN/PHP will receive during the year.

(i) This amount is divided into two portions - federal funds and state match funds.

(ii) The two portions of Medicaid funds are determined by a percentage known as the Federal Medicaid Assistance Percentage (FMAP). This percentage is set by the federal Health Care Financing Authority and changes each year.

(d) In the inpatient program, each RSN/PHP is allocated the amount of federal and state funds projected in the calculations explained above.

(e) State funds in the outpatient program (also called "consolidated") to be paid to the RSN/PHPs are set by the Legislature. These funds are allocated to the RSN/PHPs according to the RSN/PHP's calculated percentage of the total funds. The RSN/PHP's percentage is based primarily on historical fee-for-service data.

(i) The RSN/PHP percentages are tracked by MHD and are carried forward each year.

(ii) The percentage of consolidated funds paid to each RSN/PHP is adjusted each year by the Legislature through budget proviso direction, generally requiring that new funds in the program be allocated according to Medicaid enrollees in each RSN. Therefore, the amount of consolidated funds in the outpatient program at the beginning of the fiscal year (also called "base funds") are allocated according to the percentage tracked by MHD (put in place by the Legislature in the previous year).

(iii) New consolidated funds are allocated as directed by the Legislature, generally according to the number of Medicaid enrollees residing in each RSN.

(f) The base allocation and new consolidated allocations are combined into one percentage that serves as the RSN/PHP's percentage allocation for the next year's base funds.

(g) The sum of federal Medicaid funds, state match funds in the inpatient program, and consolidated funds equals the amount of funding provided to each RSN/PHP.

(6) Prevalence method.

(a) Medicaid and non-medicaid funds are allocated based on a formula that reflects prevalence of mental disorders in each county. The formula takes into consideration each RSN's:

(i) Concentrations of priority populations;

(ii) Commitments to state hospitals under chapter 71.05 and 71.34 RCW;

(iii) Population concentrations in urban areas;

(iv) Population concentrations at border crossings at state boundaries; and

(v) Other demographic and workload factors such as number of MI/GA-U clients, commitments to community hospitals under chapter 71.05 and 71.34 RCW, and number of homeless persons.

(b) The RSN/PHP historical method rates for 2001 have been used to calculate a weighted average statewide rate (WASR) for each category of Medicaid eligible (disabled and nondisabled adults and disabled and nondisabled children).

(c) The WASR for each category is determined by:

(i) Adding the RSN/PHP's inpatient and outpatient rates to create one combined rate;

(ii) Multiplying each RSN/PHP's rate by the number of Medicaid enrollees residing in that RSN/PHP;

(iii) Adding the results; and

(iv) Dividing the sum by the state-wide number of Medicaid eligibles.

(d) WASR rates are tracked by MHD.

(e) The number of Medicaid enrollees is tracked by the medical assistance administration.

(f) To project the amount of Medicaid funding each RSN/PHP will receive during the year, MHD multiplies the RSN/PHP's WASR for each category by the projected number of Medicaid enrollees in each category.

(i) This amount is divided into two portions - federal funds and state match funds.

(ii) Each RSN/PHP's projected allocation includes both portions of Medicaid funding (federal and state match funds).

(iii) Payments to the RSN/PHP are made based on the actual number of Medicaid enrollees.

(g) The level of non-Medicaid funds appropriated to the community mental health services program is determined by the state Legislature.

(i) Eighty percent of the non-Medicaid funds appropriated are allocated to the RSN/PHPs according to the number persons enrolled in the state funded general assistance - unemployable, medically indigent and state only "v" programs (persons in the state only "v" program are counted at thirteen percent of the total enrolled).

(A) The number of persons enrolled in these programs is tracked by the medical assistance administration.

(B) The projected number of persons in these programs residing in each RSN, divided by the total persons projected to be in these programs, is multiplied by eighty percent of the total funds appropriated to determine the amount of funding provided to each RSN/PHP.

(ii) Twenty percent of the non-Medicaid funds appropriated are allocated according to a summary z score factor that is calculated using four sub-factors:

(A) The number of urban counties in each RSN;

(B) The number of border counties in each RSN;

(C) The number of homeless persons in each RSN; and

(D) The number of ITA commitments from each RSN.

These sub-factors are weighted differently, with the urban factor weighted at 0.3, the border county factor weighted at 0.05, the homeless factor weighted at 1.0 and the ITA commitments factor weighted at 0.2. For each of these factors, information is tracked by MHD and the most recent complete year of data is used to calculate z score factors for each sub-factor. These factors are combined into a summary z score factor for each RSN that is multiplied by the total funding available (twenty percent of non-Medicaid funds appropriated).

(7) The mental health division does not pay providers on a fee-for-service basis for services that are the responsibility of the mental health RSN or PHP, even if the RSN or PHP has not paid for the service for any reason.

NEW SECTION

WAC 388-865-0203 Allocation formula for state hospital beds. The mental health division (MHD) allocates non-forensic adult beds at the state hospital utilized by the regional support network (RSN) based on the number of beds funded by the Legislature at that hospital.

(1) The allocation formula is $(M \times 40\%) + (U \times 35\%) + (P \times 25\%) \times F$.

(a) M is the average number of Medicaid eligible persons in the RSN during the period of July to December prior to the start of the biennium, divided by the average number of Medicaid eligible persons in the hospital catchment area during the same period;

(b) U is the number of hospital beds utilized by the RSN during the period of July to December prior to the start of each biennium divided by the average daily census at the hospital utilized by the RSN during the same period;

(c) P is the percent of the general population that resides within the RSN based on the most recent population estimate on December 1 of the year prior to the start of the biennium divided by the general population in the hospital catchment area at the same time;

(d) F is the total number of funded nonforensic beds at the hospital;

(e) The MHD will project and distribute tentative allocations upon issuance of the Governor's budget, and upon enactment of the Legislative budget. The operative allocation will be made and distributed at the start of each fiscal year.

(2) This formula will be phased in as follows:

(a) For July 1, 2001 to June 30, 2002, twenty five percent of the bed allocation will be based on the new formula, and seventy five percent based on the 1999-2001 allocation;

(b) For July 1, 2002 to June 30, 2003, fifty percent of the allocation will be based on the new formula and fifty percent based on the 1999-2001 allocation;

(c) For July 1, 2003 to June 30, 2004, seventy-five percent of the allocation will be based on the new formula and twenty-five percent based on the 1999-2001 allocation;

(d) For July 1, 2004 to June 30, 2005 one hundred percent of the allocation will be based on the new formula;

(e) The formula will be recalculated on or about April 4, 2005 and each biennium thereafter based on data that is current at that time.

(3) If the in-residence census exceeds the funded capacity on any day or days within the fiscal year, the MHD will assess liquidated damages calculated on the following formula:

(a) Only RSNs who are in excess of their individual allocated census on the day or each day of over census will be assessed liquidated damages;

(b) The amount of liquidated damages charged for each day will be the number of beds over the funded capacity of the hospital multiplied by the state hospital daily bed charge consistent with RCW 43.20B.325;

(c) The amount of liquidated damages charged to each RSN will be a percentage based on the number of beds over their allocation divided by the total number of beds over the funded capacity on the day or each day of over census;

(d) The liquidated damages will be recovered by the MHD by a deduction from the monthly payment made by the MHD two months after the end of the month in which the in residence census exceeded the state bed allocation of that RSN.

NEW SECTION

WAC 388-865-0504 Exception to rule—Long-term certification. (1) At the discretion of the mental health division, a facility may be granted an exception to WAC 388-865-0229 in order to allow the facility to be certified to provide treatment to adults on ninety-or one hundred eighty-day inpatient involuntary commitment orders.

(2) The exception certification may be requested by the facility, the director of the mental health division or his designee, or the RSN for the facility's geographic area.

(3) The facility receiving the exception certification for ninety- or one hundred eighty-day patients must meet all requirements found in chapter 388-865 WAC for the evaluation and treatment facility short-term inpatient component.

(4) The exception certification must be signed by the director of the mental health division. The exception certification may impose additional requirements, such as types of patients allowed and not allowed at the facility, reporting requirements, requirements that the facility immediately report suspected or alleged incidents of abuse, or any other requirements that the director of the mental health division determines are necessary for the best interests of patients.

(5) The mental health division may make unannounced site visits at any time to verify that the terms of the exception certification are being met. Failure to comply with any term of the exception certification may result in corrective action or, if the mental health division determines that the violation places patients in imminent jeopardy, immediate revocation of the certification.

(6) Neither consumers nor facilities have fair hearing rights as defined under chapter 388-02 WAC regarding the decision to grant or not to grant exception certification.

WSR 01-09-081

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services)

[Filed April 18, 2001, 9:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-09-092.

Title of Rule: Chapter 388-820 WAC, Community residential services and supports (formerly chapter 275-26 WAC).

Purpose: The purpose of the chapter is establish standards for DSHS to provide, or contract to provide, individualized community residential services to eligible clients. This chapter impacts group homes and support living agencies.

PROPOSED

These are for-profit, nonprofit, and governmental organizations.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 71A.12.010 through 71A.12.080.

Summary: Specific requirements are being set out for DDD certified and contracted residential services providers to support people with developmental disabilities in specific residential settings.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Saif Hakim, DSHA/DDD, Mailstop 45310, Olympia, WA 98504, (360) 902-0263.

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 chapter sets specific requirements for DDD certified and contracted residential services providers to support people with developmental disabilities in specific residential settings. The rules will assure that health and safety needs are met for clients who are authorized to receive this support. It assists clients to live in the least restrictive environment.

Proposal Changes the Following Existing Rules: Some rules in this chapter have been added to enhance the support needs and ensure choice for people with developmental disabilities.

The proposed major changes to the chapter are adding the required age of the eligible client (18 years of age); adding requirements for service providers when they plan to serve nonclients in the same household as clients; clarifying that vendors have dispute rights only for certification disagreements and nurse delegation civil fines; adding a process that vendors must go through if they disagree with certification decisions; defining the individual service plan and identifying people responsible to design and monitor the plan; and adding a new rule to address how a provider handles client's funds and mandating an individual financial plan that the provider develops with the client.

No small business economic impact statement has been prepared under chapter 19.85 RCW. DDD has analyzed these proposed rule amendments and concludes that no new costs will be imposed on the small businesses affected by them. The preparation of a comprehensive SBEIS is not required.

RCW 34.05.328 applies to this rule adoption. These rules do meet the definition of a "significant legislative rule" in RCW 34.05.328 and a cost benefit analysis has been prepared. To obtain a copy contact Kelly Cooper, DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, (360) 664-6094, or e-mail coopekd@dshs.wa.gov.

Hearing Location: Blake Office Building East, 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on May 22, 2001, at 10:00 a.m.; and at the DDD Region 1 Office, 1611 West Indiana Avenue, Spokane, WA 99205, on May 23, 2001, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by May 17, 2001, phone

(360) 664-6094, TTY (360) 664-6178, e-mail coopekd@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by May 23, 2001.

Date of Intended Adoption: No sooner than May 24, 2001.

April 13, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

PURPOSE

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-820-010 ((Definitions.)) What is the purpose of this chapter? (((1) "Agency" means the department-certified entity providing residential instruction and support services to clients.

(2) "Certification" means the determination of satisfactory compliance with the rules and regulations outlined as referenced under this chapter.

(3) "Client" means a person the division determines under RCW 71A.16.040 and WAC 275-27-026 eligible for division-funded services.

(4) "Client/provider account" means an account in the name of one client where the client or client's provider has the authority to make deposits or withdrawals. The banking laws under RCW 30.22.040 refer to this as an "agency account."

(5) "Client services" means instruction and support activities promoting the following client-centered benefits:

- (a) Health and safety:**
 - (i) Needing and using health services;**
 - (ii) Dealing with illness and injury and first aid procedures;**
 - (iii) Learning about basic nutrition;**
 - (iv) Maintaining good health;**
 - (v) Obtaining mental health services when needed;**
 - (vi) Learning about human sexuality;**
 - (vii) Being aware of fire evacuation plans;**
 - (viii) Knowing emergency procedures, including how to use 911 or a local emergency number;**
 - (ix) Being aware of burglary protection strategies; and**
 - (x) Learning self-protection.**
- (b) Personal power and choice:**
 - (i) Securing housing and furnishings reflecting personal preferences, life style, and financial means;**
 - (ii) Expressing opinions and making decisions;**
 - (iii) Learning and exercising rights and responsibilities;**
 - (iv) Improving communication skills;**
 - (v) Participating in various activities, including new experiences;**
 - (vi) Exercising a voter's rights;**
 - (vii) Learning about available protection and advocacy services; and**
 - (viii) Making career choices.**
- (c) Positive recognition by self and others:**

PROPOSED

- (i) ~~Creating positive self-esteem and feelings of self-worth;~~
- (ii) ~~Choosing valued social roles; and~~
- (iii) ~~Having choices influencing valued perception of self and others.~~
- (d) ~~Integration in the physical and social life of the community:~~
- (i) ~~Residing in areas convenient to shopping, banking, eating, worshipping, learning, making friends, and otherwise participating in community life;~~
- (ii) ~~Assisting people to use available transportation;~~
- (iii) ~~Meeting new people and participating with other members of the community in shared activities; and~~
- (iv) ~~Accessing educational and vocational opportunities.~~
- (e) ~~Positive relationships:~~
- (i) ~~Establishing, maintaining, expanding, and improving relationships by providing personal interaction opportunities with people;~~
- (ii) ~~Involving the client's family, guardian, or representative in planning and decision making which affect the client;~~
- (iii) ~~Resolving disagreements among clients or among clients and family, friends, neighbors, and co-workers;~~
- (iv) ~~Coping with the loss of a significant relationship, such as the death of a friend or family member, end of a relationship, loss of a job, or change of staff.~~
- (f) ~~Competence and self-reliance:~~
- (i) ~~Learning and using skills useful to the client, such as meal planning, grocery shopping, meal preparation, cleaning laundry, using household appliances, money management and budgeting, and use of leisure time in settings where the skills are needed;~~
- (ii) ~~Identifying situations in which the client needs or desires assistance from others;~~
- (iii) ~~Accomplishing tasks requiring the assistance of staff or others; and~~
- (iv) ~~Acquiring and using adaptive devices and equipment.~~
- (6) "Department" means the department of social and health services of the state of Washington.
- (7) "Depositor," when utilized in determining the rights of persons to funds in an account, means a person who owns the funds.
- (8) "Division" means the division of developmental disabilities of the department of social and health services.
- (9) "Exemption" means the department's approval of a written request for an exception to a rule in this chapter.
- (10) "Facility based" means a residence which is owned, leased, or rented by an entity other than the client.
- (11) "Frequency" means how often a designated event has occurred.
- (12) "Group home" means a residence licensed by the applicable state authority and operated by an agency certified by the division of developmental disabilities.
- (13) "Group training home" means a residence meeting the definition of RCW 71A.22.020(2) and which is operated by an agency certified by the division of developmental disabilities as defined under RCW 71A.22.040.
- (14) "Imprest fund" means a petty cash fund which has a pre-established limit. The total of the cash in the fund and

receipts from withdrawals from the fund equal the pre-established limit.

(15) "Individual account" means one account in the name of one client primarily managed by a provider.

(16) "Individual client cash" means one client's cash controlled by the provider.

(17) "Instruction" means goal-oriented teaching addressing skill acquisition and skill enhancement.

(18) "Nonfacility based" means the client owns, leases, sub-leases, or rents a residence although others, except the department, may guarantee the client's credit.

(19) "Nursing assistant" means a nursing assistant registered under chapter 18.88A RCW, or a nursing assistant certified under chapter 18.88A RCW.

(20) "Provider" means the agency or individual with which the department contracts for providing client instruction and support services.

(21) "Reprisal" means any negative action taken as retaliation against an employee. A rebuttable presumption is raised that reprisal has occurred if a negative action occurs within a year of a refusal to delegate or accept delegation. Occurring as a result of a lawful employee action, "reprisal" includes, but is not limited to:

(a) Harassment;

(b) Firing;

(c) Demotion; or

(d) Disciplinary action.

(22) "Residence" means the place or home where a client resides.

(23) "Residential service" means work or duties performed by the provider to meet clients' daily living needs and enhance clients' lives.

(24) "Secretary" means the secretary of social and health services or the secretary's designee.

(25) "Severity" means the seriousness of the occurrence as determined by the:

(a) Actual or potential negative outcomes for residents; or

(b) Extent to which the resident's physical, mental, or psychosocial well-being is compromised or threatened.

(26) "Support" means:

(a) Assistance to a client in performance of necessary functions or tasks; or

(b) The performance of a task on behalf of a client, that is, someone else does the client's task.

(27) "Trust account" means an account containing two or more clients' funds where the provider has the authority to make deposits or withdrawals.) (1) This chapter establishes standards for the department of social and health services (DSHS) to provide, or contract to provide, individualized community residential services to clients who:

(a) Are eligible to receive services by the division of developmental disabilities (DDD); and

(b) Receive support from certified service providers.

(2) Service providers support eligible clients to enable them to:

(a) Enjoy all rights and privileges under the Constitution and laws of the United States and the state of Washington; and

(b) Participate in community life and have control of their environment to the greatest extent possible.

(3) The authority for this chapter is Title 71A RCW.

DEFINITIONS

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-820-020 ((Certification.)) What definitions apply to this chapter? (((1) Initial certification.

(a) ~~The agency's application for initial certification shall include a mission statement, budget forecast, staff coverage schedule, staff in-service training plan, and agency policies and procedures. The department shall provide the county a copy of the agency's application. The department shall review the recommendations from the county.~~

(b) ~~The agency shall file with the department a statement of assurance stating the agency shall not:~~

- (i) ~~Refuse a client's admission to the agency;~~
- (ii) ~~Deny participation in the activities of the agency; or~~
- (iii) ~~Deny employment at the agency on the grounds of:~~
 - (A) ~~Race;~~
 - (B) ~~Religion;~~
 - (C) ~~Marital status;~~
 - (D) ~~Age;~~
 - (E) ~~Sexual orientation;~~
 - (F) ~~Color;~~
 - (G) ~~Creed;~~
 - (H) ~~National origin; or~~

(i) ~~Handicapping condition, including communicable diseases and HIV/AIDS.~~

(e) ~~The agency shall comply with:~~

- (i) ~~Relevant federal, state, and local laws and ordinances; and~~
- (ii) ~~Department established standards of care, instruction, and support.~~

(d) ~~Initial certification may be granted upon assurance the agency shall comply with the rules and regulations outlined under chapter 275-26 WAC within one hundred eighty days of the effective date.~~

(e) ~~Upon receipt of initial certification, the agency shall be approved for receiving referrals and serving clients.~~

(f) ~~In the event initial certification expires before the date of formal evaluation and review, the department may extend initial certification for a specified period of time, not to exceed one hundred eighty days.~~

(2) Regular certification.

(a) ~~Upon the department's determination of satisfactory compliance with the rules and regulations described and referenced herein, through formal evaluation and review under WAC 275-26-030, the department may certify an agency as approved for continued referral of and service provision to clients.~~

(b) ~~The agency's certification may be granted for either a one-year or two-year period, but the department may require a more frequent certification review.~~

(c) ~~The county may submit recommendations to the department before certification.~~

(d) ~~Regular certification may be extended for a period not to exceed one hundred eighty days.~~

(3) Provisional certification.

(a) ~~An agency found out of compliance with the provisions of this chapter may be subject to provisional certification not to exceed one hundred eighty days.~~

(b) ~~When the agency does not comply with the requirements of chapter 275-26 WAC within the one hundred eighty days, the department shall initiate certification revocation. If the agency contests the department's ruling, the agency may request an administrative review conference as described under WAC 275-26-022.~~

(c) ~~The department's notice of denial, modification, suspension, or revocation of certification is governed by chapter 43.20A RCW and section 95, chapter 175, Laws of 1989.~~

(d) ~~When an agency comes into compliance with the requirements of chapter 275-26 WAC within one hundred eighty days, the department may grant a regular one-year or two-year certification.~~

(4) Decertification.

(a) ~~When the department determines the agency does not comply with this chapter the department may revoke the agency's certification as governed under chapter 43.20A RCW and section 95, chapter 175, laws of 1989;~~

(b) ~~If the agency contests the department's decision, the agency may request an administrative review conference as described under WAC 275-26-022.)~~ "Agency" means an entity interested in becoming a service provider that offers residential instruction and support services to clients.

"Certification" means the determination by DSHS that an agency or service provider has satisfactorily complied with the requirements outlined in this chapter and in the department contract.

"Client" means a person who:

- Has a developmental disability;
- Is eligible under RCW 71A.10.020; and
- Is authorized by DDD to receive residential services outlined in this chapter. (For eligibility criteria, see chapter 388-825 WAC.)

"Client services" means instruction and support activities that benefit clients, as specified under WAC 388-820-450 through 388-820-510.

"Community alternatives program (CAP)" means a Title XIX Medicaid waiver program that serves a specific number of individuals. This waiver is for particular home- and community-based services not covered under the Medicaid state plan. (See WAC 388-825-170 for more details.)

"Community protection services" (Community Protection Intensive Supported Living Services, or CP-ISLS) means intensive supported living services provided to clients who meet the criteria of "Individual with Community Protection Issues."

"DDD" refers to the division of developmental disabilities at DSHS.

"DSHS" refers to the department of social and health services of Washington state.

"Exceptions" means DSHS' approval of a written request for an exception to a rule in this chapter. (There are no exceptions to RCWs.)

PROPOSED

"Group home" means residential services provided in a dwelling that is:

• Owned, leased, or rented by an entity other than the client;

- Licensed by the applicable state authority; and
- Operated by a provider.

(See WAC 388-820-090 for further details.)

"Group training home" means a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

"IFP" refers to individual financial plan. (See WAC 388-820-620.)

"IISP" refers to the individual instruction and support plan for clients. (See WAC 388-820-560 through 388-820-580.)

"Individual with community protection issues" means:

• The person has been convicted of or charged with a crime of sexual violence as defined in chapter 71.09 RCW, including, but not limited to, rape, statutory rape, rape of a child, and child molestation;

• The person has been convicted of or charged with acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization;

• The person has been convicted of or charged with a sexually violent offense and/or predatory act, and may constitute a future danger;

• The person has not been convicted and/or charged, but has a history of stalking, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors that may escalate to violence;

• The person has committed one or more violent crimes, such as murder, attempted murder, arson, first degree assault, kidnapping, or use of a weapon to commit a crime.

"Instruction" means goal-oriented teaching that is designed for acquiring and enhancing skills.

"ISP" refers to the individual service plan for clients. (See WAC 388-820-520 through 388-820-550.)

"Nursing assistant" means a person who is registered or certified by department of health under chapter 18.88A RCW. A nursing assistant performs certain nursing care tasks that are delegated by a registered nurse for a specific client in authorized settings. (See chapter 246-841 WAC for more details.)

"Reprisal" means any negative action taken as retaliation against an employee.

"Residential service" means client services offered by certified service providers.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"Service provider" means an agency certified by and contracted with DDD to provide residential services to clients.

"Severity" means the seriousness of an incident. This is determined by the extent to which a client's physical, mental,

or psychosocial well-being is or may be compromised or threatened.

"Support" means assistance as requested or needed by a client, based on their abilities, needs, and goals.

"Supported living" means residential services provided to clients living in their own homes, which are owned, rented, or leased by the clients or their legal representatives. (See WAC 388-820-080 for more details.)

"Trust account" means a bank account containing two or more clients' funds where the service provider has the authority to make deposits and withdrawals.

RESIDENTIAL SERVICES: GENERAL REQUIREMENTS

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-820-030 (~~Administrative review conference—Adjudicative proceeding process.~~) **What are residential services?** ((1) Within twenty-eight days after a community residential support agency is notified of a certification determination it wishes to challenge, the agency shall request, in writing, that the division director or the division director's designee review such determination. The agency shall:

(a) Sign the request;

(b) Identify the challenged determination and the date thereof; and

(c) State as specifically as practicable the issues and regulations involved and the grounds for the agency's contention that the determination is erroneous. The agency shall include with the request copies of any documentation the agency intends to rely on to support its position.

(2) After receiving a timely request meeting the criteria of this section, the director shall contact the agency to schedule a conference for the earliest mutually convenient time. The director shall schedule the conference for no later than thirty days after a properly completed request is received, unless both parties agree, in writing, to a specific later date. The conference may be conducted by telephone unless either the department or the agency requests, in writing, the conference be held in person.

(3) The agency and appropriate representatives of the department shall attend the conference. The agency shall bring to the conference, or provide to the department in advance of the conference, any documentation the agency intends to rely on to support the agency's contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.

(4) Unless informal agreement has been reached at the conference, a written decision by the director of the division of developmental disabilities shall be furnished to the agency within sixty days after the conclusion of the conference.

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(5)(a) An agency contesting the director's determination shall within twenty-eight days of receipt of the determination:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the office of appeals; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the director's determination; and

(C) A copy of the director's determination being contested.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20A.205, this chapter, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.) Residential service is supports provided to eligible clients by service providers to enable clients to live in their community. These may include:

(1) Supported living services;

(2) Group home services; or

(3) Services provided in the group training home.

Residential services must follow the requirements outlined in this chapter.

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-820-040 ((Client remuneration.)) Who certifies residential services? ((Clients performing work for the agency shall be given remuneration in accordance with wage and hour laws and requirements stipulated by federal and state law, unless the United States Department of Labor or state department of labor and industries has granted written exemption.)) Residential services are certified by DDD to support eligible clients.

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-820-050 ((Personnel.)) Where are residential services provided? (((1) The owner or board of directors of the agency shall maintain current written personnel policies and procedures which shall be made available to all employees.

(2) Personnel policies and practices shall not discriminate against any employee or applicant for employment because of race, color, sex, religion, national origin, creed, marital status, sexual orientation, age, Vietnam era or disabled veteran status, or the presence of any sensory, mental, or physical handicap, including communicable diseases, and HIV/AIDS, provided the sensory, mental, or physical handicap does not prevent the job's specific performance.

(3) Agency-employed staff shall meet the following minimum requirements:

(a) Have a background inquiry clearance by the authorized state agency;

(b) Exhibit mature behavior and the ability to make independent judgments;

(c) Be twenty-one years of age or older when employed as an administrator;

(d) Be eighteen years of age or older when employed as a direct care staff; and

(e) Have attained a high school diploma or GED equivalent. Current employees are exempt from subsection (3)(e) effective the date of this amendatory act.

(4) Agency employees shall treat a client with dignity and consideration, respecting the client's civil and human rights at all times.

(5) The performance of the administrator and each employee shall be evaluated, in writing, annually or more often by the agency. An owner/administrator is exempt from this requirement.

(6) The administrator or administrator's designee shall be responsible for:

(a) Recruiting, employing, and arranging for residential services staff training;

(b) Terminating from employment any employee performing in an unsatisfactory manner; and

(c) Preparing and maintaining policies and procedures pertaining to clients personnel and financial records; and

(d) Securely storing client, personnel and financial records.

(7) Clients shall not be routinely involved in the instruction and support of other clients.) Residential services may be offered by service providers in:

(1) The client's own home;

(2) Group homes; or

(3) The group training home.

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-820-060 ((Staff training.)) Who may receive residential services? (((1) The agency shall orient the new employee to the agency's philosophy, goals, policies, procedures, and program services within the first:

(a) Two weeks of employment for staff scheduled to work twenty hours or more per week; or

(b) Four weeks of employment for staff scheduled to work less than twenty hours per week.

(2) The agency shall ensure new employees receive a minimum of twelve hours of training during the first six weeks of employment. Such training shall include a combination of orientation, instruction, and on-the-job training.

(3) The agency shall provide a minimum of twenty training hours to each direct service employee during the subsequent five employment months. Such staff training shall include, but not be limited to:

(a) Basic first aid/CPR;

(b) Knowledge and transmission of Hepatitis B; and

(c) Knowledge and transmission of human immunodeficiency virus (HIV), and acquired immunodeficiency syndrome (AIDS).

(4) The agency shall review and explain the current instruction and support plan for each client for whom the employee provides direct services before the employee works alone with the client.

~~(5) The agency shall document orientation, review, and training activities.)~~ Clients who are at least eighteen years old and authorized by DDD may receive residential services.

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-820-070 (~~Instruction and support.~~) **What physical and safety requirements exist for residential services?** ((1) The agency shall develop a written individual instruction and support plan (IISP) for each client:

- (a) Based on the goals established in the department's individual service plan (ISP);
- (b) Reflecting the client's preferences and concurrence;
- (c) Identifying activities promoting one or more of the following client services:
 - (i) Health and safety;
 - (ii) Personal power and choice;
 - (iii) Positive recognition by self and others;
 - (iv) Integration in the physical and social life of the community;
 - (v) Positive relationships; and
 - (vi) Competence and self-reliance.
- (d) Identifying the specific goal and describing the methods of instruction and support promoting client-centered benefits and independence in the community.

(2) The agency shall:

- (a) Implement the individual instruction and support plan (IISP) in a manner:
 - (i) Appropriate to the age of the client;
 - (ii) Taking place or occurring in typical community settings; and
 - (iii) Resulting in opportunities for:
 - (A) Positive change;
 - (B) Personal growth; and
 - (C) Development toward maximum independence.
- (b) Document progress toward achieving the benefits described in the individual instruction and support plan (IISP);
- (c) Review the plan semi-annually or more often;
- (d) Consult with other providers serving the client and other interested persons as needed to coordinate and promote the individual instruction and support plan (IISP); and
- (e) ~~Revise the individual instruction and support plan (IISP) as benefits are achieved.)~~ (1) When clients receive more than forty hours of residential services per month, the service provider must ensure that the following physical and safety requirements are met for the client:
 - (a) A safe and healthy environment;
 - (b) Accessible telephone equipment;
 - (c) An evacuation plan developed and practiced with the client;
 - (d) An entrance and/or exit that does not rely solely upon windows, ladders, folding stairs, or trap doors;
 - (e) A safe storage area for flammable and combustible materials;
 - (f) Unblocked exits;

(g) A working smoke detector, with a light-alarm for clients with hearing impairments, located close to sleeping rooms;

(h) A flashlight or a nonelectrical light source in working condition; and

(i) Basic first-aid supplies.

(2) These physical and safety requirements are also offered to clients who receive forty hours or less of residential services per month. If clients choose not to participate in meeting these requirements, service providers must document these situations according to WAC 388-820-100.

(3) The service provider must ensure that documentation is kept, showing that physical safety requirements are met. The client may independently document that these requirements are met as long as the client's IISP shows this involvement.

(4) Residential services must be located in a residential neighborhood within reasonable distance of necessary resources, unless a client chooses to live in a remote area. Resources include stores, banks, laundromats, churches, job opportunities, and other public services.

(a) Exception: Group homes certified prior to 1983 do not need to follow this requirement.

(b) Exception: Clients who receive community protection services do not need to follow this requirement.

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-820-080 (~~Nurse delegation.~~) **What are supported living services?** ((1) Before being authorized to perform a delegated nursing care task, staff shall:

- (a) Be a nursing assistant registered or nursing assistant-certified;
- (b) Complete nurse delegation core training as approved by the department. The training includes but is not limited to:
 - (i) Nurse delegation laws and protocols;
 - (ii) Basic medical knowledge; and
 - (iii) Medication administration.
- (c) The certified community residential services agency shall document this training activity and a certificate shall be issued to the nursing assistant upon completion of the required training.

(2) Nursing assistants delegated a nursing care task in compliance with the nursing care quality assurance commission requirements shall perform the task:

(a) In compliance with all requirements and protocols established by the commission in chapter 246-840 WAC;

(b) Only for the specific client who was the subject of the delegation; and

(c) Only with the consent of the client or a person authorized to provide consent for health care on behalf of the client under this section and RCW 7.70.065. "Persons authorized to provide consent for health care" shall be a member of one of the following classes of persons in the following order of priority:

(i) Legal guardian, if any;

(ii) An individual who holds a durable power of attorney for health care decisions;

PROPOSED

(iii) The client's spouse;
 (iv) The client's children who are at least eighteen years of age;

(v) The client's parents; and
 (vi) The client's adult siblings.

(3) The nursing assistant shall not transfer delegated authority to perform the nursing care tasks to another nursing assistant.

(4) The nursing assistant:

(a) May consent or refuse to consent to perform a delegated nursing care task;

(b) Shall be responsible for the nursing assistant's own actions with regard to the decision to consent or refuse to consent to the performance of the delegated task; and

(c) The nursing assistant shall not be subject to any employer reprisal for refusing to accept delegation of a nursing care task.

(5) The agency shall post and keep posted in a conspicuous place or places where notices to employees are customarily posted, the toll free telephone number established by aging and adult services administration for receiving complaints regarding delegation of specific nursing tasks to nursing assistants.) (1) Supported living services are instruction and supports offered by service providers to clients who live in or are establishing their own homes. Homes must be owned, rented, or leased by the clients or their legal representatives.

(2) Clients who receive supported living services are responsible for paying for their daily living expenses, such as rent, utilities, and food, using their personal financial resources.

(3) The level of support is based on each client's instruction and support needs. Support may range from one hour per month to twenty-four hours per day of staff support per client.

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-820-090 ((Nurse delegation—Penalties.))

What are group homes? (((1) The department shall impose a civil fine of not less than two hundred fifty dollars and not more than one thousand dollars on any provider that knowingly performs or knowingly permits an employee to perform a nursing task except as delegated by a nurse under:

(a) Chapter 18.88A RCW; and

(b) Chapter 246-840 WAC (nursing care quality commission regulations);

(2) When assessing civil fines, the investigator shall consider:

(a) Severity of occurrence;

(b) Frequency of occurrence; and

(c) Other relevant factors relating to the occurrence.

(3) The department shall make technical assistance available to providers for purposes of education and assistance in order to help providers comply with nurse delegation rules and protocols.

(a) The department's technical assistance program shall include:

(i) Requested or voluntarily accepted technical assistance visits during which or soon after which the department informs the provider of violation of law or agency rules;

(ii) How to access the technical assistance;

(iii) Printed information;

(iv) Information and assistance by phone;

(v) Training meetings;

(vi) Other appropriate methods to provide technical assistance; and

(vii) A list of organizations that provide technical assistance.

(b) The provider shall be given a reasonable period of time to correct violations identified during a technical assistance visit before any civil penalty provided by law is imposed for those violations except as provided in subsection (3)(c) of this section;

(c) A civil penalty may be issued during a technical assistance visit if:

(i) The provider has previously been:

(A) Subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(B) Given previous notice of the same or similar type of violation of the same statute or rule; or

(ii) The violation has a probability of placing a person in danger of death or bodily harm.

(d) Nothing in these rules obligates the department to conduct a technical assistance visit.

(4) Before imposition of a civil fine and for clarification purposes, the department may take substantially the following steps:

(a) Notify the agency of the concern;

(b) Give the agency an opportunity to explain circumstances or present additional information which may clarify concern;

(c) Request the agency to provide additional information if necessary;

(d) Nothing in this rule shall be construed to require the department to impose a fine if a determination is made that no unlawful delegation occurred.) (1) Group homes are residences that are licensed as either a boarding home or an adult family home by aging and adult services administration in DSHS, under chapters 388-78A and 388-76 WAC, respectively.

(2) The service provider must ensure that group homes comply with all applicable licensing regulations.

(3) Group homes provide residential services to two or more clients.

(4) Clients who live in group homes pay costs of room and board from their own financial resources. (See WAC 388-820-120 for additional information.)

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-820-100 ((Transportation.)) When must a service provider document a client's refusal to participate in services? (((1) The agency shall ensure or provide transportation for medical emergencies and medical appointments and therapies.

~~(2) The agency shall assist the client with or arrange transportation, in conjunction with the client and the division, for:~~

- ~~(a) Implementation of the individual service plan (ISP);~~
 - ~~(b) Implementation of the individual instruction and support plan (IISP);~~
 - ~~(c) Work, school or other publicly funded services;~~
 - ~~(d) Leisure or recreation activities; and~~
 - ~~(e) Client requested activities.~~
- ~~(3) An agency vehicle used to transport clients shall be:~~
- ~~(a) In safe operating condition; and~~
 - ~~(b) Properly insured for its usage.))~~
- ~~(1) A service provider must document a client's refusal to participate in:~~

- ~~(a) Physical and safety requirements, as outlined in WAC 388-820-070(2); and~~
 - ~~(b) Health services under WAC 388-820-690.~~
- ~~(2) Documentation must include the following:~~
- ~~(a) A description of events relating to the client's refusal to participate in these services;~~
 - ~~(b) A plan to inform the client of the benefits of these services;~~
 - ~~(c) A description of the service provider's efforts to give the services to the client; and~~
 - ~~(d) Any health or safety concerns that the refusal may pose.~~

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-820-110 (~~(Exceptions when allowed.)~~)

May a service provider offer services to nonclients in the same household as clients? ~~((The department may permit the provider to exceed payment for service and payment for additional expenses. Exceptions will be based on a review by the division of the participating tenant's need for extraordinary level of tenant support services. The exception must be approved by the secretary and included in the contract.))~~ Service providers must notify DDD of their intent to offer services to nonclients who are in the same household with clients. DDD must approve any of these situations, considering the health, safety, and preference of the clients.

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-820-120 (~~(Program set-up cost.)~~) Who pays for a client's residential services? ~~((1) The department may enter into a contractual agreement to reimburse the provider for costs incurred to establish the program. The provider's costs shall:~~

- ~~(a) Be based on a budget negotiated with the department; and~~
 - ~~(b) Include client costs of establishing a residence.~~
- ~~(2) The provider shall submit the department required billing documents.))~~

For all service providers

(1) DSHS must pay for residential services provided to clients under department contract at the contracted rate.

(2) DSHS must require a client to share the cost of services when mandated by federal or state statute or regulation.

(3) The service provider must inform DSHS when the client requires additional supports.

(a) The service provider must submit a written request with justification for additional service hours.

(b) DSHS may approve and provide payment for additional expenses or services.

(c) The service provider must retain a copy of department approval.

For group home services

(4) For a client who is receiving group home services and support:

(a) The client must pay for cost of care or services from earnings or other financial resources. Clients receiving SSI are responsible only for the cost of room and board.

(b) DSHS may pay for these services only after a client has used his or her own financial resources.

(c) When a client's guardian or legal representative controls the client's income, estate, or trust fund, they must reimburse the service provider as described in WAC 388-820-120.

For supported living services

(5) A client receiving supported living services must pay for housing, utilities, food, clothing, and other personal and incidental expenses from earnings and other financial resources.

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-820-130 (~~(Accounting procedures for client accounts.)~~) When may a service provider receive initial set-up funds from DSHS? ~~((1) Clients' cash or bank accounts controlled by a provider shall be subject to the provisions of this chapter. Clients' accounts shall include, but not be limited to:~~

- ~~(a) Trust accounts;~~
- ~~(b) Client/provider accounts;~~
- ~~(c) Individual accounts;~~
- ~~(d) Individual client cash; and~~
- ~~(e) Imprest fund(s).~~

~~(2) An account the client independently manages shall not be subject to the provisions of this section.~~

~~(3) The provider shall protect a client's financial interests by:~~

~~(a) Making available to the requesting client the money held for the client unless a client's guardian or legal representative makes other arrangements;~~

~~(b) Securing a client's or client's guardian's or legal representative's written consent for the management of the client's account;~~

~~(c) Keeping the client's account current by maintaining a running balance;~~

~~(d) Reconciling the client's account to the bank statement monthly;~~

~~(e) Making deposits to the client's account within one week of receiving the client's money;~~

~~(f) Preventing the client's account from becoming overdrawn or showing a debit;~~

~~(g) Limiting imprest and individual client cash funds to a reasonable amount necessary for the needs of the client, not to exceed fifty dollars per client;~~

~~(h) Maintaining documentation to support financial transactions for the specific type of account:~~

~~(i) Trust account records shall include:~~

~~(A) A control journal;~~

~~(B) Monthly bank statements and reconciliations;~~

~~(C) Checkbook registers and bankbooks;~~

~~(D) Deposit receipts;~~

~~(E) Canceled checks;~~

~~(F) Receipts for purchases; and~~

~~(G) Itemized subsidiary ledgers showing deposits, withdrawals, and interest payments to individual clients.~~

~~(ii) Client/provider accounts or individual accounts shall include the following records:~~

~~(A) Monthly bank statements and reconciliations;~~

~~(B) Checkbook registers and bankbooks showing deposits, withdrawals, and interest payments to the client;~~

~~(C) Deposit receipts;~~

~~(D) Canceled checks; and~~

~~(E) Receipts for purchases.~~

~~(iii) Individual client cash fund records shall include:~~

~~(A) A detailed ledger;~~

~~(B) Monthly reconciliation to the cash amount;~~

~~(C) Detailed accounting of money received on behalf of the client, including cash received from writing checks over the purchase amount and disposition of money spent; and~~

~~(D) Receipts for purchases costing over twenty dollars.~~

~~(iv) Imprest fund records shall include:~~

~~(A) A subsidiary ledger;~~

~~(B) A monthly reconciliation to the cash amount;~~

~~(C) A detailed accounting of money received on behalf of the client and disposition of money spent;~~

~~(D) Receipts for purchases over the amount of twenty dollars;~~

~~(E) Itemized ledgers showing a client's deposits and withdrawals, and interest payments paid to clients.~~

~~(i) Notifying the department when the client's account reaches three hundred dollars less than the maximum amount allowable by federal or state law; and~~

~~(j) Making each client's account available for the secretary's audit and inspection.~~

~~(k) Making client funds available to the client or a new provider on the day of transfer or movement when there is change of ownership or a client moves.~~

~~(4) When a client's provider receives a check made out to the client, the provider assisting the client shall:~~

~~(a) Secure the client's signature and designation "for deposit only" and deposit the check to the client's account; or~~

~~(b) Secure the client's "x" mark in the presence of another witness; and~~

~~(i) Co sign the check with the designation "for deposit only"; and~~

~~(ii) Deposit the check to the client's account.~~

~~(5) When a provider manages client/provider accounts and individual accounts, the agency and client checks shall:~~

~~(a) Be signed at the time of purchase only;~~

~~(b) Be signed by the client;~~

~~(c) Be initialed or signed by the staff assisting the client; and~~

~~(d) Not be written for amounts greater than a purchase unless the provider maintains required documentation described under subsection (3)(h)(ii) of this section.~~

~~(6) A provider shall pay overdraft charges, fees resulting from the provider's error or mismanagement when they control:~~

~~(a) Trust accounts;~~

~~(b) Client/provider accounts; and~~

~~(c) Imprest funds.~~

~~(7) A provider shall pay service charges for trust accounts and imprest funds when they control them.~~

~~(8) The agency shall retain all clients' financial records for a minimum of six years after audit, settlement or contract termination, including but not limited to:~~

~~(a) Client's related bankbooks;~~

~~(b) Bank statements;~~

~~(c) Checkbooks;~~

~~(d) Check registers; and~~

~~(e) All voided and canceled checks.~~

~~(9) The client's provider may loan money to the client from the provider's funds and collect the debt from the client by installments.~~

~~(10) The client's provider shall not:~~

~~(a) Charge the client interest for money loaned; or~~

~~(b) Borrow funds from the client.~~

~~(11) Upon a provider's transfer of ownership or movement of the client the previous provider shall within thirty days:~~

~~(a) Give the client, the client's guardian, or the client's legal representative a written accounting of all client's funds held by the provider;~~

~~(b) When applicable give the new provider a written accounting, in accordance with generally accepted accounting principles, of all transferred client funds;~~

~~(c) Obtain the client's, client's guardian's, or client's legal representative's written receipt for all the transferred funds; and~~

~~(d) When applicable, obtain the new provider's written receipt for the transferred funds.~~

~~(12) When a client becomes incapacitated or a client's whereabouts are unknown, the client's provider shall within thirty days transfer the client's funds to the client's legal guardian or to the department.~~

~~(13) When a client dies, the client's provider shall within thirty days transfer the client's funds to the client's legal guardian or to the department if the client does not have a legal heir.~~

~~(14) The provider shall not release client funds to a person other than the client or the client's guardian or legal representative without the written consent of the client or the secretary.)) (1) DSHS may enter into a contractual agreement to reimburse the service provider for costs incurred to establish services. The costs must be based on a budget negotiated with DSHS.~~

(2) DSHS may reimburse service providers for client costs of establishing a residence.

(3) For reimbursement, the service provider must submit the billing documents required by DSHS.

CERTIFICATION

NEW SECTION

WAC 388-820-140 What are the different types of certification? There are three different types of certification that DDD approves for residential services:

- (1) Initial certification;
- (2) Regular certification; and
- (3) Provisional certification.

NEW SECTION

WAC 388-820-150 When may DDD grant initial certification to an agency? (1) DDD may grant initial certifications to agencies that meet the requirements outlined in this chapter.

(2) An interested agency must apply to DDD to be certified.

NEW SECTION

WAC 388-820-160 How does an agency apply for initial certification? To apply for initial certification, an agency must go through the following application procedure.

(1) An agency's completed application must be submitted to the regional DDD office for initial certification in that region. The application must include:

- (a) A letter of intent;
- (b) A mission statement;
- (c) A statement of assurance stating that the service provider will not discriminate against a client or employee (see WAC 388-820-280);
- (d) Verification of financial stability;
- (e) A budget forecast;
- (f) A staff-coverage schedule;
- (g) A staff in-service training plan;
- (h) The agency's policies and procedures;
- (i) Relevant experience and qualifications of the agency;
- (j) A minimum of two professional references;
- (k) A copy of the license if applying for a group home;
- (l) The administrator's resume; and
- (m) A list of the agency board of directors and affiliations, if applicable.

(2) DSHS must provide the county with a copy of the agency's application.

(3) The county may submit written recommendations about the application to DSHS within thirty calendar days after receiving the application. DSHS reviews the county's recommendations.

(4) An agency must comply within one hundred and eighty days of the certification's effective date with:

- (a) Relevant federal, state, and local laws and ordinances; and
- (b) Department-established requirements.

(5) DDD notifies the agency in writing that all documentation has been received and approves or denies initial certification.

NEW SECTION

WAC 388-820-170 What happens after an agency receives initial certification? After an agency receives initial certification, DDD decides whether to grant a residential services contract with that agency.

(1) Under initial certification, agencies that receive a contract with DDD become service providers. Once a contract is in place, a service provider is approved for receiving client referrals and serving clients in a particular region for up to one hundred and eighty days. Service providers must have a separate contract for each region where they receive referrals and serve clients.

(2) If DDD does not contract with an agency, initial certification will be valid for up to a year for that agency.

NEW SECTION

WAC 388-820-180 May initial certification be extended for a service provider? If the initial certification expires before DDD conducts a formal review and evaluation of a service provider, DDD may extend the initial certification up to one hundred and eighty days.

NEW SECTION

WAC 388-820-190 How does a service provider receive regular certification? (1) DSHS uses a formal review and evaluation process to determine whether a service provider has complied with certification requirements outlined in this chapter and the department contract.

(2) The county may submit recommendations about a service provider to DSHS.

(3) After determining that a service provider has complied with requirements, DSHS may approve a service provider for regular certification.

(a) This certification allows a service provider to continue to receive referrals and provide instruction and support to clients.

(b) Regular certification may be granted to service providers for up to two years.

(4) Regular certification may be extended for a period up to one hundred and eighty days.

NEW SECTION

WAC 388-820-200 How often are reviews and evaluations done for service providers? (1) DSHS must review and/or evaluate each service provider's services at least every two years.

(2) DSHS may review a client's records and activities at any time to see if the service provider continues to address the clients' needs for instruction and support activities.

(3) DSHS may conduct additional evaluations or audits of any service provider at its discretion.

PROPOSED

NEW SECTION

WAC 388-820-210 What occurs during review and evaluation? (1) Service providers are evaluated, using this chapter and the DSHS contract requirements.

(2) Ways to gather information for evaluation must include:

- (a) Review of records;
 - (b) Interview of clients, legal representatives, and others with the client's consent; and
 - (c) Observation of staff and client interactions.
- (3) Information may also be gathered by conducting:
- (a) Interviews with other entities contracted with DSHS; and

- (b) Interviews with DSHS staff.

(4) The state-contracted evaluators conduct meetings with the service provider and DDD to discuss their preliminary findings and request additional information and clarification.

(5) Evaluators conduct an exit conference to present the evaluation report to the service providers and DSHS.

(a) The evaluation report will include the service provider's operation history.

(b) If the service provider has not complied with certification requirements or with its contract with DSHS, the evaluator will note the findings in the report.

(c) The report must specify the corrective action plan. The corrective action plan and specific time frames are negotiated between the service provider and DSHS.

(d) At the conclusion of the exit conference, the service provider may request a copy of part or all of the draft report from the evaluator.

(e) The service provider may also submit a letter requesting a draft copy of the report to DDD headquarters within fourteen days of the exit conference.

NEW SECTION

WAC 388-820-220 May service providers disagree with evaluation findings? (1) If service providers disagree with evaluation findings, they must submit in writing documentation supporting their position within fourteen calendar days after:

- (a) The exit conference; or
 - (b) Receipt of the draft of the evaluation report.
- (2) After receiving the service provider's documentation, DDD must send written notification of its decision to the service provider within fourteen calendar days.

(3) The service provider's documentation and DDD's decision must become part of the final evaluation report.

(4) DDD must file a report of the evaluation results and send a copy to the service provider. At this time, the evaluation report is considered to be a public document.

NEW SECTION

WAC 388-820-230 May a service provider receive provisional certification? (1) A service provider that does not comply with all requirements of this chapter may receive provisional certification by DSHS.

(2) Provisional certification may not exceed one hundred eighty days.

(3) At the end of provisional certification:

(a) If the service provider has complied with certification requirements, DSHS may approve the service provider for regular certification.

(b) If the service provider has not complied with certification requirements, DSHS must revoke the service provider's certification and terminate the contract.

NEW SECTION

WAC 388-820-240 When may DSHS decertify a service provider? If a service provider does not comply with certification requirements, DSHS may decertify a service provider under chapter 43.20A RCW. Upon decertification, DSHS terminates the contract and stops all payments.

ADMINISTRATIVE REQUIREMENTS: GENERALNEW SECTION

WAC 388-820-250 What are administrators of service providers required to do? DSHS requires administrators of service providers to oversee all aspects of services delivered to clients, consistent with the DSHS contract. This includes:

(1) Overseeing all aspects of staff development, such as recruitment and staff training;

(2) Preparing and maintaining policies and procedures related to client services, personnel, and financial records; and

(3) Securely storing client, personnel, and financial records.

NEW SECTION

WAC 388-820-260 Must service providers' administrative documents be approved by DDD? Service providers must have DDD approval for several types of administrative documents.

(1) Service providers must have these written statements approved by DDD:

- (a) A mission statement;
- (b) Program description and admission criteria;
- (c) An organizational chart and description showing all supervisory relationships; and

(d) Definition of staff roles and responsibilities, including the person designated to act in the absence of the administrator.

(2) Service providers must also have these policies and procedures approved by DDD:

(a) Background checks, as required under chapter 388-146 WAC;

(b) Client confidentiality and release of information;

(c) Client rights, which must include information on how to report suspected abuse, neglect, exploitation, and mistreatment;

(d) Client grievance procedures;

- (e) Protection of client's financial interests, including management of client accounts, if applicable;
- (f) Medication management, administration, and assistance;
- (g) Plans for responding to missing persons; client emergencies, including access to medical, mental health, and law enforcement resources; and natural or other disasters;
- (h) Notification of client's guardian and/or relatives in case of emergency; and
- (i) Methods used for soliciting client input and feedback on services and support received.

NEW SECTION

WAC 388-820-270 What are the requirements for personnel policies? (1) Service providers must maintain current written personnel policies and procedures.

(2) Personnel policies and procedures must be available to all employees.

NEW SECTION

WAC 388-820-280 What nondiscrimination requirements must agencies and service providers meet? (1) When employing staff or supporting clients, agencies and service providers must not discriminate against any person on the basis of:

- (a) Race;
 - (b) Color;
 - (c) Creed;
 - (d) Religion;
 - (e) National origin;
 - (f) Age;
 - (g) Gender;
 - (h) Presence of any sensory, mental, or physical disability, including HIV/AIDS conditions;
 - (i) Use of a trained dog guide or service animal by a person with a disability;
 - (j) Marital status;
 - (k) Disabled status or Vietnam Era veteran status;
 - (l) Sexual orientation; and
 - (m) Any other reasons prohibited by law.
- (2) **Exception:** An employer may deny employment to a person if the decision is based upon a bona fide occupational qualification. (See chapter 49.60 RCW.)

NEW SECTION

WAC 388-820-290 What staffing requirements must service providers meet? (1) A service provider must have a designated administrator.

(2) Clients must have immediate access to staff, or the means to contact staff, at all times: Twenty-four hours a day, seven days a week.

(3) A service provider must provide adequate staff within contracted funds to administer the program and meet the needs of the clients.

(4) A service provider must have other staff available, as specified by the service provider's contract with DSHS.

(5) Each group home must maintain staffing that complies with:

(a) Boarding home or adult family home licensing requirements under chapter 388-78A or 388-76 WAC, respectively; and

(b) Contract requirements with the division of developmental disabilities.

NEW SECTION

WAC 388-820-300 May clients instruct and support other clients? Clients must not be routinely involved in the unpaid instruction and support of other clients.

NEW SECTION

WAC 388-820-310 Do employees and volunteers need background checks? (1) Employees and volunteers must have a background check cleared by DSHS before working alone, unsupervised with clients. Employee and volunteers waiting for background checks may work with clients only if they are directly observed by staff who have a DSHS background clearance.

(2) An FBI check is required when an employee or volunteer has resided in the state for less than three years.

(3) **Exception:** The department may give a provisional background clearance of one hundred twenty days when an FBI check is required.

(4) Clearances must be obtained for each service provider where the staff person works or volunteers.

(5) Clearances must be renewed as specified by DSHS.

NEW SECTION

WAC 388-820-320 What are the minimum requirements for staff employed by service providers? Service provider staff must meet the following minimum requirements:

(1) Exhibit job-related competency and the ability to make independent judgments;

(2) Have a high school diploma or GED equivalent, unless the employees were hired before 1983;

(3) Be at least eighteen years of age when employed as a direct care staff, or at least twenty-one years of age when employed as an administrator; and

(4) Treat a client with dignity and consideration, respecting the client's civil and human rights at all times.

NEW SECTION

WAC 388-820-330 What staff training is required? The service provider must give specific training to staff. Within the first six months, staff must receive a minimum of thirty-two total hours of training that meet the following requirements.

(1) Before the employee works alone with clients, the service provider must explain the following to the employee:

(a) The current instruction and support plan for the employee's clients;

(b) Emergency procedures for clients;

- (c) The DSHS-approved policy on abuse and neglect; and
- (d) Client confidentiality.
- (2) Within the first four weeks of employing a staff person, the service provider must provide training that includes:
- The service provider's mission statement;
 - Policies and procedures; and
 - On-the-job training.
- (3) Additional training within the first six months must include:
- First aid/CPR;
 - Bloodborne pathogens with HIV/AIDS information; and
 - Client services.
- (4) Each employee must keep first aid/CPR certification and bloodborne pathogens training current.
- (5) The service provider must document orientation and training activities.
- (6) Group homes must also meet the training requirements mandated by the licensing requirements specified by DSHS.

NEW SECTION

WAC 388-820-340 How often must performance reviews be conducted for staff of service providers? (1) Written performance reviews for staff of residential service providers must be conducted at least annually and kept on file.

(2) If the service provider is a nonprofit organization, administrators must be evaluated annually by their supervisor or by the organization's governing board.

(3) If the service provider is a for-profit organization, owners are not required to have performance reviews.

(4) If the service provider is a governmental agency, administrators are evaluated by their supervisor.

NEW SECTION

WAC 388-820-350 When must service providers have staff-coverage schedules approved by DDD? (1) DDD must approve staff-coverage schedules for those service providers who have on-duty staff twenty-four hours a day.

(2) The staff-coverage schedules must be approved at the following times:

- Before certification review takes place;
- When household configuration changes affect funding; and
- When additional staffing is requested.

(3) Staff-coverage schedules may be requested by DDD at any time.

(4) Each service provider must retain copies of the approved staff-coverage schedules.

NEW SECTION

WAC 388-820-360 What happens when a service provider's ownership changes? (1) A service provider must

inform DSHS in writing sixty days before a change of ownership occurs.

(2) On the effective date of a change of ownership, DSHS must terminate the department's certification and contract with the previous service provider.

(3) DSHS must withhold final payment to the previous service provider until that service provider submits and DSHS accepts all reports and required documents.

(4) DSHS is under no obligation to contract with the new owner entity.

NEW SECTION

WAC 388-820-370 When may a client's service provider change? A client's service provider may change when:

(1) A client stops receiving residential services and supports from a service provider;

(2) A service provider transfers ownership; or

(3) The client chooses a different service provider.

ADMINISTRATIVE REQUIREMENTS: CLIENT RECORDS**NEW SECTION**

WAC 388-820-380 Are clients' records considered confidential? (1) The service provider and staff must consider all client record information privileged and confidential. Copies of client record information are available to:

(a) DSHS, the client, and/or legal representative upon their request to the service provider; and

(b) The county developmental disabilities board with DDD approval, as allowed under RCW 71A.14.070.

(2) Any other transfer or inspection of records must be authorized by a release of information form that:

(a) Specifically gives information about the transfer or inspection; and

(b) Is signed by the client or guardian.

(3) A signed release of information is valid for up to one year.

NEW SECTION

WAC 388-820-390 How long does a service provider need to keep client records? (1) While supporting a client, a service provider must keep a client's records from at least the past four years.

(2) After a client's participation with a service provider ends, the client's records must be kept by the service provider for at least six years.

NEW SECTION

WAC 388-820-400 What information do service providers need to keep in client records? A service provider needs to keep certain information in client records to fulfill DSHS requirements. The client's records must include, but not be limited to, the following:

(1) The client's name, address, and Social Security number.

(2) The name, address, and telephone number of the client's relative, guardian or legal representative.

(3) Copies of legal guardianship papers, if any.

(4) Client health records, including:

(a) The name, address, and telephone number of the client's physician, dentist, mental health service provider, and any other health care service provider;

(b) Health care service providers' instructions about health care needed, including appointment dates and date of next appointment if appropriate;

(c) Written documentation that the health care service providers' instructions have been followed; and

(d) A record of major health events and surgeries when known.

(5) A copy of the client's individual service plan (ISP).

(6) The client's individual instruction and support plan (IISP), including:

(a) Instruction and support activities for each client as a basis for review and evaluation of client's progress;

(b) Semiannual review of the IISP;

(c) Consultation with other service providers and other interested persons;

(d) IISP revisions and changes; and

(e) Other activities relevant to the client that the client wants included.

(7) Progress notes and incident reports on clients.

(8) The client's financial records for funds managed by the service provider, including:

(a) Receipts, ledgers and records of the client's financial transactions; and

(b) Client's related bankbooks, checkbooks, bank registers, tax records and bank statements.

(9) Burial plans and wills.

NEW SECTION

WAC 388-820-410 Do service providers need to keep client's property records? The service provider must assist clients in maintaining current, written property records when the clients receive forty hours or more a month of services. The record consists of:

(1) A list of items with a value of at least twenty-five dollars that the client owns when moving into the program;

(2) A list of personal possessions with a value of seventy-five dollars or more per item once the client is receiving services;

(3) Description and identifying numbers, if any, of the property;

(4) The date the client purchased the items after moving into the program;

(5) The date and reason for addition or removal from the record; and

(6) The signature of the staff or client making the entry.

NEW SECTION

WAC 388-820-420 Are there requirements for record entries? (1) The service provider must note all record entries in ink.

(2) Entries must be made at the time of or immediately following the occurrence of the event recorded, in legible writing, and dated and signed by the person making the entry.

EMERGENCIES

NEW SECTION

WAC 388-820-430 Who must service providers notify in emergencies? In emergencies, a service provider must:

(1) Notify the client's guardian or legal representative as soon as possible;

(2) Immediately report to DSHS about a serious incident or emergency, as specified in the contract; and

(3) Submit a written incident report to DSHS, as required by law or policy.

ABUSE AND NEGLECT REPORTING

NEW SECTION

WAC 388-820-440 What abuse and neglect reporting requirements must service providers meet? (1) Under chapter 74.34 RCW, all administrators, owners, staff and volunteers are mandated to report instances of suspected client abuse, neglect, exploitation, or mistreatment.

(2) Reports must be made to one of two different areas at DSHS:

(a) Service providers giving supportive living services must report to adult protective services (APS); and

(b) Service providers giving services through group homes must report to residential care services (RCS).

(3) Reports must be made to law enforcement agencies, when appropriate.

(4) Service providers must have DSHS-approved policies and procedures that specify reporting requirements for client abuse, neglect, exploitation, or mistreatment.

(5) Each administrator, owner, staff person, and volunteer must sign this policy about reporting requirements. The service provider must place the signed policy in the personnel file for staff or volunteers.

CLIENT SERVICES

NEW SECTION

WAC 388-820-450 What are client services? Clients must receive instruction and support activities in one or more of these client services:

(1) Health and safety;

(2) Personal power and choice;

(3) Competence and self-reliance;

(4) Positive recognition by self and others;

(5) Positive relationships; and

(6) Integration in the physical and social life of the community.

NEW SECTION

WAC 388-820-460 What health and safety support may a service provider offer to a client? Service providers offer health and safety support to assist clients. This may include assisting clients to:

- (1) Know when they need health services;
- (2) Maintain good health;
- (3) Learn about basic nutrition;
- (4) Learn about human sexuality;
- (5) Use health services, including mental health services;
- (6) Manage and/or self-administer their medications;
- (7) Deal with illness and injury;
- (8) Apply first-aid procedures;
- (9) Learn self-protection;
- (10) Become aware of fire evacuation plans and burglary protection strategies; and
- (11) Know emergency procedures, such as using 911 or a local emergency number.

NEW SECTION

WAC 388-820-470 What support may a service provider offer to a client to increase personal power and choices? Service providers support a client's personal power and choices. This may include assisting clients to:

- (1) Secure housing and furnishings that reflect personal preferences, life style, and financial means;
- (2) Express personal opinions and make decisions;
- (3) Learn and exercise rights and responsibilities;
- (4) Improve communication skills;
- (5) Participate in a variety of activities of their choice, including new experiences;
- (6) Exercise voter rights;
- (7) Learn about and participate in self-advocacy and protection services; and
- (8) Make career choices.

NEW SECTION

WAC 388-820-480 What support may a service provider offer to increase a client's competence and self-reliance? Service providers increase a client's competence and self-reliance. This may include assisting clients to:

- (1) Develop and achieve their goals;
- (2) Learn and use daily living skills, such as meal planning and preparation, grocery shopping, doing laundry, using household appliances, managing money, and using leisure time;
- (3) Identify situations where the client needs or desires assistance from others;
- (4) Complete or participate in all tasks within their abilities; and
- (5) Acquire and use adaptive devices and equipment, as needed.

NEW SECTION

WAC 388-820-490 How may service providers assist clients in gaining positive recognition? Service providers encourage a client's positive recognition. This may include assisting clients to:

- (1) Create positive self-esteem and feelings of self-worth;
- (2) Choose valued social roles;
- (3) Make choices that enhance their positive recognition by community members; and
- (4) Present themselves in ways that are typical of other people in their community.

NEW SECTION

WAC 388-820-500 What support may a service provider offer to increase the positive relationships in the client's life? Service providers encourage clients in developing, maintaining, and expanding positive relationships. This may include assisting clients to:

- (1) Improve their communication skills;
- (2) Experience opportunities to meet and interact with other people;
- (3) Initiate, build and sustain relationships;
- (4) Involve the client's guardian, chosen family members or representative in planning and making decisions that affect the client;
- (5) Resolve disagreements with peers, family, friends, staff, neighbors, and coworkers; and
- (6) Cope with the loss of a significant relationship, such as the death of a friend or family member, the end of a relationship, the loss of a job, or a change of staff.

NEW SECTION

WAC 388-820-510 How may a service provider assist clients with becoming integrated into their community? Service providers encourage clients to become integrated into the physical and social life of the community. Service providers may assist clients to:

- (1) Use community resources such as grocery store, bank, and social organizations;
- (2) Use available transportation;
- (3) Access educational and vocational opportunities; and
- (4) Participate on boards, committees, or other positions of influence or status.

CLIENT SERVICE PLANS

NEW SECTION

WAC 388-820-520 What is an individual service plan (ISP) for clients? An individual service plan (ISP) is required for each client. The ISP outlines the support needs and interests of the client. The plan identifies the responsibilities of the service provider and other entities in supporting the client. Examples of other entities are: Vocational provider, therapists, nurses, and advocates. (See RCW 71A.18.010.)

NEW SECTION

WAC 388-820-530 Who is responsible for completing and overseeing a client's ISP? The client's DDD case resource manager is responsible for completing and overseeing a client's individual service plan (ISP).

NEW SECTION

WAC 388-820-540 Who may participate in creating a client's ISP? (1) The case resource manager must have face-to-face contact with the client in developing the individual service plan (ISP).

(2) The case resource manager must also involve the client's guardian or legal representative and the service provider.

(3) In creating a client's individual service plan (ISP), under RCW 71A.18.010 and WAC 388-825-050, the client and DDD case resource manager may involve:

- (a) Department staff; and
- (b) Other interested persons invited by the client.

NEW SECTION

WAC 388-820-550 How often must the ISP be reviewed? (1) The DDD case resource manager must review the ISP with the client at least annually.

(2) In addition, an ISP meeting must be held with the client at least every two years, under RCW 71A.18.010. The meeting must be held in the client's home unless requested otherwise by the client.

NEW SECTION

WAC 388-820-560 What is an individual instruction and support plan (IISP) for clients? (1) An individual instruction and support plan (IISP) outlines the specific requirements for carrying out the residential services portion outlined in the individual service plan (ISP). The IISP must describe the methods of instruction and/or support needed to reach the client's goal.

(2) The IISP must be based on the goals of the individual service plan (ISP), reflect the client's preferences, and have the client's agreement.

(3) The IISP identifies activities and opportunities that promote one or more of the following client services:

- (a) Health and safety;
- (b) Personal power and choice;
- (c) Positive recognition by self and others;
- (d) Integration in the physical and social life of the community;
- (e) Positive relationships; and
- (f) Competence and self-reliance.

NEW SECTION

WAC 388-820-570 Who may participate in developing the IISP for each client? (1) The service provider must develop with each client a written individual instruction and support plan (IISP).

(2) The client may involve other interested individuals in developing the IISP.

(3) The service provider must facilitate the individual instruction and support plan (IISP) in a manner that:

- (a) Is respectful and inclusive of the client;
- (b) Is appropriate to the age of the client or is preferred by the client;
- (c) Takes place or occurs in community settings; and
- (d) Results in opportunities for clients to experience positive change and personal growth.

NEW SECTION

WAC 388-820-580 Who oversees the IISP for each client? (1) The service provider must oversee the progress made on each client's individual instruction and support plan (IISP).

(2) In overseeing each client's IISP, the service provider must:

- (a) Consult with other service providers serving the client and other interested persons, as needed, to coordinate the IISP;
- (b) Revise the IISP as goals are achieved, or as requested by the client; and
- (c) Review and update the plan at least every six months.

CLIENT FUNDSNEW SECTION

WAC 388-820-590 May a service provider manage a client's funds? (1) A service provider may manage a client's funds after either:

- (a) Obtaining written consent from the client, the client's guardian or legal representative; or
- (b) Becoming the designated payee by the source of the client's unearned income.

Note: An example is a client receiving unearned income from the Social Security Administration.

(2) A client's funds are considered to be managed by a service provider when the service provider:

- (a) Has signing authority and may disperse a client's funds; and/or
- (b) May limit access to client funds by not allowing funds to be expended.

NEW SECTION

WAC 388-820-600 May a service provider hold bankbooks and bankcards for a client? Clients may ask a service provider to hold their bankbooks and bankcards while still having access to their own funds. This must be documented in the client's individual instruction and support plan (IISP).

Note: In this situation, service providers are not necessarily considered managers of the client's funds.

NEW SECTION

WAC 388-820-610 May a service provider combine agency and client funds? A service provider may not combine client funds with any agency funds, such as agency operating funds.

NEW SECTION

WAC 388-820-620 Does the service provider need to develop an individual financial plan (IFP) for clients? (1) A financial management plan is required only for those clients whose funds are managed by the service provider. The client and service provider must develop this individual financial plan (IFP) together.

(2) The IFP must be reviewed at least annually by the service provider and client.

(3) A copy of the IFP must be sent to:

(a) The guardian and/or legal representative; and

(b) The client's DDD case resource manager upon request.

NEW SECTION

WAC 388-820-630 What information must the IFP include? This plan must include all of the following items:

(1) The part of the client's funds and income that will be managed by the service provider;

(2) The part of client funds and income that will be managed by the client or legal representative;

(3) The type of accounts used;

(4) A budget process;

(5) Asset management, such as personal property, burial plan, retirement funds, stock, and vehicles;

(6) Cash management;

(7) Money management instruction and/or support;

(8) An explanation of which purchases require receipts; and

(9) Contingency plan for "spend down" if needed. An example of "spend down" is the lump sum amount given from the Social Security Administration.

(10) A signature of the client and the client's guardian, if any.

NEW SECTION

WAC 388-820-640 How does a service provider manage client funds? (1) For client's funds that the service provider manages, the service provider must:

(a) Separately track each client's money even when several clients reside together;

(b) Keep the client's account current by maintaining a running balance;

(c) Reconcile the client's account to the bank statement on a monthly basis;

(d) Make deposits to the client's account within one week of receiving the client's money;

(e) Prevent the client's account from being overdrawn;

(f) Ensure that individual cash funds do not exceed seventy-five dollars per person unless specified differently in the individual's financial plan; and

(g) Retain receipts for purchases of over twenty-five dollars.

(2) When a client's service provider receives a check made out to the client, the service provider assisting the client must either:

(a) Get the client's signature and designation "for deposit only," and deposit the check in the client's account; or

(b) Get the client's "x" mark in the presence of another witness, cosign the check with the designation "for deposit only," and deposit the check in the client's account.

(3) If the check for a client is made out to a payee other than the client, the payee signs the check.

(4) Clients may never sign a blank check.

(5) When clients use checks for purchases, they must sign checks at the time of purchase unless specified differently in their individual financial plan.

(6) The service provider must document the names of any staff who assist a client with financial transactions.

NEW SECTION

WAC 388-820-650 What documentation must service providers keep to protect a client's financial interests? Service providers must keep certain documentation for the part of funds they manage for clients. This protects clients' financial interests.

(1) Documentation for bank and cash accounts must include monthly reconciliation of bank and cash accounts that are verified and initialed by a second party who did not make or assist in the transaction.

(2) Other documentation that a service provider must keep for client **financial** transactions include:

(a) Monthly bank statements and reconciliation;

(b) Checkbook registers and bankbooks;

(c) Deposit receipts;

(d) Receipts for purchases over twenty-five dollars, or as specified in the financial plan;

(e) Any itemized subsidiary ledgers showing deposits, withdrawals, and interest payments to individual clients; and

(f) A control journal for trust accounts.

(3) Other documentation that a service provider must keep for client **cash** transactions include:

(a) A detailed ledger signed by the person who withdrew any of the client's money;

(b) Monthly reconciliation to the cash amount;

(c) Detailed accounting of the money received on behalf of the client, such as cash received from writing checks over the purchase amount, and a list of where the money was spent; and

(d) Receipts for purchases over twenty-five dollars where service provider staff withdrew the money.

(4) Service providers must notify DSHS when the client:

(a) Receives services under a CAP (community alternative program) waiver; and

(b) Has an account that reaches three hundred dollars less than the maximum amount allowed by federal or state law.

Note: CAP-waiver is defined under WAC 388-825-170.

NEW SECTION

WAC 388-820-660 How are a client's funds transferred when they are managed by a service provider? When a service provider manages a client's funds, transferring those funds must follow specific procedures.

(1) When a client transfers from one service provider to another, the previous service provider must transfer client funds within thirty days. To transfer funds, the previous service provider must:

- (a) Give the client, the client's guardian, and/or the legal representative a written accounting of all known client funds;
- (b) When applicable, give the new service provider a written accounting of all transferred client funds;
- (c) Obtain a written receipt from the client, client's guardian and/or legal representative for all transferred funds; and
- (d) When applicable, obtain the new service provider's written receipt for the transferred funds.

(2) When a client becomes incapacitated or a client's whereabouts are unknown, the client's service provider must transfer the client's funds within one hundred and eighty days to the client's legal guardian, to DSHS, or to the requesting governmental entity.

(3) When a client dies, the service provider must transfer the client's funds within ninety days to:

- (a) The client's guardian;
- (b) The legal representative;
- (c) The requesting governmental entity; or
- (d) DSHS if the client does not have a legal heir.

NEW SECTION

WAC 388-820-670 How does a service provider handle loans to a client? (1) A service provider may loan money to a client from the service provider's funds and collect the debt from the client by installments.

(2) The client's service provider must **not**:

- (a) Charge a client interest for money loaned; or
- (b) Borrow funds from the client.

(3) A service provider must retain a signed loan agreement with the client and clearly document:

- (a) The original amount of the loan;
- (b) Payback schedules; and
- (c) The balance owed.

NEW SECTION

WAC 388-820-680 When must a service provider pay a client? A service provider must pay a client when:

(1) A service provider or staff has stolen, misplaced, or mismanaged client funds.

(2) There are service charges incurred on a trust account that the service provider operates for a client.

(3) A client performs work for the service provider.

(a) The service provider must pay the client at least the current minimum wage.

(b) Clients who work for a service provider must be paid according to federal and state law requirements.

CLIENT HEALTH SERVICES

NEW SECTION

WAC 388-820-690 What must service providers do to support a client's health? (1) The service provider must give necessary assistance to the client in accessing health, mental health, and dental services.

(2) For clients who receive an average of thirty hours or more of service per month, the service provider must:

- (a) Maintain health records;
- (b) Assist the client in arranging appointments with health professionals;
- (c) Monitor medical treatment prescribed by health professionals;
- (d) Communicate directly with health professionals when needed; and
- (e) Ensure that the client receives an annual physical and dental examination unless the appropriate medical professional gives a written exception.

NEW SECTION

WAC 388-820-700 May a client refuse health care services? A client may refuse to participate in health care services. Service providers must document these situations, according to WAC 388-820-100.

NEW SECTION

WAC 388-820-710 When may client funds be used for health services? (1) Client funds for health services may be used when no other funding is available.

(2) A service provider must document all denials from:

- (a) DSHS' medical assistance administration; and/or
- (b) Private insurance companies or other carriers of primary medical insurance.

(3) The written documentation must be given to the client's DDD case resource manager and kept in the client's files.

CLIENT TRANSPORTATION

NEW SECTION

WAC 388-820-720 How must the service provider be involved with a client's transportation needs? (1) The service provider must provide transportation or ensure that clients have a way to get to:

- (a) Emergency medical care;
- (b) Medical appointments; and
- (c) Therapies.

(2) Within available resources, the service provider must provide necessary assistance with transportation to and from:

- (a) Work, school or other publicly funded services;
- (b) Leisure or recreation activities;
- (c) Client-requested activities; and
- (d) ISP- or IISP-related activities.

(3) A vehicle that the service provider uses to transport clients must be:

- (a) In safe operating condition; and
- (b) Properly insured for its usage.

NURSE DELEGATION

NEW SECTION

WAC 388-820-730 Who may delegate nursing care tasks? (1) Any registered nurse (RN) may delegate specified nursing care tasks to staff who become qualified nursing assistants. Qualified nursing assistants may perform nursing care tasks only for the client who is specified by the RN to receive care.

(2) One nursing assistant must not transfer delegated authority to perform nursing care tasks to another nursing assistant.

NEW SECTION

WAC 388-820-740 What training is required before staff are qualified to perform delegated tasks? (1) Before performing delegated tasks, staff must:

- (a) Be registered or certified as a nursing assistant (NAR or NAC, respectively);
- (b) Complete nurse delegation core training approved by DSHS and receive a certificate; and
- (c) Receive client-specific training from the delegating registered nurse.

(2) In addition, registered nursing assistants must complete thirty-two hours of staff training required by WAC 388-820-330 before doing nursing care tasks. Certified nursing assistants may perform delegated tasks before completing the required thirty-two hours of staff training.

(3) After the staff member completes the required training, the service provider must keep:

- (a) Written instructions provided by the delegating registered nurse; and
- (b) A copy of the registration or certification for each employee.

NEW SECTION

WAC 388-820-750 Do nursing assistants need to comply with department of health requirements? Nursing assistants must comply with department of health (DOH) requirements under chapter 246-840 WAC.

NEW SECTION

WAC 388-820-760 Who is authorized to provide consent for a client's receiving health care? (1) Before nursing

assistants perform nursing care tasks for a client, the registered nurse must obtain consent from the client or person authorized to give consent.

(2) Under RCW 7.70.065, if a client is unable to give consent or is incapacitated, certain people are authorized to provide consent for a client's receiving health care. These people must be one of the following in this priority order:

- (a) The legal guardian, if any;
 - (b) An individual who holds a durable power of attorney for health care decisions;
 - (c) The client's spouse;
 - (d) The client's children who are at least eighteen years of age;
 - (e) The client's parents; and
 - (f) The client's adult siblings.
- (3) Proof of consent must be kept in the client's files.

NEW SECTION

WAC 388-820-770 What rights do nursing assistants have concerning the delegation of nursing care tasks?

Nursing assistants have certain rights when nursing care tasks are delegated by the registered nurse.

(1) The service provider must post the toll-free telephone number, established by DSHS' aging and adult services administration, for complaints about the delegation of nursing tasks to nursing assistants. The telephone number must be posted in a conspicuous place for employees.

(2) The nursing assistant:

- (a) May consent or refuse to consent to perform a delegated nursing care task; and
- (b) Must not receive employer reprisal for refusing to accept the delegation of a nursing care task if the refusal is based on client safety issues.

NEW SECTION

WAC 388-820-780 Are nursing assistants liable for errors while doing nursing care tasks? If nursing assistants are following written directions from the delegating nurse, they are not liable for errors in doing nursing care tasks.

NEW SECTION

WAC 388-820-790 What happens if unqualified staff do a nursing task? (1) DSHS must impose a civil fine of not less than two hundred fifty dollars and not more than one thousand dollars on any service provider who knowingly performs or permits an employee to perform a nursing task without proper delegation. (See chapter 18.88A RCW and chapter 246-840 WAC.)

(2) When assessing civil fines, DSHS must consider:

- (a) Severity of occurrence;
- (b) Frequency of occurrence; and
- (c) Other relevant factors relating to the occurrence.

NEW SECTION

WAC 388-820-800 What technical assistance may service providers get from DSHS for nurse delegation

requirements? (1) DSHS must offer technical assistance to service providers for purposes of education and assistance to help service providers comply with nurse delegation requirements and protocols.

(2) The DSHS technical assistance program must include:

- (a) Technical assistance visits where DSHS informs the service provider of violation of law or service provider rules;
- (b) Information about how to get technical assistance;
- (c) Printed information;
- (d) Information and assistance by phone;
- (e) Training meetings;
- (f) Other appropriate methods to provide technical assistance; and
- (g) A list of organizations that provide technical assistance.

NEW SECTION

WAC 388-820-810 What happens when DSHS finds a service provider in violation of nurse delegation requirements? (1) Before imposing a civil fine, DSHS may take the following steps after discovering that a service provider is in violation of rules:

- (a) Notify the service provider in writing about the concerns;
 - (b) Give the service provider an opportunity to explain circumstances or present additional information that may clarify concerns; and
 - (c) Request the service provider to provide additional information, if necessary.
- (2) DSHS must inform the service provider in writing about the outcome of findings and any required actions.

NEW SECTION

WAC 388-820-820 May a service provider have a chance to correct violations before being fined? The service provider must be given a reasonable period of time to correct violations of nurse delegation requirements before any civil penalty is imposed.

NEW SECTION

WAC 388-820-830 May civil fines be imposed during technical assistance visits? A civil fine may be issued during a technical assistance visit if:

- (1) The service provider has previously been found out of compliance for the same statute or rule; or
- (2) The service provider's violation is likely to place a person in danger of death or bodily harm.

NEW SECTION

WAC 388-820-840 How does DSHS impose a civil fine? DSHS gives a service provider written notice of any civil fines. This notice must:

- (1) State the amount and reasons for the fine and the applicable law under which the fine is imposed; and

- (2) Inform the service provider of the right to request a hearing.

NEW SECTION

WAC 388-820-850 When is payment due for a civil fine? (1) A civil fine becomes due twenty-eight days after the receipt of the written notice of the fine.

- (2) **Exception:** If a service provider requests a hearing under chapter 34.05 RCW and RCW 43.20A.215, DSHS must stop the fine while waiting for a final decision on the matter.

NEW SECTION

WAC 388-820-860 May a service provider disagree with DSHS findings of a violation? (1) When a service provider disagrees with DSHS' finding of a violation under this chapter, the service provider has the right to have the violation reviewed under the department's dispute resolution process.

- (2) No service provider may discriminate or retaliate in any manner against a person who makes a complaint or has cooperated in the complaint investigation.

NEW SECTION

WAC 388-820-870 May a service provider contest a civil fine? (1) A service provider may contest DSHS' decision to impose a civil fine.

- (2) Within twenty-eight days of receiving the decision, the service provider must file a written application for a hearing, showing proof of receipt with the Board of Appeals, P.O. Box 42489, Olympia, WA 98504-2489. The application must include:

- (a) The grounds for contesting the department decision; and
- (b) A copy of the contested department decision.

(3) Hearings are governed by chapter 34.05 RCW and RCW 43.20A.215, and chapter 388-02 WAC. If any provision in this section conflicts with chapter 388-02 WAC, the provision in this section governs.

DISPUTE RIGHTS

NEW SECTION

WAC 388-820-880 May an agency or service provider contest a DSHS decision? (1) An agency or service provider may contest a DSHS decision about certification within twenty-eight days of being notified of the decision.

- (2) Within this twenty-eight day period, the agency or service provider must request in writing that the DDD director or designee review the decision. The agency or service provider must:

- (a) Sign the request;
- (b) Identify the challenged decision and the date it was made;

(c) State specifically the issues and regulations involved and the grounds for the service provider's disagreement; and

(d) Include with the request copies of any supporting documentation for the service provider's position.

NEW SECTION

WAC 388-820-890 When does an administrative review conference occur? (1) After receiving the agency or service provider's timely written request to review a decision, DSHS has twenty-eight days to contact the service provider to schedule an administrative review conference at a mutually convenient time.

(2) **Exception:** The agency or service provider and DSHS may agree in writing to a specific later date for the conference.

NEW SECTION

WAC 388-820-900 May an administrative review conference be conducted by telephone? (1) The administrative review conference between DSHS and an agency or service provider may be conducted by telephone.

(2) **Exception:** If either the department, or the agency or service provider requests in writing that the conference be held in person, the conference may not be conducted by telephone.

NEW SECTION

WAC 388-820-910 What happens during the administrative review conference? (1) The agency or service provider requesting an administrative review conference and appropriate DSHS representatives must attend the conference.

(2) The agency or service provider must bring to the conference, or give to DSHS before the conference, any supporting documentation for the service provider's position.

(3) The parties must clarify and attempt to resolve the issues at the conference.

(4) If additional documentation is needed to resolve issues, a second session of the conference must be scheduled. The second conference must be scheduled no later than twenty-eight days after the initial session unless both parties agree in writing to a specific later date.

(5) The director of the division of developmental disabilities must give a written decision to the service provider after the end of the conference.

NEW SECTION

WAC 388-820-920 May an agency or service provider contest the decision from the administrative review conference? At the administrative review conference, an agency or service provider may contest a decision made by the director of the division of developmental disabilities. To contest a decision, the agency or service provider may request a hearing. The hearing procedure follows the requirements under chapter 388-02 WAC.

REQUESTS FOR EXCEPTIONS

NEW SECTION

WAC 388-820-930 Does DSHS make exceptions to the requirements in this chapter? DSHS may grant service providers exceptions to the requirements specified in this chapter as long as the following conditions are met:

(1) The service provider must submit a written request for an exception to the DDD regional administrator of the region where the contract is held.

(2) DSHS must evaluate requests for exceptions, considering the quality of the services, supervision, and the health and safety of the clients.

(3) The DDD director or designee must approve or deny the request in writing within sixty calendar days after receiving the request from the service provider.

(4) Any exception granted must be in line with the legislative intent of Title 71A RCW.

(5) Service providers must retain a copy of each DSHS-approved exception.

(6) Service providers do not have hearing rights when they receive a denial from DSHS for an exception to the rules in this chapter.

WSR 01-09-082

PROPOSED RULES

REDISTRICTING COMMISSION

[Filed April 18, 2001, 9:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-102.

Title of Rule: The proposed revisions to chapter 417-01 WAC, Administrative procedures, will update the administrative procedures of the commission; and the proposed revisions to chapter 417-06 WAC, Third party submissions, will update the commission's rules governing the submission of third-party redistricting plans.

Purpose: To update and implement the commission's administrative and third party submission rules to ensure proper compliance with state law and to reflect procedural updates required to effectively execute commission responsibilities. With some exceptions, the proposed revisions to the administrative procedures (chapter 417-01 WAC) are consistent with the emergency rule update filed with the code reviser and adopted on February 20, 2001. The emergency rule update was published in WSR 01-05-101.

Statutory Authority for Adoption: RCW 44.05.080(1).

Summary: The commission, which was reconvened in January 2001, is required to prepare a redistricting plan according to the specifications of the state constitution and state law. Because of the decennial nature of the commission, and the importance of public participation and input in the development such plans, the commission finds that chapters 417-01 and 417-06 WAC must be reviewed to ensure the proper dissemination of contact and meeting information; compliance with Administrative Procedure Act (APA)

requirements; adherence to commission directives on the conduct of business and administrative matters; and the development of proper criteria for third-party plan submissions.

Reasons Supporting Proposal: Rules adopted in 1991 serve as an effective basis for most commission functions. However, the commission finds that administrative and technology-based changes require revisions to existing rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ethan Moreno, 505 East Union Avenue, Third Floor, Olympia, 98504-0948, (360) 586-9000.

Name of Proponent: Washington State Redistricting Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes to chapter 417-01 WAC are administrative in nature and are largely consistent with the emergency rule update adopted by the commission on February 20, 2001. The revisions would update the existing rules with correct contact and administrative procedure information, thus enabling the public and other to communicate, participate and obtain information about commission duties and functions.

The proposed changes to chapter 417-06 WAC, the chapter governing the criteria for third-party redistricting plan submissions, provides for interested parties to participate in the redistricting process by submitting formal and informal plans to the commission. The revisions to existing language would update the format, time and place, and submission specifications for formal plans and informal plans.

Proposal Changes the Following Existing Rules: Changes to chapter 417-01 WAC include revising contact information, the number of agency officers from two to one, meeting schedules, the governing parliamentary rules, and providing for a court reporter to record testimony regarding redistricting boundaries at commission meetings where such testimony is a scheduled agenda item.

Changes to chapter 417-06 WAC include revising the criteria for formal paper map and electronic submission of redistricting plans. The changes are largely based upon changes to redistricting technology and incorporate some language from the federal requirements for plan submissions to the United States Department of Justice. An additional revision would also provide a new option for the submission of partial formal plans - redistricting plans structurally similar to formal plans, except covering a smaller geographical area. The intent of this change is to encourage structured input in a manner less burdensome to the public than the submission of a formal plan. A provision for the e-mailing of plans is also included in the revised language.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not affect small businesses.

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

Hearing Location: Washington State Redistricting Commission, 505 East Union Avenue, Third Floor, Olympia, WA 98501, on June 7, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Ethan Moreno by May 31, 2001, TDD (360) 753-1485, or Office of the Secretary of State.

Submit Written Comments to: Washington State Redistricting Commission, Administrative Rules Update, P.O. Box 40948, Olympia, WA 98501, fax (360) 586-8995, by June 6, 2001.

Date of Intended Adoption: June 8, 2001.

April 18, 2001

Ethan Moreno

Executive Director

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-105 Description of organization. The Washington state redistricting commission is a five member commission appointed each year ending in one to accomplish legislative and congressional redistricting in accordance with article 2, section 43 of the state constitution and chapter 44.05 RCW. The membership consists of four voting members appointed by the leaders of the two largest political caucuses in the senate and house of representatives. The commission chair is selected by the voting members. ~~((The administrative office of the commission is located at the Washington State Redistricting Commission, Suite 306, 1110 Capitol Way South, Olympia, Washington 98504. The commission's phone number is (360) 786-7935.))~~

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-110 Commission responsibilities and duties. Pursuant to article 2, section 43 of the state constitution and chapter 44.05 RCW, the commission's duties are:

(1) To accomplish state legislative and congressional redistricting;

(2) To act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) To disclose and preserve public records as specified in chapters ~~((40.14 and))~~ 42.17 and 40.14 RCW;

(4) To hold open public meetings pursuant to the Open Public Meetings Act, RCW 42.30;

(5) To prepare and disclose its minutes pursuant to RCW 42.32.030;

(6) To prepare and adopt agency rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW;

(7) To prepare and publish a report with a redistricting plan as provided in RCW 44.05.080(7);

~~((7))~~ (8) To distribute census data to counties for local redistricting as required by chapter 29.70 RCW.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-115 Authority. These rules are adopted pursuant to the requirements of RCW 44.05.080(1) and the Administrative Procedure((s)) Act, chapter 34.05 RCW.

PROPOSED

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-125 Offices. ~~((The offices of the commission, and its mailing address, shall be Suite 306, 1110 Capitol Way South, Olympia, Washington 98504.))~~ (1) The commission office is located at 505 East Union Avenue, Third Floor, Olympia, Washington. The mailing address is: Washington State Redistricting Commission, P.O. Box 40948, Olympia, WA, 98504-0948. Telephone number: (360) 586-9000. Facsimile number: (360) 586-8995. Internet address: www.redistricting.wa.gov. Electronic mail address: contact@redistricting.wa.gov. Office hours for the commission shall be from 8 a.m. to 5 p.m. on all normal business days. Office hours for inspection and copying of public records shall be as provided in chapter two hereof.

(2) The commission address and contact information shall remain in effect for the duration of the 2001-2002 commission. Inquiries after that date shall be directed to the secretary of state.

NEW SECTION

WAC 417-01-127 Communications, inquiries and requests. Communications, inquiries and requests to the commission and staff concerning commission rules, meetings, or other matters may be made in person, by letter, by telephone, by telefax or by electronic means to the offices listed in WAC 417-01-125(1). Requests for public records must be made in writing.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-130 Officers. (1) There shall be an executive director of the commission who shall be responsible to the commission for the overall administration of the commission and its business, and who shall have such other duties and responsibilities as the commission may from time to time decide.

~~(2) ((There shall be a director of operations of the commission who shall be responsible to the commission for the acquisition, management and use of the commission's technical equipment, and who shall have such related duties and responsibilities as the commission may from time to time decide.~~

~~(3))~~ The executive director ~~((and the director of operations))~~ shall report to the chair.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-135 Staff. The executive director, with the approval of the chair, shall appoint such assistants and employees as may be appropriate and necessary to the functions of the commission, and shall supervise the assistants and employees. ((The executive director shall coordinate the appointment and supervision of technical staff employees with the director of operations.))

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-145 Political activities. Neither the chair, nor any commissioner shall:

(1) Campaign, as a candidate, for any elective office while a member of the commission;

(2) Actively participate in or contribute to any political campaign of any candidate for any state or federal elective office while a member of the commission;

(3) Hold or campaign for a seat in the U.S. Congress or in the legislature of this state until two years have elapsed following the effective date of the ~~((1992))~~ redistricting plan adopted pursuant to RCW 44.05.100.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-150 ((Schedule of) Meetings. (1) Regular meetings: The commission shall meet ~~((monthly))~~ regularly during the months of April ~~((1991))~~ through December ~~((1991 on the second Thursday of the month))~~ in each year ending in one, at the commission's offices in Olympia, ~~((at 4 p.m., unless they shall appoint a different day, time or place))~~ as published in the Washington State Register.

(2) Special meetings: The commission shall meet at other times and places, at the call of the chair or of a majority of the commissioners. Notice of special meetings shall be given ~~((as far in advance as may be practical))~~ at least twenty-four hours before the time of such meeting as specified in the notice, to the ~~((press))~~ media and to all others who have requested notice of commission meetings.

(3) Agenda: The chair, or the commission majority calling a special meeting, shall propose an agenda for the meeting, which shall be distributed to commissioners, to the ~~((press))~~ media, and to others who have requested notice, at the earliest practical date prior to the meeting.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-155 Conduct of commission business. (1) Three voting members of the commission shall constitute a quorum for the conduct of business.

(2) The votes of any three of the commissioners shall be required for any official action of the commission: Provided, That the chair shall have the authority on behalf of the commission to execute contracts and leases, and approve expenditures and reimbursements, related to the business of the commission. The chair may, without the prior approval of the commission, authorize expenditures for equipment and supplies not to exceed ~~((10,000))~~ \$15,000. Expenditures made pursuant to this section shall be reported as a separate item on the agenda at the next commission meeting.

(3) The chair shall not have a vote at any meeting of the commission.

(4) Commission meetings shall be conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW).

(5) The commission shall not adopt any redistricting plan, or partial redistricting plan, except at a public meeting, notice of which has been given in accordance with these rules.

(6) The commission shall not take any action by secret ballot.

(7) When not inconsistent with the state constitution, statute, or these rules, parliamentary matters before the commission shall be governed by ~~((Reed's Parliamentary Rules))~~ Robert's Rules of Order, Tenth Edition.

(8) Motions shall not require a second in order to be placed before the commission for a vote.

(9) All public meetings of the commission shall be electronically recorded. The minutes and tapes thereof shall be available to the public in accordance with the rules regarding access to public records held by the commission. ~~((The commission shall provide for presence of a court reporter at commission meetings for the purpose of recording public testimony regarding a districting plan.))~~ At all meetings of the commission where public testimony regarding redistricting boundaries is a scheduled agenda item, the commission shall provide for the presence of a court reporter to record such testimony. A typewritten transcript of such testimony shall be prepared as soon as possible after such hearings and shall be made available to the public in accordance with the rules regarding access to public records held by the commission. The ~~((shorthand))~~ transcript of a court reporter prepared pursuant to this section shall become part of the official records of the commission.

(10) Except as provided in this section, the chair shall preside at all meetings. In the event of the chair's absence the commission shall select from among the voting members a temporary chair to preside in the chair's absence. The position of temporary chair shall alternate between a member of the two parties represented on the commission.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-06-110 Definitions. As used in this chapter:

(1) All words and phrases defined in chapter one of this title ~~((WAC 417-01-105))~~ (WAC 417-01-120) and RCW 44.05.020 shall have the same meaning for the purposes of this chapter.

(2) "Commission plan" means a proposed plan of redistricting, including any amendment to a proposed plan of redistricting, that is submitted to the commission by a commissioner, or by the chair or the staff of the commission. It also means a plan of redistricting, including any amendment to a proposed plan of redistricting, that is prepared by or at the direction of one or more of the commissioners.

(3) "Formal plan" means a redistricting plan other than a commission plan that meets the requirements of WAC 417-06-130 and that covers all of the territory of the state, or that covers at least all of the territory of the state that lies to the east of, or to the west of, the crest of the Cascade range.

(4) "Partial formal plan" means a plan other than a commission plan that would qualify as a formal plan except that it covers a smaller geographical area than a formal plan.

(5) "Informal plan" means a redistricting plan other than a commission plan that does not qualify as a formal plan or a partial formal plan.

~~((5))~~ (6) "Third party amendment" means a proposal for an amendment to a commission plan or a third party plan, submitted to the commission by an individual or interest group other than the commissioners or the chair or staff of the commission. A third party amendment may be a formal plan, a partial formal plan, or an informal plan.

~~((6))~~ (7) "Third party plan" means a plan of redistricting that is a formal plan ~~((or))~~ a partial formal plan, an informal plan or a third party amendment, submitted to the commission by an individual or interest group other than the commissioners or the chair or staff of the commission.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-06-120 Requirements applicable to ~~((third party))~~ all plans. ~~((Any third party plan must))~~ The commission is required to adhere to the constitutional and statutory requirements applicable to redistricting plans. Therefore, any plan submitted to the commission must also adhere to the ~~((statutory))~~ requirements applicable to commission plans, in art. 2, sec. 43 of the constitution of the state of Washington and RCW 44.05.090. Copies of these constitutional and statutory provisions ~~((are attached to this chapter))~~ shall be made available from the commission.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-06-130 Format for formal plans. (1) Any formal plan submitted to the commission ~~((should))~~ shall be submitted in one of the following approved formats:

(a) Paper map(s) submissions: The commission will have available for public purchase ~~((11-inch x 17-inch))~~ paper maps, created using current geographic data provided by the U.S. Bureau of the Census. The maps will be sold for an amount (to be established by the executive director) sufficient to cover the cost to the commission of producing the map copies. Map scale ~~((will))~~ may vary, depending on the population density in the area covered. Maps may be purchased singly or in sets. ~~((Individuals and groups may submit formal plans using such maps. Submissions should))~~ Formal plan paper map submissions from individuals and groups shall be made on the maps provided by the commission, or on full-size copies thereof. Explanations of the commission's maps, and instructions to users for submission of formal plans, ~~((are))~~ shall be made available free of charge from the commission.

(b) Electronic ~~((disks))~~ submissions: ~~((Individuals and groups may submit formal plans on 3.5-inch or 5.25-inch floppy disks in MS-DOS, ASCII))~~ Formal plan electronic submissions from individuals and groups shall be made on 3.5-inch floppy disks or on CD-ROMs containing a table of equivalencies file giving the census block to district assignments as assignment files in dBase, INFO, or text file format containing polygon identification and polygon district assignment columns; as district files containing a district

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identification number; or in a format approved by ((the National Conference of State Legislatures and)) the U.S. Department of Justice. Materials explaining this format ((are)) shall be made available free of charge from the commission. The commission ((has disks)) shall make electronic information available ((for sale in the CD-ROM format)) which shall include census and geographic data. The electronic information will be made available at a charge (to be established by the executive director) sufficient to cover the cost to the commission of producing copies of the electronic files.

Each electronic formal plan submission shall be based upon current and official Bureau of the Census geography and Public Law 94-171 file unique block identity code of state, county, tract, and block, and shall be accompanied by a full description of its contents, including an identification by name and/or location of each data file that is contained, a detailed record layout for each such file, a record count for each such file, and a full description of the format.

(2) Individuals and groups submitting formal plans ((should)) shall supplement their paper map or ((data disk)) electronic submissions with the following information: Name, address and telephone number of a contact person; a submission cover letter; the total number of plans submitted; a narrative explanation of the plan's compliance with the constitutional and statutory requirements identified in WAC 417-06-120; and a description of the original source materials and data used for the submission. They may also include with the formal plan such other supporting materials and data as they deem appropriate.

NEW SECTION

WAC 417-06-135 Format for partial formal plans. Partial formal plans shall meet the submission format requirements for formal plans.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-06-140 Format for informal plans. The commission requests that individuals and interest groups submitting informal plans use the paper map or electronic ((disk)) submission formats that are required for formal plans. The commission will accept informal plans that are submitted in nonconforming formats; however, such plans may not be capable of being tested for population data against the official census geography and Public Law 94-171 files that ((is)) are incorporated in the commission's systems.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-06-150 Time and place of submissions. Early submission of third party plans is encouraged. All submissions and supporting materials should be mailed or delivered to the commission's office (not to a commissioner) in Olympia, or they may be presented to commission staff at any public hearing held by the commission. Submissions may be electronically mailed to the commission's address

identified in WAC 417-01-125 only if the U.S. Postal Service or other carrier delivers a physical copy of all submission and supporting materials to the commission offices. The date of the electronically mailed submission shall be the date the delivered materials are received by the commission. The submission envelope, cover letter and all other submission materials should be clearly marked: "Redistricting Plan Submission." The person or organization submitting the plan bears the responsibility and accepts the risk to ensure timely delivery of the plan to the commission. The commission has no responsibility to review untimely or improperly submitted plans.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-06-170 Public rights in third party plans. The submission of any third party plan to the commission shall be deemed for all purposes a release and waiver, and an unconditional assignment to the state, of any proprietary or ownership rights therein, and in any materials or data submitted in connection therewith. The commission, the state supreme court, and any other person or entity shall have the free and unrestricted right to make any use whatever, without any charge (except for copying charges that may be assessed by the commission in response to public records requests for plans, under WAC 417-06-160 and chapter 417-02 WAC) and free of any trademark, copyright or similar restriction, of all or any part of any such third party plan, and any such materials or data.

WSR 01-09-085

PROPOSED RULES

OFFICE OF

FINANCIAL INSTITUTIONS

[Filed April 18, 2001, 10:09 a.m.]

Original Notice.

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

Title of Rule: Setting official pay dates for 2002.

Purpose: To establish official pay dates for state officers and employees for calendar year 2002.

Statutory Authority for Adoption: RCW 42.16.010(1) and 41.26.017.

Statute Being Implemented: RCW 42.16.010(1) and 41.26.017.

Summary: This proposed rule making amends WAC 82-50-021 by establishing pay dates for state officers and employees for calendar year 2002 and removing obsolete pay dates for 2000.

Reasons Supporting Proposal: Statute requires that OFM annually update and publish pay dates.

Name of Agency Personnel Responsible for Drafting: Millie Lund, 6639 Capitol Boulevard, Tumwater, WA, (360) 664-7678; Implementation and Enforcement: Wendy Jarrett, 6639 Capitol Boulevard, Tumwater, WA, (360) 664-7675.

Name of Proponent: Office of Financial Management, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 82-50-021 exists to publish the official lagged, semi-monthly pay dates for state officers and employees. This section of WAC, which provides pay dates for the current and ensuing calendar years, is amended each year to add pay dates for the ensuing calendar year and delete the obsolete pay dates for the previous year.

Proposal Changes the Following Existing Rules: Official lagged, semi-monthly pay dates for calendar year 2002 are added and the now obsolete pay dates for calendar year 2000 are deleted.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This WAC establishes pay dates for state officers and employees, and has no effect on small businesses in the state of Washington. The information provided in this rule may be used by businesses that chose to include state pay dates in calendars that they publish. Any economic impact on those businesses, as an indirect result of publishing these dates, should be positive.

RCW 34.05.328 does not apply to this rule adoption. This amendatory rule-making action is required by state statute.

Hearing Location: 2nd Floor, Small Conference Room, 6639 Capitol Boulevard, Tumwater, WA, P.O. Box 43123, Olympia, WA 98504-3123, on May 23, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Angela Knight by May 21, 2001, TDD (360) 664-3649, or (360) 664-7700.

Submit Written Comments to: Millie Lund, 6639 Capitol Boulevard, Tumwater, WA, fax (360) 664-3388, by May 21, 2001.

Date of Intended Adoption: May 24, 2001.

April 18, 2001
Lynne A. McGuire
Rules Coordinator

AMENDATORY SECTION (Amending WSR 00-09-088, filed 4/18/00, effective 5/19/00)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semi-monthly pay dates for calendar years ~~((2000 and))~~ 2001 and 2002:

~~((CALENDAR YEAR 2000
Monday, January 10, 2000
Tuesday, January 25, 2000
Thursday, February 10, 2000
Friday, February 25, 2000
Friday, March 10, 2000
Friday, March 24, 2000~~

CALENDAR YEAR 2001
Wednesday, January 10, 2001
Thursday, January 25, 2001
Friday, February 9, 2001
Monday, February 26, 2001
Friday, March 9, 2001
Monday, March 26, 2001

~~((CALENDAR YEAR 2000
Monday, April 10, 2000
Tuesday, April 25, 2000
Wednesday, May 10, 2000
Thursday, May 25, 2000
Friday, June 9, 2000
Monday, June 26, 2000
Monday, July 10, 2000
Tuesday, July 25, 2000
Thursday, August 10, 2000
Friday, August 25, 2000
Monday, September 11, 2000
Monday, September 25, 2000
Tuesday, October 10, 2000
Wednesday, October 25, 2000
Thursday, November 9, 2000
Wednesday, November 22, 2000
Monday, December 11, 2000
Friday, December 22, 2000~~

CALENDAR YEAR 2001
Wednesday, January 10, 2001
Thursday, January 25, 2001
Friday, February 9, 2001
Monday, February 26, 2001
Friday, March 9, 2001
Monday, March 26, 2001
Tuesday, April 10, 2001
Tuesday, April 25, 2001
Thursday, May 10, 2001
Friday, May 25, 2001
Monday, June 11, 2001
Monday, June 25, 2001
Tuesday, July 10, 2001
Wednesday, July 25, 2001
Friday, August 10, 2001
Friday, August 24, 2001
Monday, September 10, 2001
Tuesday, September 25, 2001
Wednesday, October 10, 2001
Thursday, October 25, 2001
Friday, November 9, 2001
Monday, November 26, 2001
Monday, December 10, 2001
Monday, December 24, 2001

CALENDAR YEAR 2001
~~Tuesday, April 10, 2001
Wednesday, April 25, 2001
Thursday, May 10, 2001
Friday, May 25, 2001
Monday, June 11, 2001
Monday, June 25, 2001
Tuesday, July 10, 2001
Wednesday, July 25, 2001
Friday, August 10, 2001
Friday, August 24, 2001
Monday, September 10, 2001
Tuesday, September 25, 2001
Wednesday, October 10, 2001
Thursday, October 25, 2001
Friday, November 9, 2001
Monday, November 26, 2001
Monday, December 10, 2001
Monday, December 24, 2001~~

CALENDAR YEAR 2002
Thursday, January 10, 2002
Friday, January 25, 2002
Monday, February 11, 2002
Monday, February 25, 2002
Monday, March 11, 2002
Monday, March 25, 2002
Wednesday, April 10, 2002
Thursday, April 25, 2002
Friday, May 10, 2002
Friday, May 24, 2002
Monday, June 10, 2002
Tuesday, June 25, 2002
Wednesday, July 10, 2002
Thursday, July 25, 2002
Friday, August 9, 2002
Monday, August 26, 2002
Tuesday, September 10, 2002
Wednesday, September 25, 2002
Thursday, October 10, 2002
Friday, October 25, 2002
Friday, November 8, 2002
Monday, November 25, 2002
Tuesday, December 10, 2002
Tuesday, December 24, 2002

WSR 01-09-086
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed April 18, 2001, 10:47 a.m.]

Continuance of WSR 01-08-086.
Preproposal statement of inquiry was filed as WSR 01-04-053.
Purpose: Change the location of the public hearing.

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

Hearing Location: Department of Health, 1102 Quince Street, 1st Floor Conference Room, Olympia, WA 98504, on May 8, 2001, at 12:30 p.m.

Assistance for Persons with Disabilities: Contact Lisa Anderson by May 4, 2001, TDD (800) 833-6388, or (360) 236-4863.

Submit Written Comments to: Lisa Anderson, fax (360) 664-9077, by May 4, 2001.

Date of Intended Adoption: May 8, 2001.

April 17, 2001

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 99-08-101, filed 4/6/99, effective 7/1/99)

WAC 246-817-990 Dentist fees and renewal cycle. (1)

Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except faculty and resident licenses.

(2) Faculty and resident licenses must be renewed every year on July 1 as provided in chapter 246-12 WAC, Part 2.

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
Original application by examination*	
Initial application	\$ 325.00
Original application - Without examination	
Initial application	350.00
Initial license	350.00
Faculty license application	325.00
Resident license application	60.00
License renewal:	
Renewal	205.00
Surcharge - impaired dentist	((5.00)) 20.00
Late renewal penalty	102.50
Expired license reissuance	102.50
Duplicate license	15.00
Certification of license	25.00
Anesthesia permit	
Initial application	50.00
Renewal - (three-year renewal cycle)	50.00
Late renewal penalty	50.00
Expired permit reissuance	50.00
On-site inspection fee	To be determined by future rule adoption.

* In addition to the initial application fee above, applicants for licensure via examination will be required to submit a separate application and examination fee directly to the dental testing agency accepted by the dental quality assurance commission.

**WSR 01-09-088
PROPOSED RULES
DEPARTMENT OF HEALTH**

[Filed April 18, 2001, 10:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-109.

Title of Rule: WAC 246-907-030 Fees and renewal cycle.

Purpose: Establish a reduced license fee for charitable organizations involved in the exporting of drugs for humanitarian efforts.

Statutory Authority for Adoption: RCW 43.70.040.

Statute Being Implemented: RCW 18.64.310.

Summary: Any person or firm that ships drugs into foreign countries is required to be licensed as an export drug wholesaler. The license fee for an export drug wholesaler is \$540.00. The license fee creates a hardship for charitable organizations involved in the exporting of drugs for humanitarian reasons.

Reasons Supporting Proposal: Establishing a reduced fee will allow charitable organizations to continue their efforts to provide medications to foreign countries in need.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lisa Salmi, Program Manager, 1300 S.E. Quince, Olympia, (360) 236-4825.

Name of Proponent: Nancy Nersveen, RN, Kazak Russian Relief Fund, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Any person or firm that ships drugs into foreign countries is required to be licensed as an export drug wholesaler. The license fee for an export drug wholesaler is \$540.00. This license fee creates a hardship for charitable organizations involved in the exporting of drugs for humanitarian reasons. Establishing a reduced fee will allow charitable organizations to continue to provide medications to persons in need in foreign countries.

Proposal Changes the Following Existing Rules: Creates a new license fee category for export drug wholesalers/nonprofit humanitarian organizations.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required, the cost of this rule, \$25.00, is less than the minor cost threshold.

RCW 34.05.328 does not apply to this rule adoption. Not required, this rule sets a fee.

Hearing Location: Department of Health Conference Center, 1101 Eastside Street, Olympia, WA 98504, on May 23, 2001, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Shannon Walker by May 16, 2001, TDD (800) 833-6388, or (800) 525-0127.

Submit Written Comments to: Lisa Salmi, Program Manager, fax (360) 586-4359, by May 16, 2001.

Date of Intended Adoption: May 24, 2001.

April 16, 2001

M. C. Selecky

Secretary

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AMENDATORY SECTION (Amending WSR 98-10-052, filed 4/29/98, effective 5/30/98)

WAC 246-907-030 Fees and renewal cycle. (1) Pharmacist, pharmacy technician, and pharmacy intern licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) Pharmacy location, controlled substance registration (pharmacy), pharmacy technician utilization, and shopkeepers differential hours licenses will expire on June 1 of each year.

(3) All other licenses, including health care entity licenses, registrations, permits, or certifications will expire on October 1 of each year.

(4) The following nonrefundable fees will be charged for pharmacy location:

Title of fee	Fee
Original pharmacy fee	\$330.00
Original pharmacy technician utilization fee	60.00
Renewal pharmacy fee	240.00
Renewal pharmacy technician utilization fee	70.00
Penalty pharmacy fee	120.00

(5) The following nonrefundable fees will be charged for vendor:

Original fee	70.00
Renewal fee	70.00
Penalty fee	50.00

(6) The following nonrefundable fees will be charged for pharmacist:

Reexamination fee (jurisprudence portion)	45.00
Original license fee	120.00
Renewal fee, active and inactive license	125.00
Renewal fee, retired license	20.00
Penalty fee	62.50
Expired license reissuance (active and inactive)	62.50
Reciprocity fee	300.00
Certification of license status to other states	20.00
Retired license	20.00
Temporary permit	60.00

(7) The following nonrefundable fees will be charged for shopkeeper:

Original fee	30.00
Renewal fee	30.00
Penalty fee	30.00

Shopkeeper - with differential hours:

Original fee	30.00
Renewal fee	30.00
Penalty fee	30.00

(8) The following nonrefundable fees will be charged for drug manufacturer:

Original fee	540.00
Renewal fee	540.00
Penalty fee	270.00

(9) The following nonrefundable fees will be charged for drug wholesaler - full line:

Original fee	540.00
Renewal fee	540.00
Penalty fee	270.00

(10) The following nonrefundable fees will be charged for drug wholesaler - OTC only:

Original fee	300.00
Renewal fee	300.00
Penalty fee	150.00

(11) The following nonrefundable fees will be charged for drug wholesaler - export:

Original fee	540.00
Renewal fee	540.00
Penalty	270.00

(12) The following nonrefundable fees will be charged for drug wholesaler - export nonprofit humanitarian organization.

<u>Original fee</u>	<u>25.00</u>
<u>Renewal fee</u>	<u>25.00</u>
<u>Penalty</u>	<u>25.00</u>

(13) The following nonrefundable fees will be charged for pharmacy technician:

Original fee	45.00
Renewal fee	35.00
Penalty fee	35.00
Expired license reissuance	35.00

~~((13))~~ (14) The following nonrefundable fees will be charged for pharmacy intern:

Original registration fee	15.00
Renewal registration fee	15.00

~~((14))~~ (15) The following nonrefundable fees will be charged for Controlled Substances Act (CSA):

Registrations	
Dispensing registration fee (i.e. pharmacies and health care entities)	75.00
Dispensing renewal fee (i.e. pharmacies and health care entities)	60.00
Distributors registration fee (i.e. wholesalers)	105.00
Distributors renewal fee (i.e. wholesalers)	105.00
Manufacturers registration fee	105.00

Manufacturers renewal fee	105.00
Sodium pentobarbital for animal eutha- nization registration fee	35.00
Sodium pentobarbital for animal eutha- nization renewal fee	35.00
Other CSA registrations	35.00

((+5)) (16) The following nonrefundable fees will be charged for legend drug sample - distributor:

Registration fees	
Original fee	330.00
Renewal fee	240.00
Penalty fee	120.00

((+6)) (17) The following nonrefundable fees will be charged for poison manufacturer/seller - license fees:

Original fee	35.00
Renewal fee	35.00

((+7)) (18) The following nonrefundable fees will be charged for facility inspection fee:

180.00

((+8)) (19) The following nonrefundable fees will be charged for precursor control permit:

Original fee	60.00
Renewal fee	60.00

((+9)) (20) The following nonrefundable fees will be charged for license reissue:

Reissue fee	15.00
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((+20)) (21) The following nonrefundable fees will be charged for health care entity:

Original fee	330.00
Renewal	240.00
Penalty	120.00

WSR 01-09-089
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed April 18, 2001, 11:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-04-089.

Title of Rule: Changes to chapter 296-62 WAC, General occupational health standards, Part J Biological Agents (Bloodborne Pathogens).

Purpose: Changes to chapter 296-62 WAC, General occupational health standards, Part J, Biological Agents (Bloodborne Pathogens): On January 18, 2001, OSHA filed changes to 29 C.F.R. 1910.1030 Bloodborne Pathogens standard. These changes were to meet requirements identified in House Bill H.R 5178. The purpose of these proposed amend-

ments relating to Bloodborne Pathogens is to incorporate into WISHA rules those changes from the Federal Register Notice, Volume 66, Number 12, published on January 18, 2001 (Occupational Exposure to Bloodborne Pathogens; Needle Sticks and Other Sharps Injuries; Final rule).

The proposed WISHA amendments include: New examples of engineering controls, two new definitions for: "Sharps with engineered sharps injury protections" and "needleless systems," and an additional requirement for exposure control plans to reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens. Employers are required to solicit input from nonmanagerial employees responsible for direct patient care when selecting engineering and work practice controls, and employers must establish and maintain a log of injuries from contaminated sharps. The Department of Labor and Industries is required to have standards at least as effective as the federal OSHA rule and to assure appropriate worker protection throughout the state.

AMENDED SECTION: WAC 296-62-08001 has the following subsections proposed for amendment:

WAC 296-62-08001(2), definitions: The proposal makes several changes to definitions by:

- Adding additional examples of safer medical devices, such as sharps with engineered sharps injury protections and needleless systems to "engineering controls";
- Adds the definition of "needleless systems"; and
- Adds the definition of "sharps with engineered sharps injury protection."

WAC 296-62-08001 (3)(a)(iv), exposure control plans: The proposal adds three new requirements for exposure control plans:

- They must reflect changes in technology to reduce or eliminate bloodborne pathogen exposures, and
- Document annually consideration and implementation of commercially available safer medical devices.

WAC 296-62-08001 (3)(a)(v), exposure control plans-documentation: The plans must document input from employees in direct patient care settings with potential for exposure to contaminated sharps on the identification, evaluation and selection of:

- Effective engineering controls, and
- Work practice controls.

The following identifies the proposed addition of a new subdivision to WAC 296-62-08001(8): **WAC 296-62-08001 (8)(e), sharps injury log:** The proposal adds this new subdivision.

WAC 296-62-08001 (8)(e)(i), sharps injury log: The proposal adds a requirement for employers to establish and maintain a contaminated sharps injury log. The log is to be recorded and maintained in such a way that protects the confidentiality of injured employees.

WAC 296-62-08001 (8)(e)(i)(A), (B), and (C), sharps injury log: The proposal adds the requirement that sharps injury logs contain the following information:

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- The type and brand of device involved in the incident;
- The department or work area where the incident occurred; and
- How the incident occurred.

WAC 296-62-08001 (8)(e)(ii), sharps injury log: The proposal adds a new requirement that sharps injury logs be required of employers who must maintain a log of occupational injuries and illnesses per chapter 296-27 WAC, Record keeping and reporting.

WAC 296-62-08001 (8)(e)(iii), sharps injury log: The proposal adds a requirement that sharps injury logs be maintained as identified in WAC 296-27-070, Retention of records.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, 29 C.F.R. 1910.1030, January 19, 2001 (Federal Register Volume 66, Number 12, Pages 5318-5325, January 18, 2001). WISHA is required to adopt standards that are at least as effective as federal OSHA regulations.

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. The proposed changes to chapter 296-62 WAC, Part J, may have some fiscal impact. However, in situations where a proposed rule adopts by reference, without material change, federal statutes, the department is not required to conduct a small business economic impact statement (SBEIS) (RCW 19.85.025(2) referencing RCW 34.05.310 (4)(c) and (d) and RCW 19.85.061). Therefore, an SBEIS is not required for the proposed changes to WAC 296-62-08001.

RCW 34.05.328 applies to this rule adoption. Yes, but exempt. Even though the proposed rule has minor increased requirements for the employers, WISHA is adopting by reference, without material change, federal OSHA regulations. This exemption is outlined in RCW 34.05.328 (5)(b)(iii).

Hearing Location: Department of Labor and Industries Building, Room S117, 7273 Linderson Way S.W., Tumwater, WA, on May 23, 2001, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by May 19, 2001, at (360) 902-5484.

Submit Written Comments to: Jennie Hays, Project Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by 5:00 p.m. on May 30, 2001. In addition to written comments, the department will accept comments submitted to fax (360) 902-5529, and via e-mail to

raws235@lni.wa.gov. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: June 1, 2001.

April 18, 2001

Gary Moore

Director

AMENDATORY SECTION (Amending Order 92-15, filed 12/11/92, effective 1/15/93)

WAC 296-62-08001 Bloodborne pathogens. (1) Scope and application. This section applies to all occupational exposure to blood or other potentially infectious materials as defined by subsection (2) of this section.

(2) Definitions. For purposes of this section, the following shall apply:

"Blood" means human blood, human blood components, and products made from human blood.

"Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

"Clinical laboratory" means a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.

"Contaminated" means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

"Contaminated laundry" means laundry which has been soiled with blood or other potentially infectious materials or may contain contaminated sharps.

"Contaminated sharps" means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

"Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

"Director" means the director of the Washington state department of labor and industries; the state designee for the Washington state plan.

"Engineering controls" means controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.

"Exposure incident" means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

"Handwashing facilities" means a facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

"Licensed healthcare professional" is a person whose legally permitted scope of practice allows him or her to independently perform the activities required by subsection (6) of

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this section, entitled Hepatitis B vaccination and post-exposure evaluation and follow-up.

"HBV" means hepatitis B virus.

"HIV" means human immunodeficiency virus.

"Needleless systems" means a device that does not use needles for:

• The collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established;

• The administration of medication or fluids; or

• Any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.

"Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

"Other potentially infectious materials" means:

(a) The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

(b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

(c) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

"Parenteral" means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

"Personal protective equipment" is specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

"Production facility" means a facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV.

"Regulated waste" means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

"Research laboratory" means a laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

"Sharps with engineered sharps injury protections" means a nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

"Source individual" means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

"Sterilize" means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

"Universal precautions" are an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

"Work practice controls" means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

(3) Exposure control.

(a) Exposure control plan.

(i) Each employer having an employee(s) with occupational exposure as defined by subsection (2) of this section shall establish a written exposure control plan designed to eliminate or minimize employee exposure.

(ii) The exposure control plan shall contain at least the following elements:

(A) The exposure determination required by (b) of this subsection;

(B) The schedule and method of implementation for subsection (4) of this section, Methods of compliance; subsection (5) of this section, HIV and HBV research laboratories and production facilities; subsection (6) of this section, Hepatitis B vaccination and post-exposure evaluation and follow-up; subsection (7) of this section, Communication of hazards to employees; and subsection (8) of this section, Recordkeeping; and

(C) The procedure for the evaluation of circumstances surrounding exposure incidents as required by subsection (6)(c)(i) of this section.

(iii) Each employer shall ensure that a copy of the exposure control plan is accessible to employees in accordance with WAC 296-62-05209.

(iv) The exposure control plan shall be reviewed and updated at least annually, and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure, and to reflect new or revised employee positions with occupational exposure. The review and update of such plans shall also:

(A) Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens; and

(B) Document annually consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

(v) ((The exposure control plan shall be made available to the director upon request for examination and copying:)) An employer, who is required to establish an exposure con-

rol plan shall solicit input from nonmanagerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document the solicitation in the exposure control plan.

(b) Exposure determination.

(i) Each employer who has an employee(s) with occupational exposure as defined by subsection (2) of this section shall prepare an exposure determination. This exposure determination shall contain the following:

(A) A list of all job classifications in which all employees in those job classifications have occupational exposure;

(B) A list of job classifications in which some employees have occupational exposure; and

(C) A list of all tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs, and that are performed by employees in job classifications listed in accordance with the provisions of (b)(i)(B) of this subsection.

(ii) This exposure determination shall be made without regard to the use of personal protective equipment.

(4) Methods of compliance.

(a) General. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

(b) Engineering and work practice controls.

(i) Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.

(ii) Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.

(iii) Employers shall provide handwashing facilities which are readily accessible to employees.

(iv) When provision of handwashing facilities is not feasible, the employer shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.

(v) Employers shall ensure that employees wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.

(vi) Employers shall ensure that employees wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.

(vii) Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed except as noted in (b)(vii)(A) and (B) of this subsection. Shearing or breaking of contaminated needles is prohibited.

(A) Contaminated needles and other contaminated sharps shall not be bent, recapped or removed unless the employer can demonstrate that no alternative is feasible or

that such action is required by a specific medical or dental procedure.

(B) Such bending, recapping or needle removal must be accomplished through the use of a mechanical device or a one-handed technique.

(viii) Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate containers until properly reprocessed. These containers shall be:

(A) Puncture resistant;

(B) Labeled or color-coded in accordance with this standard;

(C) Leakproof on the sides and bottom; and

(D) In accordance with the requirements set forth in (d)(ii)(E) of this subsection for reusable sharps.

(ix) Eating, drinking, smoking, applying cosmetics, or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.

(x) Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets, or on countertops or benchtops where blood or other potentially infectious materials are present.

(xi) All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.

(xii) Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.

(xiii) Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

(A) The container for storage, transport, or shipping shall be labeled or color-coded according to subsection (7)(a)(i) of this section and closed prior to being stored, transported, or shipped. When a facility utilizes universal precautions in the handling of all specimens, the labeling/color-coding of specimens is not necessary provided containers are recognizable as containing specimens. This exemption only applies while such specimens/containers remain within the facility. Labeling or color-coding in accordance with subsection (7)(a)(i) of this section is required when such specimens/containers leave the facility.

(B) If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color-coded according to the requirements of this standard.

(C) If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is punctured-resistant in addition to the above characteristics.

(xiv) Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary, unless the employer can demonstrate that decontamination of such equipment or portions of such equipment is not feasible.

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(A) A readily observable label in accordance with subsection (7)(a)(i)(H) of this section shall be attached to the equipment stating which portions remain contaminated.

(B) The employer shall ensure that this information is conveyed to all affected employees, the servicing representative, and/or the manufacturer, as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

(c) Personal protective equipment.

(i) Provision. When there is occupational exposure, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.

(ii) Use. The employer shall ensure that the employee uses appropriate personal protective equipment unless the employer shows that the employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or the co-worker. When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

(iii) Accessibility. The employer shall ensure that appropriate personal protective equipment in the appropriate sizes is readily accessible at the worksite or is issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.

(iv) Cleaning, laundering, and disposal. The employer shall clean, launder, and dispose of personal protective equipment required by subsections (4) and (5) of this section, at no cost to the employee.

(v) Repair and replacement. The employer shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.

(vi) If a garment(s) is penetrated by blood or other potentially infectious materials, the garment(s) shall be removed immediately or as soon as feasible.

(vii) All personal protective equipment shall be removed prior to leaving the work area.

(viii) When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.

(ix) Gloves. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and nonintact skin; when performing vascular access procedures except as specified in (c)(ix)(D) of this

subsection; and when handling or touching contaminated items or surfaces.

(A) Disposable (single use) gloves such as surgical or examination gloves, shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.

(B) Disposable (single use) gloves shall not be washed or decontaminated for re-use.

(C) Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

(D) If an employer in a volunteer blood donation center judges that routine gloving for all phlebotomies is not necessary then the employer shall:

(I) Periodically reevaluate this policy;

(II) Make gloves available to all employees who wish to use them for phlebotomy;

(III) Not discourage the use of gloves for phlebotomy; and

(IV) Require that gloves be used for phlebotomy in the following circumstances:

—When the employee has cuts, scratches, or other breaks in his or her skin;

—When the employee judges that hand contamination with blood may occur, for example, when performing phlebotomy on an uncooperative source individual; and

—When the employee is receiving training in phlebotomy.

(x) Masks, eye protection, and face shields. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

(xi) Gowns, aprons, and other protective body clothing. Appropriate protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated.

(xii) Surgical caps or hoods and/or shoe covers or boots shall be worn in instances when gross contamination can reasonably be anticipated (e.g., autopsies, orthopaedic surgery).

(d) Housekeeping.

(i) General. Employers shall ensure that the worksite is maintained in a clean and sanitary condition. The employer shall determine and implement an appropriate written schedule for cleaning and method of decontamination based upon the location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area.

(ii) All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

(A) Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of

procedures; immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the workshift if the surface may have become contaminated since the last cleaning.

(B) Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces, shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the workshift if they may have become contaminated during the shift.

(C) All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.

(D) Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps.

(E) Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

(iii) Regulated waste.

(A) Contaminated sharps discarding and containment.

(I) Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are:

- Closable;
- Puncture resistant;
- Leakproof on sides and bottom; and
- Labeled or color-coded in accordance with subsection (7)(a)(i) of this section.

(II) During use, containers for contaminated sharps shall be:

—Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (e.g., laundries);

- Maintained upright throughout use; and
- Replaced routinely and not be allowed to overfill.

(III) When moving containers of contaminated sharps from the area of use, the containers shall be:

—Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping;

—Placed in a secondary container if leakage is possible.

The second container shall be:

- Closable;
- Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping; and
- Labeled or color-coded according to subsection (7)(a)(i) of this section.

(IV) Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.

(B) Other regulated waste containment.

(I) Regulated waste shall be placed in containers which are:

- Closable;

—Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping;

—Labeled or color-coded in accordance with subsection (7)(a)(i) of this section; and

—Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

(II) If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be:

—Closable;

—Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping;

—Labeled or color-coded in accordance with subsection (7)(a)(i) of this section; and

—Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

(C) Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, states and territories, and political subdivisions of states and territories.

(iv) Laundry.

(A) Contaminated laundry shall be handled as little as possible with a minimum of agitation.

(I) Contaminated laundry shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use.

(II) Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded in accordance with subsection (7)(a)(i) of this section. When a facility utilizes universal precautions in the handling of all soiled laundry, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with universal precautions.

(III) Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior.

(B) The employer shall ensure that employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment.

(C) When a facility ships contaminated laundry off-site to a second facility which does not utilize universal precautions in the handling of all laundry, the facility generating the contaminated laundry must place such laundry in bags or containers which are labeled or color-coded in accordance with subsection (7)(a)(i) of this section.

(5) HIV and HBV research laboratories and production facilities.

(a) This subsection applies to research laboratories and production facilities engaged in the culture, production, concentration, experimentation, and manipulation of HIV and HBV. It does not apply to clinical or diagnostic laboratories engaged solely in the analysis of blood, tissues, or organs. These requirements apply in addition to the other requirements of the standard.

(b) Research laboratories and production facilities shall meet the following criteria:

(i) Standard microbiological practices. All regulated waste shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

(ii) Special practices.

(A) Laboratory doors shall be kept closed when work involving HIV or HBV is in progress.

(B) Contaminated materials that are to be decontaminated at a site away from the work area shall be placed in a durable, leakproof, labeled, or color-coded container that is closed before being removed from the work area.

(C) Access to the work area shall be limited to authorized persons. Written policies and procedures shall be established whereby only persons who have been advised of the potential biohazard, who meet any specific entry requirements, and who comply with all entry and exit procedures shall be allowed to enter the work areas and animal rooms.

(D) When other potentially infectious materials or infected animals are present in the work area or containment module, a hazard warning sign incorporating the universal biohazard symbol shall be posted on all access doors. The hazard warning sign shall comply with subsection (7)(a)(ii) of this section.

(E) All activities involving other potentially infectious materials shall be conducted in biological safety cabinets or other physical-containment devices within the containment module. No work with these other potentially infectious materials shall be conducted on the open bench.

(F) Laboratory coats, gowns, smocks, uniforms, or other appropriate protective clothing shall be used in the work area and animal rooms. Protective clothing shall not be worn outside of the work area and shall be decontaminated before being laundered.

(G) Special care shall be taken to avoid skin contact with other potentially infectious materials. Gloves shall be worn when handling infected animals and when making hand contact with other potentially infectious materials is unavoidable.

(H) Before disposal all waste from work areas and from animal rooms shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

(I) Vacuum lines shall be protected with liquid disinfectant traps and high-efficiency particulate air (HEPA) filters or filters of equivalent or superior efficiency and which are checked routinely and maintained or replaced as necessary.

(J) Hypodermic needles and syringes shall be used only for parenteral injection and aspiration of fluids from laboratory animals and diaphragm bottles. Only needle-locking syringes or disposable syringe-needle units (i.e., the needle is integral to the syringe) shall be used for the injection or aspiration of other potentially infectious materials. Extreme caution shall be used when handling needles and syringes. A needle shall not be bent, sheared, replaced in the sheath or guard, or removed from the syringe following use. The needle and syringe shall be promptly placed in a puncture-resistant container and autoclaved or decontaminated before reuse or disposal.

(K) All spills shall be immediately contained and cleaned up by appropriate professional staff or others prop-

erly trained and equipped to work with potentially concentrated infectious materials.

(L) A spill or accident that results in an exposure incident shall be immediately reported to the laboratory director or other responsible person.

(M) A biosafety manual shall be prepared or adopted and periodically reviewed and updated at least annually or more often if necessary. Personnel shall be advised of potential hazards, shall be required to read instructions on practices and procedures, and shall be required to follow them.

(iii) Containment equipment.

(A) Certified biological safety cabinets (Class I, II, or III) or other appropriate combinations of personal protection or physical containment devices, such as special protective clothing, respirators, centrifuge safety cups, sealed centrifuge rotors, and containment caging for animals, shall be used for all activities with other potentially infectious materials that pose a threat of exposure to droplets, splashes, spills, or aerosols.

(B) Biological safety cabinets shall be certified when installed, whenever they are moved and at least annually.

(c) HIV and HBV research laboratories shall meet the following criteria:

(i) Each laboratory shall contain a facility for hand washing and an eyewash facility which is readily available within the work area.

(ii) An autoclave for decontamination of regulated waste shall be available.

(d) HIV and HBV production facilities shall meet the following criteria:

(i) The work areas shall be separated from areas that are open to unrestricted traffic flow within the building. Passage through two sets of doors shall be the basic requirement for entry into the work area from access corridors or other contiguous areas. Physical separation of the high-containment work area from access corridors or other areas or activities may also be provided by a double-doored clothes-change room (showers may be included), airlock, or other access facility that requires passing through two sets of doors before entering the work area.

(ii) The surfaces of doors, walls, floors, and ceilings in the work area shall be water resistant so that they can be easily cleaned. Penetrations in these surfaces shall be sealed or capable of being sealed to facilitate decontamination.

(iii) Each work area shall contain a sink for washing hands and a readily available eye wash facility. The sink shall be foot, elbow, or automatically operated and shall be located near the exit door of the work area.

(iv) Access doors to the work area or containment module shall be self-closing.

(v) An autoclave for decontamination of regulated waste shall be available within or as near as possible to the work area.

(vi) A ducted exhaust-air ventilation system shall be provided. This system shall create directional airflow that draws air into the work area through the entry area. The exhaust air shall not be recirculated to any other area of the building, shall be discharged to the outside, and shall be dispersed away from occupied areas and air intakes. The proper direction of the airflow shall be verified (i.e., into the work area).

(e) Training requirements. Additional training requirements for employees in HIV and HBV research laboratories and HIV and HBV production facilities are specified in subsection (7)(b)(ix) of this section.

(6) Hepatitis B vaccination and post-exposure evaluation and follow-up.

(a) General.

(i) The employer shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and post-exposure evaluation and follow-up to all employees who have had an exposure incident.

(ii) The employer shall ensure that all medical evaluations and procedures including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis, are:

(A) Made available at no cost to the employee;

(B) Made available to the employee at a reasonable time and place;

(C) Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional; and

(D) Provided according to recommendations of the United States Public Health Service current at the time these evaluations and procedures take place, except as specified by this subsection (6).

(iii) The employer shall ensure that all laboratory tests are conducted by an accredited laboratory at no cost to the employee.

(b) Hepatitis B vaccination.

(i) Hepatitis B vaccination shall be made available after the employee has received the training required in subsection (7)(b)(vii)(I) of this section and within ten working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

(ii) The employer shall not make participation in a pre-screening program a prerequisite for receiving hepatitis B vaccination.

(iii) If the employee initially declines hepatitis B vaccination but at a later date while still covered under the standard decides to accept the vaccination, the employer shall make available hepatitis B vaccination at that time.

(iv) The employer shall assure that employees who decline to accept hepatitis B vaccination offered by the employer sign the statement in WAC 296-62-08050, appendix A.

(v) If a routine booster dose(s) of hepatitis B vaccine is recommended by the United States Public Health Service at a future date, such booster dose(s) shall be made available in accordance with (a)(ii) of this subsection.

(c) Post-exposure evaluation and follow-up. Following a report of an exposure incident, the employer shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:

(i) Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred;

(ii) Identification and documentation of the source individual, unless the employer can establish that identification is infeasible or prohibited by state or local law;

(A) The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the employer shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.

(B) When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

(C) Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

(iii) Collection and testing of blood for HBV and HIV serological status;

(A) The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.

(B) If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least ninety days. If, within ninety days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

(iv) Post-exposure prophylaxis, when medically indicated, as recommended by the United States Public Health Service;

(v) Counseling; and

(vi) Evaluation of reported illnesses.

(d) Information provided to the healthcare professional.

(i) The employer shall ensure that the healthcare professional responsible for the employee's hepatitis B vaccination is provided a copy of this regulation.

(ii) The employer shall ensure that the healthcare professional evaluating an employee after an exposure incident is provided the following information:

(A) A copy of this regulation;

(B) A description of the exposed employee's duties as they relate to the exposure incident;

(C) Documentation of the route(s) of exposure and circumstances under which exposure occurred;

(D) Results of the source individual's blood testing, if available; and

(E) All medical records relevant to the appropriate treatment of the employee including vaccination status which are the employer's responsibility to maintain.

(e) Healthcare professional's written opinion. The employer shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within fifteen days of the completion of the evaluation.

(i) The healthcare professional's written opinion for hepatitis B vaccination shall be limited to whether hepatitis B vaccination is indicated for an employee, and if the employee has received such vaccination.

(ii) The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:

(A) That the employee has been informed of the results of the evaluation; and

(B) That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

(iii) All other findings or diagnoses shall remain confidential and shall not be included in the written report.

(f) Medical recordkeeping. Medical records required by this standard shall be maintained in accordance with subsection (8)(a) of this section.

(7) Communication of hazards to employees.

(a) Labels and signs.

(i) Labels.

(A) Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material; and other containers used to store, transport or ship blood or other potentially infectious materials, except as provided in (a)(i)(E), (F), and (G) of this subsection.

(B) Labels required by this section shall include the following legend:



BIOHAZARD

(C) These labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color.

(D) Labels shall be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.

(E) Red bags or red containers may be substituted for labels.

(F) Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from the labeling requirements of subsection (7) of this section.

(G) Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment or disposal are exempted from the labeling requirement.

(H) Labels required for contaminated equipment shall be in accordance with this subitem and shall also state which portions of the equipment remain contaminated.

(I) Regulated waste that has been decontaminated need not be labeled or color-coded.

(ii) Signs.

(A) The employer shall post signs at the entrance to work areas specified in subsection (5) of this section, entitled HIV and HBV research laboratory and production facilities, which shall bear the following legend:



BIOHAZARD

(Name of the Infectious Agent)

(Special requirements for entering the area)

(Name, telephone number of the laboratory director or other responsible person.)

(B) These signs shall be fluorescent orange-red or predominantly so, with lettering and symbols in a contrasting color.

(b) Information and training.

(i) Employers shall ensure that all employees with occupational exposure participate in a training program which must be provided at no cost to the employee and during working hours.

(ii) Training shall be provided as follows:

(A) At the time of initial assignment to tasks where occupational exposure may take place;

(B) Within ninety days after the effective date of the standard; and

(C) At least annually thereafter.

(iii) For employees who have received training on blood-borne pathogens in the year preceding the effective date of the standard, only training with respect to the provisions of the standard which were not included need be provided.

(iv) Annual training for all employees shall be provided within one year of their previous training.

(v) Employers shall provide additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure. The additional training may be limited to addressing the new exposures created.

(vi) Material appropriate in content and vocabulary to educational level, literacy, and language of employees shall be used.

(vii) The training program shall contain at a minimum the following elements:

(A) An accessible copy of the regulatory text of this standard and an explanation of its contents;

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(B) A general explanation of the epidemiology and symptoms of bloodborne diseases;

(C) An explanation of the modes of transmission of bloodborne pathogens;

(D) An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan;

(E) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;

(F) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;

(G) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;

(H) An explanation of the basis for selection of personal protective equipment;

(I) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;

(J) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;

(K) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;

(L) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;

(M) An explanation of the signs and labels and/or color coding required by (a) of this subsection; and

(N) An opportunity for interactive questions and answers with the person conducting the training session.

(viii) The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training will address.

(ix) Additional initial training for employees in HIV and HBV laboratories and production facilities. Employees in HIV or HBV research laboratories and HIV or HBV production facilities shall receive the following initial training in addition to the above training requirements:

(A) The employer shall assure that employees demonstrate proficiency in standard microbiological practices and techniques and in the practices and operations specific to the facility before being allowed to work with HIV or HBV.

(B) The employer shall assure that employees have prior experience in the handling of human pathogens or tissue cultures before working with HIV or HBV.

(C) The employer shall provide a training program to employees who have no prior experience in handling human pathogens. Initial work activities shall not include the handling of infectious agents. A progression of work activities shall be assigned as techniques are learned and proficiency is developed. The employer shall assure that employees partic-

ipate in work activities involving infectious agents only after proficiency has been demonstrated.

(8) Recordkeeping.

(a) Medical records.

(i) The employer shall establish and maintain an accurate record for each employee with occupational exposure, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination as required by subsection (6)(b) of this section;

(C) A copy of all results of examinations, medical testing, and follow-up procedures as required by subsection (6)(c) of this section;

(D) The employer's copy of the healthcare professional's written opinion as required by subsection (6)(e) of this section; and

(E) A copy of the information provided to the healthcare professional as required by subsection (6)(d)(ii)(B), (C), and (D) of this section.

(iii) Confidentiality. The employer shall ensure that employee medical records required by (a) of this subsection are:

(A) Kept confidential; and

(B) Not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law.

(iv) The employer shall maintain the records required by subsection (8) of this section for at least the duration of employment plus thirty years in accordance with WAC 296-62-052.

(b) Training records.

(i) Training records shall include the following information:

(A) The dates of the training sessions;

(B) The contents or a summary of the training sessions;

(C) The names and qualifications of persons conducting the training; and

(D) The names and job titles of all persons attending the training sessions.

(ii) Training records shall be maintained for three years from the date on which the training occurred.

(c) Availability.

(i) The employer shall ensure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) Employee training records required by this section shall be provided upon request for examination and copying to employees, to employee representatives, and to the director.

(iii) Employee medical records required by this section shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, to the director in accordance with WAC 296-62-052.

(d) Transfer of records.

(i) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-052.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least three months prior to their disposal and transmit them to the director, if required by the director to do so, within that three-month period.

(e) Sharps injury log.

(i) The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum:

(A) The type and brand of device involved in the incident;

(B) The department or work area where the exposure incident occurred; and

(C) An explanation of how the incident occurred.

(ii) The requirement to establish and maintain a sharps injury log shall apply to any employer who is required to maintain a log of occupational injuries and illnesses under chapter 296-27 WAC, Recordkeeping and recording.

(iii) The sharps injury log shall be maintained for the period required by WAC 296-27-070, Retention of records.

(9) Dates.

(a) Effective date. The standard shall become effective on May 26, 1992.

(b) The exposure control plan required by subsection (3) of this section shall be completed on or before June 26, 1992.

(c) Subsection (7)(b) of this section, entitled Information and training; and subsection (7)(h) of this section, entitled Recordkeeping; shall take effect on or before July 27, 1992.

(d) Subsection (4)(b) of this section, entitled Engineering and work practice controls; subsection (4)(c) of this section, entitled Personal protective equipment; subsection (4)(d) of this section, entitled Housekeeping; subsection (5) of this section, entitled HIV and HBV research laboratories and production facilities; subsection (6) of this section, entitled Hepatitis B vaccination and post-exposure evaluation and follow-up; and subsection (7)(a) of this section, entitled Labels and signs; shall take effect August 27, 1992.

WSR 01-09-090
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 18, 2001, 11:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-116.

Title of Rule: Fees for electrical (chapters 296-46A and 296-401B WAC), contractor registration (chapter 296-200A WAC), elevator (chapter 296-96 WAC) and factory assem-

bled structures (chapters 296-150C, 296-150F, 296-150M, 296-150P, 296-150R, 296-150T, and 296-150V WAC).

Purpose: The department is proposing a 2.87% (rounded down to the nearest tenth of a dollar) general increase in fees for factory assembled structures (FAS), contractor registration, elevators, and electrical licensing and certification. The 2.87% rate is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2001. The general fee increases are necessary to maintain the financial health and operational effectiveness of the programs.

In addition to the general fee increases, a new fee is being proposed to cover the cost of FAS plan review requests submitted via electronic mail. This new fee is necessary to cover the additional costs associated with receipt of and review of plans submitted electronically. Also, minor technical changes are being made to the fees in the FAS rules to include correcting a reference to electrical plan review fees per WAC 296-46A-140 and that one free copy of the rules will be provided yearly upon request.

Statutory Authority for Adoption: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, and 19.28.341.

Statute Being Implemented: Chapters 43.22, 18.27, 70.87, 19.28 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Josh Swanson, Tumwater, (360) 902-6411; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed rules will not place a more than minor impact on any business or contractor.

RCW 34.05.328 applies to this rule adoption. RCW 34.05.328 applies to this rule adoption. The proposed rule amendments are considered "significant legislative rules" because the fee increases will have a financial impact upon those regulated by these rules.

Hearing Location: Labor and Industries Building (Auditorium), 7273 Linderson Way S.W., Tumwater, WA, on May 22, 2001, at 1:00 p.m. - 7:00 p.m.; and at the Yakima School District (Administration Offices), 104 North 4th Avenue, Yakima, WA, on May 23, 2001, at 5:00 p.m. - 9:00 p.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by May 21, 2001, at (360) 902-6411.

Submit Written Comments to: Josh Swanson, Specialty Compliance Services Division, P.O. Box 44400, Olympia,

WA 98504-4400, e-mail swaj235@lni.wa.gov, or fax (360) 902-5292, by May 23, 2001. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: May 25, 2001.

April 18, 2001
 Gary Moore
 Director

AMENDATORY SECTION (Amending WSR 99-12-080, filed 5/28/99, effective 6/28/99)

WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal and reinstatement of certificates of registration? (1) For the purposes of this chapter:

(a) A contractor's registration is **renewed** before it expires.

(b) A contractor's registration is **reinstated** after the registration:

- (i) Has expired; or
- (ii) Has been suspended because the contractor's insurance has expired; or
- (iii) Has been suspended because the contractor's bond has been canceled or impaired.

(c) A contractor **reregisters** when his or her business structure changes.

(2) The department charges the following fees:

(a) ~~(\$45.00)~~ **\$46.20** for each issuance, renewal or reregistration of a certificate of registration.

(b) ~~(\$45.00)~~ **\$46.20** for the reinstatement of a certificate of registration.

(c) ~~(\$10.75)~~ **\$11.00** for providing a duplicate certificate of registration.

(d) ~~(\$21.50)~~ **\$22.10** for each requested certified letter prepared by the department.

(e) \$2.00 per copy for documents copied from a contractor's file. The maximum copy charge for copies from one contractor's file will be ~~(\$25.00)~~ **\$25.70**.

AMENDATORY SECTION (Amending WSR 01-01-097, filed 12/15/00, effective 1/18/01)

WAC 296-46A-910 Inspection fees. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS below.

(1) RESIDENTIAL.

(a) Single and two-family residential (new construction).

Notes: • Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)

• "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit and "inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.

• An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building.

Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

- (i) First 1300 sq. ft. ~~(\$67.00)~~
\$ 68.90
- Each additional 500 sq. ft. or portion of ~~(\$21.50)~~
\$ 22.10
- (ii) Each outbuilding or detached garage inspected at the same time as a dwelling unit on the property ~~(\$28.00)~~
\$ 28.80
- (iii) Each outbuilding or detached garage inspected separately ~~(\$44.25)~~
\$ 45.50
- (iv) Each swimming pool - inspected with the service ~~(\$44.25)~~
\$ 45.50
- (v) Each swimming pool - inspected separately ~~(\$67.00)~~
\$ 68.90
- (vi) Each hot tub, spa, or sauna - inspected with the service ~~(\$28.00)~~
\$ 28.80
- (vii) Each hot tub, spa, or sauna - inspected separately ~~(\$44.25)~~
\$ 45.50
- (viii) Each septic pumping system - inspected with the service ~~(\$28.00)~~
\$ 28.80
- (ix) Each septic pumping system - inspected separately ~~(\$44.25)~~
\$ 45.50

(b) Multifamily residential and miscellaneous residential structures, services and feeders (new construction).

(i) Each service and/or feeder			
	Ampacity	Service/Feeder	Additional Feeder
	0 to 200	(\$72.25) \$74.30	(\$21.50) \$ 22.10
	201 to 400	(\$89.75) \$ 92.30	(\$44.25) \$ 45.50
	401 to 600	(\$123.25) \$ 126.70	(\$61.50) \$ 63.20
	601 to 800	(\$158.00) \$ 162.53	(\$84.25) \$ 86.60
	801 and over	(\$225.25) \$ 231.70	(\$169.00) \$ 173.80

(c) Single-family or multi-family altered services including circuits.

(i) Each altered service and/or altered feeder

	Ampacity	Service or Feeder
	0 to 200	(\$61.50) \$ 63.20
	201 to 600	(\$89.75) \$ 92.30
	601 and over	(\$135.25) \$ 139.10

(ii) Maintenance or repair of meter or mast (no alterations to service or feeder) ~~(\$33.50)~~
\$ 34.30

(d) Single or multi-family residential circuits only (no service inspection).

Note: Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) above.

(i) 1 to 4 circuits (see note) ~~(\$44.25)~~
\$ 45.50

• Except: Water heater load control devices installed in residences as part of an energy conservation program ~~(\$27.00)~~
\$ 27.70

Note: The ~~(\$27.00)~~ **\$ 27.70** permit fee for water heater load control devices will expire on December 31, 2001.

PROPOSED

(ii) Each additional circuit (see note) ~~((-\$5.00))~~
\$ 5.10

(e) Mobile homes, modular homes, mobile home parks, and RV parks.

(i) Mobile home or modular home service or feeder only ~~((-\$44.25))~~
\$ 45.50

(ii) Mobile home service and feeder ~~((-\$72.25))~~
\$ 74.30

(f) Mobile home park sites and RV park sites.

Note: For master service installations, see subsection (2).

(i) First site service or site feeder ~~((-\$44.25))~~
\$ 45.50

(ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder ~~((-\$28.00))~~
\$28.80

(2) COMMERCIAL/INDUSTRIAL.

(a) New service or feeder and additional new feeders inspected at the same time (includes circuits).

Note: For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2) (a) (i) (table) above. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS below.

Ampacity	Service/Feeder	Additional Feeder
0 to 100	((-\$72.25)) <u>\$ 74.30</u>	((-\$44.25)) <u>\$ 45.50</u>
101 to 200	((-\$89.75)) <u>\$ 92.30</u>	((-\$56.25)) <u>\$ 57.80</u>
201 to 400	((-\$169.00)) <u>\$ 173.80</u>	((-\$67.00)) <u>\$ 68.90</u>
401 to 600	((-\$197.00)) <u>\$ 202.60</u>	((-\$78.75)) <u>\$ 81.00</u>
601 to 800	((-\$254.50)) <u>\$ 261.80</u>	((-\$107.25)) <u>\$ 110.30</u>
801 to 1000	((-\$310.75)) <u>\$ 319.60</u>	((-\$129.75)) <u>\$ 133.40</u>
1000 and over	((-\$339.00)) <u>\$ 348.70</u>	((-\$181.00)) <u>\$ 186.10</u>

(b) Altered services or feeders (no circuits).

(i) Service/feeders

Ampacity	Service or Feeder
0 to 200	((-\$72.25)) <u>\$ 74.30</u>
201 to 600	((-\$169.00)) <u>\$ 173.80</u>
601 to 1000	((-\$254.50)) <u>\$ 261.80</u>
1000 and over	((-\$282.75)) <u>\$ 290.80</u>

(ii) Maintenance or repair of meter or mast (no alteration to the service or feeder) ~~((-\$61.50))~~
\$ 63.20

(c) Circuits only.

Note: Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (a)(i)(table) above.

(i) First five circuits per branch circuit panel ~~((-\$56.25))~~
\$ 57.80

(ii) Each additional circuit per branch circuit panel ~~((-\$5.00))~~
\$ 5.10

(d) Over 600 volts surcharge per permit. ~~((-\$56.25))~~
\$ 57.80

(3) TEMPORARY SERVICE(S).

Notes: • Temporary electrical power and lighting installations must be used during the period of construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities.

• Temporary electrical power and lighting installations are allowed during emergencies and for tests, experiments, and developmental work. Temporary electrical power and lighting installations are allowed for a period not to exceed 90 days for Christmas decorative lighting and similar purposes. Temporary wiring shall be removed immediately upon completion of construction or purpose for which the wiring was installed.

• Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from (3) TEMPORARY SERVICES (a) or the portal-to-portal fee.

(a) Temporary services, temporary stage or concert productions.

Ampacity	Service/Feeder	Additional Feeder
0 to 60	((-\$38.75)) <u>\$ 39.80</u>	((-\$20.00)) <u>\$ 20.50</u>
0 to 100	((-\$44.25)) <u>\$ 45.50</u>	((-\$21.50)) <u>\$ 22.10</u>
101 to 200	((-\$56.25)) <u>\$ 57.80</u>	((-\$28.00)) <u>\$ 28.80</u>
201 to 400	((-\$67.00)) <u>\$ 68.90</u>	((-\$33.50)) <u>\$ 34.40</u>
401 to 600	((-\$89.75)) <u>\$ 92.30</u>	((-\$44.25)) <u>\$ 45.50</u>
601 and over	((-\$101.75)) <u>\$ 104.60</u>	((-\$50.75)) <u>\$ 52.20</u>

(4) IRRIGATION MACHINES, PUMPS AND EQUIPMENT.

(a) Irrigation machines.

(i) Each tower when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL ~~((-\$5.00))~~
\$ 5.10

(ii) Towers - when not inspected at the same time as a service and feeders - one to six towers ~~((-\$67.00))~~
\$ 68.90

(iii) Each additional tower ~~((-\$5.00))~~
\$ 5.10

(5) MISCELLANEOUS - commercial/industrial and residential.

(a) Low-voltage thermostats.

(i) First thermostat ~~((-\$33.50))~~
\$ 34.40

(ii) Each additional thermostat inspected at the same time as the first ~~((-\$10.50))~~
\$ 10.80

(b) Low-voltage systems and telecommunications systems. Includes all telecommunications installations, fire alarm and burglar alarm nurse call, intercom, security systems, energy management control systems, HVAC/refrigeration control systems (other than thermostats above), industrial and automation control systems, lighting control systems, stand-alone sound systems, public address, and similar low-energy circuits and equipment.

(i) First 2500 sq. ft. or less ~~((-\$38.75))~~
\$ 39.80

(ii) Each additional 2500 sq. ft. or portion of ~~((-\$10.50))~~
\$ 10.80

(c) Signs and outline lighting.

(i) First sign (no service included) ~~((-\$33.50))~~
\$ 34.40

(ii) Each additional sign inspected at the same time on the same building or structure ~~((-\$16.00))~~
\$ 16.40

(d) Berth at a marina or dock.

Note: Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a)(i) above.

PROPOSED

- (i) Berth at a marina or dock ((~~\$44.25~~)
\$ 45.50
- (ii) Each additional berth inspected at the same time ((~~\$28.00~~)
\$ 28.80
- (e) Yard pole, pedestal, or other meter loops only.
- (i) Yard pole, pedestal, or other meter loops only ((~~\$44.25~~)
\$ 45.50
- (ii) Meters installed remote from service equipment: ((~~\$10.50~~)
Inspected at same time as service, temporary service or other installations \$ 10.80
- (f) Emergency inspections requested outside normal work hours. Regular fee plus surcharge of: ((~~\$84.25~~)
\$ 86.60
- (g) Generators.
- (i) Portable generators: Permanently installed transfer equipment for portable generators ((~~\$61.50~~)
\$ 63.20
- (ii) Permanently installed generators: Refer to appropriate residential or commercial new service or feeder section
- (h) Annual permit fee for plant location employing regular electrical maintenance staff - each inspection two-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	((\$1,618.00) \$ 1,664.40
4 to 6 plant electricians	24	((\$3,237.50) \$ 3,330.40
7 to 12 plant electricians	36	((\$4,856.00) \$ 4,995.30
13 to 25 plant electricians	52	((\$6,475.50) \$ 6,661.30
more than 25 plant electricians	52	((\$8,095.00) \$ 8,327.30

- (i) Telecommunications annual permit fee.
- (i) For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.
Annual inspection time required may be estimated by the purchaser at the rate for "Other inspections" in this section, charged portal-to-portal per hour - two-hour minimum. ((~~\$134.00~~)
\$ 137.80
Each additional hour, or portion thereof, of portal-to-portal inspection time ((~~\$67.00~~)
\$ 68.90
- (6) CARNIVAL INSPECTIONS.
- (a) First carnival field inspection each year.
- (i) Each ride and generator truck ((~~\$16.00~~)
\$ 16.40
- (ii) Each remote distribution equipment, concession or gaming show ((~~\$5.00~~)
\$ 5.10
- (iii) If the calculated fee for first field inspection of (a) and (b) above is less, the minimum inspection fee shall be: ((~~\$84.25~~)
\$ 86.60
- (b) Subsequent carnival inspections.
- (i) First 10 rides, concessions, generators, remote distribution equipment or gaming show ((~~\$84.25~~)
\$ 86.60
- (ii) Each additional ride, concession, generator, remote distribution equipment or gaming show ((~~\$5.00~~)
\$ 5.10
- (c) Concession(s) or ride(s) not part of a carnival.
- (i) First field inspection each year of a single concession or ride, not part of a carnival ((~~\$67.00~~)
\$ 68.90
- (ii) Subsequent inspection of a single concession or ride, not part of a carnival ((~~\$44.25~~)
\$ 45.50
- (7) TRIP FEES.

- (a) Requests by property owners to inspect existing installations. ((~~\$67.00~~)
\$ 68.90
- (b) Submitter notifies the department that work is ready for inspection when it is not ready. ((~~\$33.50~~)
\$ 34.40
- (c) Additional inspection required because submitter has provided the wrong address. ((~~\$33.50~~)
\$ 34.40
- (d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work. ((~~\$33.50~~)
\$ 34.40
- (e) Each trip necessary to remove a noncompliance notice. ((~~\$33.50~~)
\$ 34.40
- (f) Corrections have not been made in the prescribed time, unless an exception has been requested and granted. ((~~\$33.50~~)
\$ 34.40
- (g) Installations that are covered or concealed before inspection. ((~~\$33.50~~)
\$ 34.40

(8) PROGRESS INSPECTIONS.

Note: The fees calculated in subsections (1) through (6) must apply to all electrical work. This section must be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in (1) through (6).

- (a) On partial or progress inspections, each one-half hour. ((~~\$33.50~~)
\$ 34.40
- (9) PLAN REVIEW FEE.
- (a) Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46A-910, plus a plan review submission fee of: ((~~\$56.25~~)
\$ 57.80
- (b) Supplemental submissions of plans per hour or fraction of an hour. ((~~\$67.00~~)
\$ 68.90
- (c) Plan review shipping and handling fee. ((~~\$16.00~~)
\$ 16.40

(10) OUT-OF-STATE INSPECTIONS.

- (a) Permit fees will be charged according to the fees listed in this section.
- (b) Travel expenses:
- (i) All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section

(11) OTHER INSPECTIONS.

- (a) Inspections not covered by above inspection fees must be charged portal-to-portal per hour: ((~~\$67.00~~)
\$ 68.90
- (12) REFUND PROCESSING FEE.
- (a) All requests for permit fee refunds will be assessed a processing fee. ((~~\$10.50~~)
\$ 10.80
- (13) VARIANCE REQUEST PROCESSING FEE.
- (a) Variance request processing fee. This fee is nonrefundable once the transaction has been made. ((~~\$67.00~~)
\$ 68.90

AMENDATORY SECTION (Amending WSR 01-01-097, filed 12/15/00, effective 1/18/01)

WAC 296-46A-915 Electrical/telecommunications contractor license, administrator certificate and examination, and copy fees.

- (1) GENERAL OR SPECIALTY CONTRACTOR LICENSE (per twenty-four month period) ((~~\$216.25~~)
\$ 222.40

PROPOSED

PROPOSED

- (a) Reinstatement of a general or specialty contractor's license after a suspension ((~~\$43.50~~)
\$ 44.70)
- (2) ADMINISTRATOR CERTIFICATE
- Note: Failure to appear for an examination results in forfeiture of the examination fee.
- (a) Administrator certificate examination application (nonrefundable) ((~~\$27.00~~)
\$ 27.70)
- (b) Administrator first-time examination fee ((~~\$64.75~~)
\$ 66.60)
- (c) Administrator retest examination fee ((~~\$75.75~~)
\$ 77.90)
- (d) Administrator original certificate (request for certificate submitted with application) ((~~\$64.50~~)
\$ 66.30)
- (e) Administrator certificate renewal (per twenty-four month period) ((~~\$81.00~~)
\$ 83.80)
- (f) Late renewal of administrator certificate (per twenty-four month period) ((~~\$162.25~~)
\$ 166.90)
- (g) Transfer of administrator designation ((~~\$32.25~~)
\$ 33.10)
- (h) Certified copy of each document (maximum per file): ((~~\$45.75~~)
\$ 47.00)
 - First document: ((~~\$20.75~~)
\$ 21.30)
 - Each additional document: \$ 2.00
- (i) Reinstatement of an administrator's certificate after a suspension ((~~\$43.50~~)
\$ 44.70)
- (3) REFUND PROCESSING FEE ((~~\$10.50~~)
\$ 10.80)

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01010 What are the permit fees for conveyances other than material lifts and hoists and how are they calculated? Permit fees are based on the total cost of the conveyance and labor to install. The following permit fees apply to the construction, alteration, or relocation of all conveyances except for material lifts:

TOTAL COST OF CONVEYANCE	FEE
\$250 to and including \$1,000	\$(30.50) 31.30
\$1,001 to and including \$15,000	
For the first \$1,001	((43.00) 44.20
Each additional \$1,000 or fraction thereof	((8.50) 8.70
\$15,001 to and including \$100,000	
For first \$15,001	((165.25) 169.90
For each additional \$1,000 or fraction thereof	((5.50) 5.60
OVER \$100,001	
For the first \$100,001	((694.50) 714.40
For each additional \$1,000 or fraction thereof	((4.50) 4.60

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01027 Are initial installation permit fees refundable? Your initial installation permit fees are refundable minus a processing fee unless your permits have expired. No refunds will be issued for expired permits. All requests for refunds must be submitted in writing to the elevator section and must identify the specific permits for which the refunds are requested.

The processing fee for a refund is \$(~~26.00~~) 26.70

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01030 What is the process for installation and alteration plan approval? Prior to the start of construction, you must submit to the department for approval two copies of plans for new installations or major alterations. To be approved, the plan must comply with the latest adopted edition of the American Society of Mechanical Engineers (ASME) A17.1, the National Electrical Code (NEC) and applicable Washington Administrative Codes (WAC). In addition, the plans must include all information necessary in determining whether each installation/alteration complies with all applicable codes. You must keep a copy of the approved plan on the job site until the department has witnessed all acceptance tests. Any alterations to the approved plan must be submitted to the department for approval before a final inspection will be conducted. The nonrefundable fees for reviewing your plans are:

For each installation/major alteration \$(~~22.25~~) 22.80
If more than two sets of plans are submitted, the fee for each additional set \$(~~22.25~~) 22.80

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01035 Are there inspection fees? The initial inspection of a conveyance or for the initial inspection of construction, alteration or relocation of a conveyance is included with your permit fee. Once the department has approved the conveyance you will be issued a permit that is valid for 30-days. Prior to the expiration of the 30-day permit the application for an annual operating permit and the appropriate fees must be paid to the department. Once the department has received the appropriate fees and application you will be issued your first annual operating permit. You are required to renew your annual operating permit yearly.

The following exceptions do require a fee:

RE-INSPECTION	FEE
If a conveyance does not pass an initial inspection and a second inspection is required, the fee for each conveyance re-inspected is	\$(78.75) 81.00
If any additional re-inspections are required, the fee for each conveyance re-inspected	\$(101.75) 104.60

The department may waive re-inspection fees.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01040 What is the fee for testing and inspecting regular elevators used as temporary personnel elevators? (1) The fee for the inspecting and testing of regular elevators used as temporary personnel elevators is ~~\$(67.50)~~ 69.40, in addition to any other fees required in this chapter. This fee purchases a 30-day temporary use permit that may be renewed at the department's discretion.

(2) When this temporary use permit is purchased, a notice declaring that the equipment has not received final approval from the department must be conspicuously posted on the elevator.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01045 What are the inspection requirements and fees for conveyances in private residences? (1) Chapter 70.87 RCW requires the department to inspect all new, altered or relocated conveyances operated exclusively for single-family use in private residences. Prior to inspection, you must complete a permit application as described in WAC 296-96-01005 and pay the appropriate fee listed in WAC 296-96-01010.

(2) Chapter 70.87 RCW allows the department to inspect conveyances operated exclusively for single-family use in private residences when the department is investigating an accident or an alleged or apparent violation of the statute or these rules.

(3) No annual inspection and operating permit is required for a private residence conveyance operated exclusively for single-family use unless the owner requests it. When an owner requests an inspection and an annual operating permit, the following fee must be paid prior to an inspection:

TYPE OF CONVEYANCE	FEE
Each inclined stairway chair lift in private residence	\$(16.50) <u>16.90</u>
Each inclined wheel chair lift in a private residence	((22.25)) <u>22.80</u>
Each vertical wheel chair lift in a private residence	((28.00)) <u>28.80</u>
Each dumbwaiter in a private residence.	((22.25)) <u>22.80</u>
Each inclined elevator at a private residence.	((78.75)) <u>81.00</u>
Each private residence elevator	((50.75)) <u>52.20</u>
Duplication of a lost, damaged or stolen operating permit	((5.00)) <u>5.10</u>

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01050 How do I get a supplemental inspection? Any person, firm, corporation or governmental agency can request a supplemental inspection from the department by paying a fee of ~~\$(291.50)~~ 299.80 per day plus the standard per diem and mileage allowance granted to department inspectors.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01055 Are technical services available and what is the fee? You may request elevator field technical services from the department by paying a fee of ~~\$(56.25)~~ 57.80 per hour plus the standard per diem and mileage allowance granted to department inspectors. These field technical services may include code evaluation, code consultation, plan examination, code interpretation and clarification of technical data relating to the application of the department's conveyance rules. Field technical services do not include inspections.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01060 Can I request an after hours inspection and what is the fee? You may request an inspection outside of normal business hours, which are 7:00 a.m. to 5:00 p.m., if an inspector is available and the inspection is authorized by the department. The minimum fee for an after-hours inspection is ~~\$(70.75)~~ 72.70 per hour plus the standard per diem and mileage allowance granted to department inspectors. This fee is in addition to any other fees required for your project.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01065 What are the annual operating permits fees? An annual operating permit will be issued to you upon payment of the appropriate fee:

TYPE OF CONVEYANCE	FEE
Each hydraulic elevator	\$(78.75) <u>80.90</u>
Each roped-hydraulic elevator	((101.75)) <u>104.60</u>
plus for each hoistway opening in excess of two	((7.75)) <u>7.90</u>
Each cable elevator.	((101.75)) <u>104.60</u>
plus for each hoistway opening in excess of two	((7.75)) <u>7.90</u>
Each cable elevator traveling more than 25 feet without an opening—for each 25 foot traveled	((40.75)) <u>11.00</u>

PROPOSED

Each limited-use/limited-application (LULA) elevator	((78.75)) 80.90	Each private residence elevator installed in other than a private residence	((78.75)) 80.90
Each escalator	((78.75)) 80.90	Each casket lift	((78.75)) 80.90
Each dumbwaiter in other than a private residence	((50.75)) 52.20	Each sidewalk freight elevator	((78.75)) 80.90
Each material lift	((67.50)) 69.40	Each hand-powered manlift or freight elevator	((50.75)) 52.20
Each incline elevator in other than a private residence	((101.75)) 104.60	Each boat launching elevator	((78.75)) 80.90
Each belt manlift	((78.75)) 80.90	Each auto parking elevator	((78.75)) 80.90
Each stair lift in other than a private residence	((50.75)) 52.20	Each moving walk	((78.75)) 80.90
Each wheel chair lift in other than a private residence	((50.75)) 52.20	Duplication of a damaged, lost or stolen operating permit	((5.00)) 5.10
Each personnel hoist	((78.75)) 80.90		
Each grain elevator personnel lift	((78.75)) 80.90		
Each material hoist	((78.75)) 80.90		
Each special purpose elevator	((78.75)) 80.90		

AMENDATORY SECTION (Amending WSR 99-12-080, filed 5/28/99, effective 6/28/99)

WAC 296-150C-3000 Commercial coach fees.

WAC 296-150C-3000 COMMERCIAL COACH FEES	
INITIAL FILING FEE	\$((28.00)) 28.80
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$((192.00)) 197.50
INITIAL FEE - ONE YEAR DESIGN	\$((78.75)) 81.00
RENEWAL FEE	\$((32.50)) 34.40
RESUBMIT FEE	\$((56.25)) 57.80
ADDENDUM (Approval expires on same date as original plan)	\$((56.25)) 57.80
<u>ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.</u>	
ELECTRICAL PLAN REVIEW (When required by WAC 296-46A-140. Plan review for educational, institutional or health care facilities and other buildings)	
Electrical Plan submission fee	\$((56.25)) 57.80
Service/feeder Ampacity:	
0 - 100	\$((25.00)) 25.70
101 - 200	\$((31.25)) 32.10
201 - 400	\$((58.25)) 59.90
401 - 600	\$((68.75)) 70.70
601 - 800	\$((88.50)) 91.00
801 - 1000	\$((108.25)) 111.30
Over 1000	\$((117.50)) 120.80
Over 600 volts surcharge	\$((18.75)) 19.20

PROPOSED

WAC 296-150C-3000 COMMERCIAL COACH FEES	
Thermostats:	
First	\$(11.25) <u>11.50</u>
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$(10.25) <u>10.50</u>
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$(66.50) <u>68.40</u>
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$(54.00) <u>55.50</u>
FIRST STATION	\$(54.00) <u>55.50</u>
EACH ADDITIONAL STATION	\$(20.00) <u>20.50</u>
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$(85.75) <u>88.20</u>
INITIAL FEE - ONE YEAR DESIGN	\$(52.00) <u>53.40</u>
RENEWAL FEE	\$(52.00) <u>53.40</u>
ADDENDUM	\$(52.00) <u>53.40</u>
PLANS APPROVED BY PROFESSIONALS	\$(39.25) <u>40.30</u>
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$(10.75) <u>11.00</u>
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$(56.25) <u>57.80</u>
TRAVEL (Per hour)	\$(56.25) <u>57.80</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$(56.25) <u>57.80</u>
TRAVEL (Per hour*)	\$(56.25) <u>57.80</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$(16.50) <u>16.90</u>
EACH ADDITIONAL SECTION	\$(10.75) <u>11.00</u>
ALTERATION	\$(28.00) <u>28.80</u>

PROPOSED

WAC 296-150C-3000 COMMERCIAL COACH FEES	
REISSUED-LOST/DAMAGED	\$((40.75)) 11.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((40.75)) 11.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

AMENDATORY SECTION (Amending WSR 99-12-080, filed 5/28/99, effective 6/28/99)

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES	
INITIAL FILING FEE	\$((39.25)) 40.30
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN (CODE CYCLE)	\$((192.00)) 197.50
INITIAL FEE - ONE YEAR DESIGN	\$((112.75)) 115.90
RENEWAL FEE	\$((39.25)) 40.30
RESUBMIT FEE	\$((56.25)) 57.80
ADDENDUM (Approval expires on same date as original plan.)	\$((56.25)) 57.80
<u>ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.</u>	
ELECTRICAL PLAN REVIEW (When required by WAC 296-46A-140, Plan review for educational, institutional or health care facilities and other buildings):	
Electrical Plan submission fee	\$((56.25)) 57.80
Service/feeder Ampacity:	
0 - 100	\$((25.00)) 25.70
101 - 200	\$((31.25)) 32.10
201 - 400	\$((58.25)) 59.90
401 - 600	\$((68.75)) 70.70
601 - 800	\$((88.50)) 91.00
801 - 1000	\$((108.25)) 111.30
Over 1000	\$((117.50)) 120.80
Over 600 volts surcharge	\$((48.75)) 19.20
Thermostats:	
First	\$((11.25)) 11.50

PROPOSED

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES	
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$(10.25) 10.50
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) will be charged per hour or fraction of an hour*	\$(66.50) 68.40
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$(54.00) 55.50
FIRST STATION	\$(54.00) 55.50
EACH ADDITIONAL STATION	\$(20.00) 20.50
RECIPROCAL PLAN REVIEW:	
INITIAL FEE-MASTER DESIGN	\$(85.75) 88.20
INITIAL FEE-ONE YEAR DESIGN	\$(52.00) 53.40
RENEWAL FEE	\$(52.00) 53.40
ADDENDUM	\$(52.00) 53.40
PLANS APPROVED BY PROFESSIONALS	
	\$(39.25) 40.30
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	
	\$(10.75) 11.00
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$(56.25) 57.80
TRAVEL (Per hour*)	\$(56.25) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$(56.25) 57.80
TRAVEL (Per hour*)	\$(56.25) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	

PROPOSED

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$((158.00)) 162.50
EACH ADDITIONAL SECTION	\$((15.50)) 15.90
REISSUED-LOST/DAMAGED	\$((39.25)) 40.30
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$((23.25)) 23.90
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((40.75)) 11.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 00-17-148, filed 8/22/00, effective 9/30/00)

WAC 296-150M-3000 Manufactured home fees.

WAC 296-150M-3000 MANUFACTURED HOME FEES	
INITIAL FILING FEE	\$((28.00)) 28.80
DESIGN PLAN FEES:	
STRUCTURAL ALTERATION-MASTER DESIGN (CODE CYCLE)	\$((112.75)) 115.90
STRUCTURAL ALTERATION - ONE YEAR DESIGN	\$((78.75)) 81.00
RENEWAL FEE	\$((33.75)) 34.70
RESUBMITTAL FEE	\$((56.25)) 57.80
ADDENDUM (Approval expires on the same date as original plan.)	\$((56.25)) 57.80
<u>ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.</u>	
DEPARTMENT INSPECTION FEES:	
INSPECTION (Per hour*)	\$((56.25)) 57.80
OTHER REQUIRED INSPECTIONS (Per hour*)	\$((56.25)) 57.80
ALL REINSPECTIONS (Per hour*)	\$((56.25)) 57.80
INSIGNIA FEES:	
ALTERATION	\$((28.00)) 28.80
REISSUED - LOST/DAMAGED	\$((16.50)) 16.90

PROPOSED

WAC 296-150M-3000 MANUFACTURED HOME FEES	
IPIA	
DEPARTMENT AUDIT FEES	
REGULARLY SCHEDULED IPIA AUDIT:	
First inspection on each section (one time only)	\$((25.75)) 26.40
Second and succeeding inspections of unlabelled sections (Per hour*)	\$((56.25)) 57.80
OTHER IPIA FEES:	
Red tag removal during a regularly scheduled IPIA audit (Per hour* separate from other fees)	\$((56.25)) 57.80
Red tag removal at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Increased frequency surveillance (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Attendance at manufacturers training classes (Per hour* only)	\$((56.25)) 57.80
Subpart "I" investigations (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Alterations to a labelled unit (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
IPIA Issues/Responses (Per hour* Plus travel time* and mileage**)	\$((56.25)) 57.80
Monthly surveillance during a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Monthly surveillance at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Plant certifications, recertifications and addenda updates (Per hour* plus travel time* and mileage per each inspector)	\$((56.25)) 57.80
Response to HBT Audit during a regularly scheduled IPIA audit (Per hour*)	\$((56.25)) 57.80
Response to HBT Audit at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Alternative construction (AC) letter inspections at placement site (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Replacement of HUD labels (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour plus travel time* and mileage**)	\$((56.25)) 57.80
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$((40.75)) 11.00
NOTE: Local jurisdictions may have other fees that apply.	
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 00-17-148, filed 8/22/00, effective 9/30/00)

WAC 296-150P-3000 Recreational park trailer fees.

WAC 296-150P-3000 RECREATIONAL PARK TRAILER FEES	
INITIAL FILING FEE	\$((28.00)) 28.80

PROPOSED

PROPOSED

WAC 296-150P-3000 RECREATIONAL PARK TRAILER FEES	
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE WITHOUT STRUCTURAL REQUIREMENTS	\$((78.75)) 81.00
NEW PLAN REVIEW FEE WITH STRUCTURAL REQUIREMENTS	\$((104.00)) 106.90
RESUBMITTAL FEE	\$((56.25)) 57.80
ADDENDUM (Approval expires on same date as original plan.)	\$((56.25)) 57.80
ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$((10.75)) 11.00
RESUBMITTAL FEE	\$((56.25)) 57.80
ADDENDUM	\$((56.25)) 57.80
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$((56.25)) 57.80
TRAVEL (per hour)*	\$((56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$((56.25)) 57.80
TRAVEL (per hour)*	\$((56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	\$((10.50)) 10.80
ALTERATION	\$((28.00)) 28.80
REISSUED-LOST/DAMAGED	\$((10.50)) 10.80
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$((10.75)) 11.00

PROPOSED

WAC 296-150P-3000 RECREATIONAL PARK TRAILER FEES	
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 00-17-148, filed 8/22/00, effective 9/30/00)

WAC 296-150R-3000 Recreational vehicle fees.

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES	
STATE PLAN	
INITIAL FILING FEE	\$(28.00) 28.80
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE	\$(78.75) 81.00
RESUBMITTAL FEE	\$(56.25) 57.80
ADDENDUM (Approval expires on same date as original plan.)	\$(56.25) 57.80
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$(10.75) 11.00
RESUBMITTAL FEE	\$(56.25) 57.80
ADDENDUM	\$(56.25) 57.80
<u>ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.</u>	
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$(56.25) 57.80
TRAVEL (per hour)*	\$(56.25) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$(56.25) 57.80
TRAVEL (per hour)*	\$(56.25) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	\$(10.25) 10.50
ALTERATION	\$(28.00) 28.80
REISSUED-LOST/DAMAGED	\$(10.25) 10.50
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$(56.25) 57.80
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$(10.75) 11.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

PROPOSED

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES	
SELF CERTIFICATION	
INITIAL FILING FEE	\$(28.00) 28.80
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE (one time fee)	\$(78.75) 81.00
RESUBMITTAL FEE	\$(56.25) 57.80
ADDENDUM (Approval expires on same date as original plan.)	\$(56.25) 57.80
<u>ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans.</u> <u>These fees are in addition to any applicable design plan fees required under this section.</u>	
SELF CERTIFICATION/MANUAL FEES:	
INITIAL APPROVAL	\$(10.75) 11.00
RESUBMITTAL FEE	\$(56.25) 57.80
ADDENDUM	\$(56.25) 57.80
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$(56.25) 57.80
TRAVEL (per hour)*	\$(56.25) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$(56.25) 57.80
TRAVEL (per hour)*	\$(56.25) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
SELF CERTIFIED	\$(10.25) 10.50
ALTERATION	\$(28.00) 28.80
REISSUED-LOST/DAMAGED	\$(10.25) 10.50
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$(56.25) 57.80
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$(10.75) 11.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
***Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 99-12-079, filed 5/28/99, effective 6/28/99)

WAC 296-150T-3000 Factory-built temporary worker housing fees.

WAC 296-150T-3000 TEMPORARY WORKER HOUSING FEES	
INITIAL FILING FEE	\$(39.25) 40.30
DESIGN PLAN FEES:	
INITIAL ONE YEAR DESIGN	\$(112.75) 115.90
RENEWAL FEE	\$(39.25) 40.30
RESUBMIT FEE	\$(56.25) 57.80
ADDENDUM (Approval expires on same date as original plan)	\$(56.25) 57.80
ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$(66.50) 68.40
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	
	\$(10.75) 11.00
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$(56.25) 57.80
TRAVEL (Per hour)*	\$(56.25) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$(56.25) 57.80
TRAVEL (Per hour*)	\$(56.25) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$(158.00) 162.50
EACH ADDITIONAL SECTION	\$(15.50) 15.90
REISSUED-LOST/DAMAGED	\$(39.25) 40.30
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$(56.25) 57.80
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$(23.25) 23.90
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free per year)	\$(10.75) 11.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

PROPOSED

AMENDATORY SECTION (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

WAC 296-150V-3000 Conversion vendor units and medical units—Fees.

WAC 296-150V-3000 CONVERSION VENDOR UNITS AND MEDICAL UNITS	
INITIAL FILING FEE	\$(28.00) <u>28.80</u>
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$(192.00) <u>197.50</u>
INITIAL FEE - ONE YEAR DESIGN	\$(78.75) <u>81.00</u>
RENEWAL FEE	\$(33.75) <u>34.70</u>
RESUBMIT FEE	\$(56.25) <u>57.80</u>
ADDENDUM (Approval expires on same date as original plan)	\$(56.25) <u>57.80</u>
<u>ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.</u>	
RECIPROCAL PLAN REVIEW: (Pending)	
INITIAL FEE - MASTER DESIGN	\$(85.75) <u>88.20</u>
INITIAL FEE - ONE YEAR DESIGN	\$(52.00) <u>53.40</u>
RENEWAL FEE	\$(52.00) <u>53.40</u>
ADDENDUM	\$(52.00) <u>53.40</u>
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	
	\$(40.75) <u>11.00</u>
DEPARTMENT INSPECTION FEES:	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$(56.25) <u>57.80</u>
TRAVEL (Per hour)*	\$(56.25) <u>57.80</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$(56.25) <u>57.80</u>
TRAVEL (Per hour*)	\$(56.25) <u>57.80</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	

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PROPOSED

WAC 296-150V-3000 CONVERSION VENDOR UNITS AND MEDICAL UNITS	
INSIGNIA FEES:	
FIRST SECTION	\$((16.50)) 16.90
ALTERATION	\$((28.00)) 28.80
REISSUED-LOST/DAMAGED	\$((40.75)) 11.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((40.75)) 11.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 01-01-097, filed 12/15/00, effective 1/18/01)

WAC 296-401B-700 Fees for certificates of competency, examination and reciprocity. When an individual applies to take a competency examination or to obtain a certificate of competency, the individual must pay the appropriate fee(s) listed below.

Type of Certificate	Fee
(1) Journeyman or specialty electrician certificate renewal (per 36-month period)	\$((64.50)) 66.30
(2) Late renewal of journeyman or specialty electrician certificate (per 36-month period)	\$((130.00)) 133.70
(3) Journeyman or specialty electrician examination application (non-refundable)	\$((27.00)) 27.70
(4) Journeyman or specialty electrician original certificate	\$((42.50)) 43.70
(5) Training certificate (expires one year after purchase)	\$((20.75)) 21.30
(6) Training certificate renewal or update of hours	\$((20.75)) 21.30
(7) Unsupervised electrical training certificate	\$((20.75)) 21.30
(8) Journeyman or specialty electrician test or retest	\$((48.75)) 50.10
(9) Reciprocal journeyman or specialty certificate	\$((69.50)) 71.40
(10) Reinstatement of journeyman or specialty certificate	\$((20.75)) 21.30
(11) Continuing education course submittal and approval, per course	\$((41.50)) 42.60
(12) Continuing education course renewal, per course	\$((20.75)) 21.30

Type of Certificate	Fee
(13) Refund processing fee. All requests for refunds will be assessed a processing fee	\$((40.50)) 10.80

Note: Failure to appear for an examination results in forfeiture of the examination fee.

**WSR 01-09-091
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed April 18, 2001, 11:37 a.m.]

Original Notice.
Preproposal statement of inquiry was filed as WSR 01-05-131.
Title of Rule: Fee increases for the Board of Boiler Rules, chapter 296-104 WAC.
Purpose: The Board of Boiler Rules is proposing a 2.87% (rounded down to the nearest tenth of a dollar) general increase in fees. The 2.87% rate is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2001. The general fee increases are necessary to maintain the financial health and operational effectiveness of the program.
Statutory Authority for Adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350.
Statute Being Implemented: Chapter 70.79 RCW.
Summary: See Purpose above.
Reasons Supporting Proposal: See Purpose above.
Name of Agency Personnel Responsible for Drafting: Board of Boiler Rules, Tumwater, (360) 902-5270; Implementation and Enforcement: Robb Marvin, Tumwater, (360) 902-5270.
Name of Proponent: Board of Boiler Rules, 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. The department has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed rules will not place a more than minor impact on any business, contractor, or other entity affected by these proposed fee increases.

RCW 34.05.328 applies to this rule adoption. RCW 34.05.328 applies to this rule adoption. The proposed rule amendments are considered "significant legislative rules" because the fee increases will have a financial impact upon those regulated by these rules.

Hearing Location: Labor and Industries Building, 729 100th Street S.E., Everett, WA 98208-3727, on May 22, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by May 21, 2001, at (360) 902-6411.

Submit Written Comments to: Josh Swanson, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, e-mail swaj235@lni.wa.gov, fax (360) 902-5292, by May 23, 2001. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: May 25, 2001.

April 18, 2001

Kenneth E. Eshleman, Chair
Board of Boiler Rules

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-055 Administration—What are the examination fees? A fee of ~~((sixty dollars))~~ \$61.70 will be charged for each applicant sitting for an inspection examination(s). If an applicant fails to pass the examination this fee shall be good for one year during which a reexamination may be taken. Checks for examination fees shall be made payable to the state treasurer.

AMENDATORY SECTION (Amending WSR 00-21-024, filed 10/10/00, effective 11/13/00)

WAC 296-104-700 What are the inspection fees—Certificate fees—Expenses? The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

Heating boilers:	Internal	External
Cast iron—All sizes	((27.05)) <u>27.80</u>	((21.65)) <u>22.20</u>

All other boilers less than 500 sq. ft.	((32.50)) <u>33.40</u>	((21.65)) <u>22.20</u>
500 sq. ft. to 2500 sq. ft.	((54.15)) <u>55.70</u>	((27.05)) <u>27.80</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	((21.65)) <u>22.20</u>	((10.80)) <u>11.10</u>
Power boilers:	Internal	External
Less than 100 sq. ft.	((27.05)) <u>27.80</u>	((21.65)) <u>22.20</u>
100 sq. ft. to less than 500 sq. ft.	((32.50)) <u>33.40</u>	((21.65)) <u>22.20</u>
500 sq. ft. to 2500 sq. ft.	((54.15)) <u>55.70</u>	((27.05)) <u>27.80</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	((21.65)) <u>22.20</u>	((10.80)) <u>11.10</u>
Pressure vessels:		
Automatic utility hot water supply heaters per RCW 70.79.090		((5.40)) <u>5.50</u>
All other pressure vessels:		
Square feet shall be determined by multiplying the length of the shell by its diameter.		
Less than 15 sq. ft.	((21.65)) <u>22.20</u>	((16.25)) <u>16.70</u>
15 sq. ft. to less than 50 sq. ft.	((32.50)) <u>33.40</u>	((16.25)) <u>16.70</u>
50 sq. ft. to 100 sq. ft.	((37.90)) <u>38.90</u>	((21.65)) <u>22.20</u>
For each additional 100 sq. ft. or any portion thereof	((10.80)) <u>11.10</u>	((37.90)) <u>38.90</u>
Certificate of inspection fees: For objects inspected, the certificate of inspection fee is \$((16.25)) <u>16.70</u> per object.		
Nonnuclear shop inspections, field construction inspections, and special inspection services:		
For each hour or part of an hour up to 8 hours	((32.50)) <u>33.40</u>	
For each hour or part of an hour in excess of 8 hours		((48.75)) <u>50.10</u>

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Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:

For each hour or part of an hour up to 8 hours ((~~48.75~~) 50.10)

For each hour or part of an hour in excess of 8 hours ((~~75.80~~) 77.90)

Nonnuclear triennial shop survey and audit:
When state is authorized inspection agency:

For each hour or part of an hour up to 8 hours ((~~32.50~~) 33.40)

For each hour or part of an hour in excess of 8 hours ((~~48.75~~) 50.10)

When insurance company is authorized inspection agency:

For each hour or part of an hour up to 8 hours ((~~48.75~~) 50.10)

For each hour or part of an hour in excess of 8 hours ((~~75.80~~) 77.90)

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Reinspection fee: Same as the fee for the previous inspection during which discrepancies were reported. The fee will be charged only if the discrepancies are not corrected before the reinspection. The fee shall not exceed ((~~\$ 26.00~~)) \$ 26.70. Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of ((~~\$ 300.00~~)) \$ 308.60 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

WSR 01-09-092
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed April 18, 2001, 11:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-114.

Title of Rule: Chapter 296-131 WAC, Agricultural employment standards.

Purpose: In 1989 the department adopted a provision in WAC 296-125-043 and 296-126-020 which allowed employers to pay 85% of the state minimum wage for those workers under sixteen years of age. This provision does not apply to agriculture as these WAC chapters do not apply to agriculture work.

This rule making is necessary to adopt similar minimum wage (including the application of a subminimum wage) provisions in the agricultural employment standards rules (chapter 296-131 WAC) that currently exist in the nonagricultural employment of minors rules (chapter 296-125 WAC) and standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW (chapter 296-126 WAC). These changes are further justified because the department was not able to determine that these provisions were intended to be exclusive to the nonagricultural industries and these changes will ensure consistency with the department's current enforcement practices.

A new section is added to chapter 296-131 WAC, which is substantially similar to WAC 296-125-043 and 296-126-020. The only difference is that a provision located in subsection (3) of WAC 296-125-043 and 296-126-020 was not included in these rules as it does not create a new right and is unnecessary.

Statutory Authority for Adoption: RCW 43.22.270 and 49.46.020.

Statute Being Implemented: Chapters 43.22, 49.30, and 49.46 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Rich Ervin, Tumwater, (360) 902-5310; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because this rule does not impose any new costs on business.

RCW 34.05.328 applies to this rule adoption. Significant rule-making criteria does apply to these rules amendments because they do not meet the exempt criteria outlined in RCW 34.05.328(5).

Hearing Location: Labor and Industries Building (Auditorium), 7273 Linderson Way S.W., Tumwater, WA, on May 22, 2001, at 1:00 p.m. - 7:00 p.m.; and at the Yakima School District (Administration Offices), 104 North 4th Avenue, Yakima, WA, on May 23, 2001, at 5:00 p.m. - 9:00 p.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by May 21, 2001, at (360) 902-6411.

Submit Written Comments to: Josh Swanson, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, e-mail swaj235@lni.wa.gov, fax (360)

902-5292, by May 23, 2001. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: May 25, 2001.

April 18, 2001

Gary Moore

Director

NEW SECTION

WAC 296-131-117 Minimum wages—Minors.

Except where a higher minimum wage is required by Washington state or federal law:

(1) Every employer shall pay to each of his or her employees who have reached their sixteenth or seventeenth year of age a rate of pay per hour which is equal to the hourly rate required by RCW 49.46.020 for employees eighteen years of age or older, whether computed on an hourly, commission, piecework, or other basis, except as may be otherwise provided under this chapter.

(2) Every employer shall pay to each of his or her employees who have not reached their sixteenth year of age a rate of pay per hour that is not less than eighty-five percent of the hourly rate required by RCW 49.46.020 for employees eighteen years of age or older, whether computed on an hourly, commission, piecework, or other basis, except as may be otherwise provided under this chapter.

(3) These minimum wage provisions shall not apply when a minor student is in a work place to carry out an occupational training experience assignment directly supervised on the premises by a school official or an employer under contract with a school and when no appreciable benefit is rendered to the employer by the presence of the minor student.

PROPOSED

WSR 01-08-012
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. TG-990161, General Order No. R-479—Filed March 23, 2001, 2:47 p.m.]

In the matter of amending chapter 480-70 WAC, relating to solid waste collection companies.

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 00-23-132 filed with the code reviser on November 22, 2000. The commission brings this proceeding pursuant to RCW 81.04.160, 81.77.030, and 80.01.040.

2 STATEMENT OF COMPLIANCE: 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 of 1971 (chapter 34.21C [43.21C] RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts these rules on the date this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments.

5 The commission often includes a discussion of those matters in its rule adoption order. In addition, most rule-making proceedings involve extensive work by commission staff that includes summaries in memoranda of stakeholder comments, commission decisions, and staff recommendations in each of those areas.

6 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing, held December 27, 2000, and at the open meetings where the commission considered whether to begin a rule making, held March 24, 1999, and whether to propose adoption of specific language, held November 29, 2000. Together, these documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

7 REFERENCE TO AFFECTED RULES:

8 This order adds the following new sections to chapter 480-70 WAC:

PART 1—GENERAL ADMINISTRATIVE RULES

- WAC 480-70-001 Purpose of chapter.
- WAC 480-70-006 Application.
- WAC 480-70-011 Exempt operations.
- WAC 480-70-016 Determination of authority required to transport specific commodities or provide specific services.
- WAC 480-70-021 Additional requirements.

- WAC 480-70-026 Severability.
- WAC 480-70-031 Resolving disputes about the meaning of these rules.
- WAC 480-70-036 Rules of practice and procedure.
- WAC 480-70-041 Definitions, general.
- WAC 480-70-046 Change of address or telephone number.
- WAC 480-70-051 Exemptions from rules.
- WAC 480-70-056 Mapping.
- WAC 480-70-061 Records retention.

PART 2—ACCOUNTING REQUIREMENTS, REPORTING REQUIREMENTS, AND REGULATORY FEES

- WAC 480-70-066 Accounting requirements.
- WAC 480-70-071 Reporting requirements.
- WAC 480-70-076 Regulatory fees.

PART 3—CERTIFICATES

- WAC 480-70-081 Certificates, general.
- WAC 480-70-086 Certificates, application fees.
- WAC 480-70-091 Certificates, applications.
- WAC 480-70-096 Certificates, acquisition of control.
- WAC 480-70-101 Certificates, initiating service.
- WAC 480-70-106 Certificates, application docket, protests, and intervention.
- WAC 480-70-111 Certificates, overlapping applications.
- WAC 480-70-116 Certificates, sale, lease, assignment, transfer or mortgage.
- WAC 480-70-121 Certificates, name change.
- WAC 480-70-126 Certificates, refiling of application prohibited for six months.
- WAC 480-70-131 Certificates, temporary.
- WAC 480-70-136 Certificates, temporary, expedited application.
- WAC 480-70-141 City service and cancellation of certificated authority.
- WAC 480-70-146 Contracts.
- WAC 480-70-151 Service agreements between companies.
- WAC 480-70-156 Contracts or service agreements with third-party waste brokers.
- WAC 480-70-161 Suspending certificates.
- WAC 480-70-166 Canceling certificates.
- WAC 480-70-171 Certificates, reinstatement.
- WAC 480-70-176 Certificates, discontinuance of operations.

PART 4—INSURANCE

- WAC 480-70-181 Public liability and property damage insurance.
- WAC 480-70-186 Insurance cancellation.

PART 5—EQUIPMENT AND DRIVERS

- WAC 480-70-191 Vehicle licensing.
- WAC 480-70-196 Commercial vehicle defined.
- WAC 480-70-201 Vehicle and driver safety requirements.
- WAC 480-70-206 Motor vehicle identification.
- WAC 480-70-211 Leasing vehicles.

PART 6—COMPLIANCE

- WAC 480-70-216 Commission compliance policy.

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PERMANENT

- WAC 480-70-221 Sanctions for operating without a valid certificate.
- PART 7—TARIFFS, RATES, AND RATE FILINGS**
- WAC 480-70-226 Tariffs, definitions used in.
- WAC 480-70-231 Tariffs, general.
- WAC 480-70-236 Tariffs, all companies must file tariff and must comply with the provisions of approved tariffs.
- WAC 480-70-241 Tariffs, content.
- WAC 480-70-246 Tariffs, posting.
- WAC 480-70-251 Tariffs, rates and charges, general.
- WAC 480-70-256 Tariffs, rejection.
- WAC 480-70-261 Tariffs requiring one-day notice to the commission.
- WAC 480-70-262 Tariffs requiring seven-day notice to the commission.
- WAC 480-70-266 Tariffs requiring notice forty-five-day to the commission.
- WAC 480-70-271 Customer notice requirements.
- WAC 480-70-276 Tariffs, less than statutory notice handling.
- WAC 480-70-281 Tariffs, format and size requirements.
- WAC 480-70-286 Tariffs, changes must be identified.
- WAC 480-70-291 Tariffs, title pages.
- WAC 480-70-296 Tariffs, page format.
- WAC 480-70-301 Tariffs, maps.
- WAC 480-70-306 Tariffs, rules.
- WAC 480-70-311 Tariffs, changes.
- WAC 480-70-316 Tariffs, supplements.
- WAC 480-70-321 Tariffs, filings after name change or change in ownership.
- WAC 480-70-326 Tariffs, filing procedures.
- WAC 480-70-331 Tariffs, approval.
- WAC 480-70-336 Tariffs, free and reduced rates.
- WAC 480-70-339 Tariffs, suspension by the commission.
- WAC 480-70-341 Pass-through disposal fees.
- WAC 480-70-346 Rates, general rate increases and fuel cost update.
- WAC 480-70-351 Rates, recycling programs, credits, or charges.
- PART 8—CONSUMER RULES**
- WAC 480-70-361 Availability of information.
- WAC 480-70-366 Refusal of service.
- WAC 480-70-371 Service cancellation, customer.
- WAC 480-70-376 Service cancellation, company.
- WAC 480-70-381 Reinstatement of service following cancellation.
- WAC 480-70-386 Complaints.
- WAC 480-70-391 Credits as compensation in consumer complaints or problems.
- WAC 480-70-396 Billing.
- WAC 480-70-401 Payment options.
- WAC 480-70-406 Refunds.
- WAC 480-70-411 Establishing credit and deposits.
- WAC 480-70-416 Prepayments, temporary container and drop-box service.
- WAC 480-70-421 Fair use of customer information.

- PART 9—BIOMEDICAL WASTE RULES**
- WAC 480-70-426 Biomedical waste, purpose.
- WAC 480-70-431 Biomedical waste, adoption of federal regulations.
- WAC 480-70-436 Biomedical waste, operational requirements.
- WAC 480-70-441 Biomedical waste, training requirements.
- WAC 480-70-446 Biomedical waste, cooperative agreements.
- WAC 480-70-451 Biomedical waste, packaging and containment.
- WAC 480-70-456 Biomedical waste, transfer to off-site treatment and disposal facilities.
- WAC 480-70-461 Biomedical waste, compaction not allowed.
- WAC 480-70-466 Biomedical waste, vehicle requirements.
- WAC 480-70-471 Biomedical waste, shipping-paper requirements.
- WAC 480-70-476 Biomedical waste, inspections.

- PART 10—HAZARDOUS WASTE RULES**
- WAC 480-70-481 Hazardous waste, purpose.
- WAC 480-70-486 Hazardous waste, adoption of federal regulations.

- PART 11—ADOPTION BY REFERENCE**
- WAC 480-70-999 Adoption by reference.

9 This order repeals following sections of the Washington Administrative Code:

- WAC 480-70-010 Communications.
- WAC 480-70-020 Documents—When filed.
- WAC 480-70-030 Remittances.
- WAC 480-70-040 Change of address.
- WAC 480-70-050 Definitions.
- WAC 480-70-055 Adoption by reference defined.
- WAC 480-70-060 Licenses.
- WAC 480-70-070 Certificates, no operation without.
- WAC 480-70-080 Operation under trade name.
- WAC 480-70-090 Certificates, must be filed main office.
- WAC 480-70-100 Certificates, secured by false affidavit.
- WAC 480-70-110 Certificates, sale, etc.
- WAC 480-70-120 Certificates, application for.
- WAC 480-70-130 Temporary certificates, application for.
- WAC 480-70-140 Certificates, description, hearing for clarification.
- WAC 480-70-150 Certificates, applications—Notice to existing carriers.
- WAC 480-70-155 Contemporaneous applications.
- WAC 480-70-160 Certificates, qualifications for.
- WAC 480-70-170 Certificate, must abide by.
- WAC 480-70-180 Certificate, sale, etc.
- WAC 480-70-190 Miscellaneous fees.
- WAC 480-70-200 Certificates, duplicates.
- WAC 480-70-210 Certificates, reinstatement.

WAC 480-70-220	Application fees forfeited-denied application, no renewal for six months.
WAC 480-70-230	Dual operation.
WAC 480-70-240	Tariff, naming rates and charges.
WAC 480-70-245	Agreements to operate certificates.
WAC 480-70-250	Insurance.
WAC 480-70-260	Insurance endorsement.
WAC 480-70-270	Insurance termination.
WAC 480-70-280	Surety bond.
WAC 480-70-290	Equipment of motor vehicles.
WAC 480-70-300	Motor vehicles, identification.
WAC 480-70-310	Motor vehicles, safety, sanitary, inspection.
WAC 480-70-320	Motor vehicles, safe operation.
WAC 480-70-325	Equipment—Inspection—Ordered for repairs.
WAC 480-70-330	Drivers, hours of work.
WAC 480-70-335	Out-of-service criteria.
WAC 480-70-340	Annual fee.
WAC 480-70-350	Accounts—Uniform system adopted—Reports.
WAC 480-70-360	Contracts.
WAC 480-70-370	Disabled motor vehicles—Substitution.
WAC 480-70-380	Equipment—Order for repairs.
WAC 480-70-390	Discontinuance of service, commission approval required.
WAC 480-70-400	Driver qualifications, hazardous materials transportation, and equipment safety.
WAC 480-70-405	Accident reporting.
WAC 480-70-410	General application of rules.
WAC 480-70-420	Penalty assessments.
WAC 480-70-430	Rules, waiver.
WAC 480-70-440	Solid waste collection companies statute applicable.
WAC 480-70-500	Operational requirements.
WAC 480-70-510	Training requirements.
WAC 480-70-530	Packaging and containment.
WAC 480-70-540	Transfer of biohazardous or bio-medical waste to off-site treatment and disposal facilities.
WAC 480-70-550	Shipping paper requirements.
WAC 480-70-560	Insurance requirements.
WAC 480-70-570	Reporting of accidents.
WAC 480-70-700	Availability of information.
WAC 480-70-710	Discontinuance of service.
WAC 480-70-720	Reinstatement of service following discontinuance.
WAC 480-70-730	Refusal of service.
WAC 480-70-740	Refusal or discontinuance of service to premises because of former occupant's unpaid account.
WAC 480-70-750	Deposits.
WAC 480-70-760	Refunds—Other than deposits.
WAC 480-70-770	Form of bills.
WAC 480-70-780	Pass through disposal fees.
WAC 480-70-790	Complaints and disputes.

10 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: The commission filed a preproposal statement of inquiry (CR-101) on March 26, 1999, at WSR 99-08-017.

11 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The preproposal statement of inquiry advised interested persons that the commission was considering opening a rule making on chapter 480-70 WAC, the purpose of which was:

(a) To review rules relating to the regulation of for-hire solid waste collection companies for clarity, intent and statutory authority, need, effectiveness and efficiency, coordination, cost, and fairness, and

(b) To provide clear, objective standards and guidance to the regulated solid waste collection industry, the consumers they serve, and other entities that interact with the companies by ensuring that the rules relating to the regulation of the for-hire solid waste industry are clear and concise.

12 The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending written notice to: All known organizations representing consumers; all known associations and organizations with interest in solid waste, medical waste, and/or recycling issues; Washington granges; all companies holding solid waste collection authority on March 26, 1999; Washington hospitals and hospital associations; consumers who had filed complaints with the commission in the year preceding March 26, 1999; known transportation attorneys; Washington city governments; Washington county governments; Washington Chambers of Commerce; and accountants and consultants representing solid waste or recycling companies.

13 Pursuant to the notice and prior to any drafting processes, the commission sponsored meetings at various locations throughout the state to discuss the pending rule making. Two separate meetings were held at each location. One meeting discussed issues related to transport of biohazardous solid waste. The second discussed other solid waste issues. Meetings were held in Vancouver on May 17 and 18, 1999, in Yakima on May 19, 1999, in Spokane on May 20 and 21, 1999, and in Everett on May 24, 1999.

14 Commission staff developed an issues paper that was distributed to stakeholders before the meetings, concurrent with service of the CR-101. The issues paper detailed suggestions as to rules that should be retained, rules that should be repealed, rules that should be amended, and issues that should result in additional rules. Commission staff and stakeholders used the issues paper at the meetings as to focus and stimulate discussion. Stakeholders assisted staff in refining the issues paper to use as a tool in drafting proposed rule amendments.

15 Attending the Vancouver meetings were: Kathy Kiwala, Clark County Solid Waste; Tami Kihns, City of Vancouver; Jim Kalkus, LeMay Enterprises; Nanette Walker, CPA; Gary McLeskey, Cascade Container Fabricating Co.; Jeff Ribach, Vancouver City Attorney's Office; J. P. Jones, Washington Refuse and Recycling Association (WRRRA); James Sells, WRRRA; Scott Carlson, Clark County; Gary Bickett, Southwest Washington Health District; Rich McCo-

noghy, City of Vancouver; Michael Davis, Lewis County Solid Waste; Toni Clement, Mason County; Mike Vail, Pacific Coast Shredding; Joe Jimenez, Stericycle; Ted Lehman, Skamania County; Weldon Burton, CPA; David W. Wiley, Williams, Kastner & Gibbs; and, Eric Merrill, Waste Connections, Inc.

16 Attending the Yakima meetings were: Scott Robertson, Yakima Waste Systems, Inc.; Tony Segale, Yakima Waste Systems, Inc.; Steve Wheatley, Yakima Waste Systems, Inc.; Darlene Frye, Department of Ecology, Solid Waste & Financial Assistance; James Sells, WRRRA; J. P. Jones, WRRRA; Matt Zybas, City of Richland; Glen Austin, Zippy Disposal Service; Leonard Dietrich, Basin Disposal, Inc.; Mark Wash, Consolidated Disposal Services, Inc.; and, Mike Dietrich, Consolidated Disposal.

17 Attending the Spokane meetings were: Ben Haworth, Sacred Heart Medical Center; Damon Taam, Spokane Regional Solid Waste System; Joe Jimenez, Stericycle; J. P. Jones, WRRRA; James Sells, WRRRA; Scott Windsor, Spokane Solid Waste Management; Joe Destefano, consumer; Clifford Couse, Couse's Sanitation and Recycling; Shirley Couse, Couse's Sanitation and Recycling; Frank Lawhead, Empire Disposal, Inc.; Marc Torre, Sunshine Disposal, Inc.; Richard Koss; Ada-Lin Waste Systems, Inc.; Michael Hibbler, Department of Ecology; Michael Torre, Sunshine Disposal; Bill Stansberry, Waste Management; and, Devon Felsted, Pullman Disposal.

18 Attending the Everett meetings were: Ed Nikula, Sanitary Services, Inc.; Peter Christiansen, Department of Ecology; Terry Gillis, Recovery 1, Inc; Bob Jones, King County; John Lloyd, LeMay Enterprises; Judy AlMBERG, Nexus Communication; Bill Rowe, University of Washington; Robert Culver, Nalley's Fine Foods; Tarry Mercer, Grayhawk; John Brigham, Northwest Waste; Jamie Cole, Democoon; Larry Wilson, Democoon; Terry Becker, Waste Management; JoAnn Zerfoss, Waste Management; Stephen Wamback, Pierce County; Allen Stafford, Kleensweep; James Wilson, Rabanco; Jeff Kelley-Clarke, Snohomish County; Ken Roberts, Kenco; Shirley Roberts, Kenco; Stan Hanen, Institute of Scrap Recycling Industries and Seattle Iron; John Swartz, Washington Trucking Associations, Dump Truck Conference; Tom Rubatino, Rubatino Refuse Removal; Nels Johnson, Rabanco; Bob Schille, Waste Management; Bob Cole, Cole Associates; Ed Rubatino, Rubatino Refuse Removal; Linda Kay Dennis, Smedes & Associates; Evelyn Nicholson, Sound Disposal; Jerry Smedes, Smedes & Associates; Don Hawkins, Murrey's Disposal; Norm LeMay, LeMay, Inc.; Don Kuzmer, Metals Express; Mark Buscher, King County Solid Waste; Rodney Gilroy, Overboard Express; Tracey Gilroy, Overboard Express; J. Crosse, New West Gypsum, Dave Bonyouloir, Island County; Jeff Brown, EA, Inc.; Polly McNeill, Summit Law Group; David W. Wiley, Williams, Kastner & Gibbs; J. P. Jones, WRRRA; David Bader, CCR; Troy Laudenbach, T & T Recovery; Mike Weinstein, Waste Management; Jeff West, Waste Management; Brad Rinker, Northwest Metals; Tom Cantrell, Metier Construction; Chuck Merritt, BFI; Sandra Waalk, BFI, Gary Gorsha, Harborview Medical Center; Robb Menaul, Washington State Hospital Association; Rose Gou-

let, Rubatino Refuse Removal; Ed Halasz, Whatcom County Health and Human Services; George Sidles, Department of Ecology; Marc Krueger, City of Anacortes; Calvin DenHartog, Nooksack Valley Disposal and San Juan Sanitation; Sonia Wright, Eastside Hauling, Inc.; Shawn Doherty, Construction Waste Management; and, David Firimoto, City of Issaquah.

19 Comments at these meetings addressed:

20 (a) **Annexation and incorporation.** Requested results: That rules resolve ambiguities in recent legislation and make clear to all parties the commission's interpretation of the statute, define the processes the commission will use in canceling certificate authority, and define the roles of the commission, the cities, and the carriers.

21 (b) **Customer notice requirements.** Requested results: That rules address notice required on rate decreases and other rate filings, allow flexibility so that carriers may comply with directions of local jurisdictions, and encourage cooperation with local jurisdictions in notice issues. Further, that rules strike a balance between ensuring sufficient information allowing consumers to make informed service choices versus the process not being unduly burdensome on carriers.

22 (c) **Definitions.** Requested results: That the new rules clearly define the terms "recyclable materials," "incidental," "source-separated," "Class A, B, and C carriers," "private carriers/carriage," "specialized carriers," "solid waste," and "construction, demolition, and land-clearing debris."

23 (d) **Compliance and enforcement.** Requested results: That rules include information on how the commission will handle consumer complaints as well as company-versus-company complaints, that compliance practices be consistent, and that the rules list consequences of noncompliance with laws and rules. Further, that the rules provide adequate sanctions for illegal haulers, are less punitive toward regulated carriers, and provide for adequate consumer protection.

24 (e) **Consumer education.** Requested results: That the rules encourage cooperation with local jurisdictions to foster educational programs, validate local jurisdictions' education programs, and encourage companies to use the commission's consumer brochure and build upon it to provide adequate information to customers as to their rights and responsibilities.

25 (f) **County authority.** Requested results: That the commission support providing counties with the authority to operate in the same manner that is now allowed cities. That rules clarify the activities that are under the commission's authority to regulate versus what is under counties' authority to regulate. That the rules allow for greater flexibility in relationships between carriers and counties.

26 (g) **Rates.** Requested results: That the commission encourage flexibility and innovation in ratemaking, recognize rate-setting methodologies mandated by county solid waste plans, and allow for additional pilot programs.

27 (h) **Free and reduced rates.** Requested results: That decisions rendered in a recent commission declaratory ruling on this subject be reflected in the rules.

28 (i) **Medical waste.** Requested results: That the new rules are consistent with rules of other regulatory jurisdictions, that definitions are uniform, and that federal statutes and rules be recognized.

29 (j) **Consumer rules.** Requested results: That the rules allow for differing treatment of temporary accounts than is required for permanent service, allowing carriers to require prepayment before providing service to temporary accounts, allowing carriers to accept credit cards for payment of bills, and allowing carriers to refuse to serve companies with past due accounts.

30 (k) **Third-party waste brokers.** Requested results: That the rules identify these companies and clearly define the permissible interaction between the brokers and the carriers.

31 (l) **Privacy of customer information.** Requested results: That the rules clearly and adequately define fair use of customer information.

32 (m) **Dump truck operations versus solid waste collection and transportation.** Requested results: That the rules clearly define those instances when a dump truck operator may transport solid waste without a certificate and those instances for which a certificate is required.

33 Following completion of these four meetings and review of comments from those meetings, commission staff prepared a rough draft of proposed rule amendments. This draft incorporated suggestions from the issues paper and comments from the stakeholder meetings. The draft was served to interested persons for comment.

34 Pursuant to notice, the commission sponsored meetings in Fife on December 14, 1999, and in Yakima on December 16, 1999, to discuss the rough draft.

35 Attending the Fife meeting were: Ed Nikula, Sanitary Service Company, Inc.; Peter Guttchen, City of Olympia; Evelyn Nicholson, Sound Disposal; Ed Rubatino, Rubatino Refuse; Tom McCabe, City of Port Angeles; Gordon Walgren, WRRRA; David W. Wiley, Williams, Kastner & Gibbs; Damon Defrates, Brem-Air Disposal; Calvin Den Hartog, Nooksack Valley Disposal; John Swartz, Washington Trucking Associations, Dump Truck Conference; Ron Larson, Rabanco; Jim Wilson, Rabanco; Ron Rosenbloom, Association of Washington Cities; Polly McNeill, Summit Law Group; Troy Lauterbach, T & T Recovery, Inc.; Michele Jenkins, Whatcom County Health Department; Mike Weinstein, Waste Management; Norman LeMay, LeMay, Inc.; John Lloyd, LeMay, Inc.; Bob Schille, Waste Management; Laura Reisdorph, Washington Refuse and Recycling Association; Don Hawkins, Murrey's Disposal; Irmgard Wilcox, American Disposal; Kathy Kiwala, Clark County Solid Waste; Carol Devenir-Moore, Clark County Solid Waste; Rob Van Orson, City of Federal Way; Bob Cole, Cole & Associates; Eric Merrill, Waste Connections; James Sells, WRRRA; Malcolm Eftin, Stericycle; and Michelle Tsalaky, Thurston County Solid Waste Division.

36 Attending the meeting in Yakima were: Dennis Nally, City of Walla Walla; Scott Robertson, Yakima Waste Systems; Keith Kovalenko, Superior Refuse Waste Connections; Dana Christianson, Methow Valley Disposal; Steve Wheatley, Yakima Waste Systems; Mark Wash, Consolidated Disposal Service; Don Davidson, Methow Valley San-

itation Service; Glen Austin, Zippy Disposal Service; Loretta Lammarchi, Yakima County Solid Waste Division; Paul Glasgow, Rabanco/Allied Waste; Teresa Eturaspe, Yakima County Solid Waste Division; Matt Zybus, City of Richland; David W. Wiley, Williams, Kastner & Gibbs; Ron Draggoo, Douglas County Solid Waste; and, Dennis Henne, City of Union Gap.

37 During the meetings to discuss the rough draft, oral comments addressed the following issues:

38 (a) **Billing.** Requested results: That the commission not require companies to disclose as line items all services provided and instead allow companies to bill a single rate, with rates for services such as yard waste and recycling embedded in that single rate.

39 (b) **Rate setting.** Requested results: That rate-making issues be separated from the rule-making process and be handled in a policy forum such as a notice of inquiry. Include in that policy forum discussion of the commission allowing incentive rates and linear rates rather than staying with cost-of-service ratemaking. Further, include in that forum technical issues such as audit practices and depreciation schedules.

40 (c) **Competitive commercial class of company.** Requested results: That the proposal to institute a new classification of company, competitive commercial service, not be included [in] the rules. The provisions to establish a competitive commercial classification resulted in a number of comments expressing adamant opposition to this new type of service.

41 (d) **Definitions.** Requested results: That the rules contain clearer definitions of the terms "incidental," "occasional," "recyclable materials," "source-separated," "recycler," "construction, demolition and land-clearing debris," "Class A, B and C companies," "private carriage/hauler," "specialized carrier," "dump truck operations" and "solid waste."

42 (e) **Exempt operations.** This issue received a number of comments. Parties were polarized on the topic—two distinct positions were represented among stakeholders. There were four main requested results presented through oral comments: 1) Draft rules to state that everything taken to a landfill for disposal is solid waste, and the carrier transporting it needs a solid waste certificate; 2) draft rules to close perceived loopholes allowing more transportation of solid waste by companies other than those holding solid waste certificates; 3) draft rules to allow companies other than those holding solid waste certificates to continue to participate in transportation of solid waste for disposal; and 4) clarify when a solid waste certificate is required, and when those holding common carrier permits may transport solid waste.

43 (f) **Annexation/incorporation.** Requested results: Amendment of the rule to include additional information to clarify the use of franchises, define compensation, define damages, and outline the process for returning a certificate to the prior certificate holder when a city opts out of providing service itself. A clearer statement of the processes outlined in the rule.

44 (g) **Acquisition of control.** Requested results: That the commission adopt a process related to acquisition of con-

trol that requires only provision of written notice to the commission, not an application.

45 (h) Temporary certificate authority. Requested results: Clarify the processes for granting temporary authority, protesting applications, intervening in application proceedings, docketing and notice of applications, and restricting commercial temporaries to only those customers submitting written support statements. More clearly define the rights of cities and counties to provide input.

46 (i) Mapping. Requested results: That the rule be amended to eliminate a requirement that companies file a new map within ninety days of the adoption of the rules. Clarify the benefits that would derive from better mapping for the regulated companies, the commission and the general public.

47 (j) Customer notice. Requested results: That the rule be rewritten to be less burdensome to regulated companies. Companies also want to retain the current process of providing notice through use of post cards.

48 (k) Compliance and enforcement. Requested results: That the rules be amended to strengthen the provisions related to illegal haulers, and at the same time develop policies that are less punitive toward regulated companies.

49 (l) Sanctions for illegal haulers. Requested results: Strengthen the sanctions against illegal haulers, eliminate technical assistance as the first option, and provide better protection for the regulated haulers.

50 (m) Annual reports. Requested results: That the annual report form be streamlined.

51 (n) Savings clause. Requested results: That this rule be deleted in its entirety, or that it be strengthened by including requirement that regulated carriers must also comply with all local government ordinances, regulations, etc.

52 Pursuant to notice, an issue-specific meeting addressing transportation of biomedical waste was held in Olympia on April 13, 2000. James Sells, WRRRA, attended the meeting. Mr. Sells for the most part expressed agreement with the draft rules, suggesting only a few minor amendments for the sake of clarity. His suggestions were incorporated into the succeeding draft of the proposed rules. With that action, it appeared that consensus had been achieved on the rules relating to transportation of biomedical waste.

53 Pursuant to notice, an issue-specific meeting addressing the transportation of construction, demolition, and land-clearing debris was held in Olympia on May 15, 2000. Stakeholders in attendance were: William Hearn, Skamania County Sanitary Service; Shane Hearn, Bingen Garbage Service; Michelle Tsalaky, Thurston County Solid Waste Division; Don Nicholson, Sound Disposal; Jim Boldt, Rabanco; Andrew Shafer, Washington Trucking Associations, Dump Truck Conference; John Swartz, Washington Trucking Associations, Dump Truck Conference; Gerry Eglund, Washington Dump Truck Conference; Rick Thompson, Harold LeMay Enterprises; Kathy Kiwala, Clark County Solid Waste Division; Ed Nikula, Sanitary Service Company; Ron Draggoo, Douglas County Solid Waste Division; John Lloyd, Harold LeMay Enterprises; Irmgard Wilcox, Murrey's Disposal; Tom Segale, Yakima Waste Systems; Don Hawkins, Murrey/American Disposal; James Sells, WRRRA; Charlie

Maxwell, Lakewood Refuse; Rob Nielson, Waste Connections; and, Ed Rubatino, Rubatino Refuse.

54 During the meeting, oral comments were received on the following issues:

55 (a) Exempt operations. Requested results:

- Development of clearer definitions of the terms "occasional," "incidental," "recyclable material," and "dump truck operations."
- Development of language that defines the roles of solid waste collection companies and dump truck operators in transportation of contaminated soils and construction, demolition, and land-clearing debris. Retain "historical" hauling rights of both solid waste collection companies and dump truck operators.
- Include language defining "dump truck operations" formerly found in WAC 480-12-990 in the solid waste rules.

56 (b) Competitive commercial services. Requested results: Eliminate the provisions establishing the new classification of service called "competitive commercial service" in their entirety. In their place, draft rules to grant emergency or expedited temporary authority to serve the needs of customers unable to get service in specific circumstances.

57 Pursuant to notice, an issue-specific meeting addressing only the topic of fuel surcharge tariff filings was held in Tumwater on June 6, 2000. Stakeholders in attendance were: Ed Nikula, Sanitary Service, Inc.; John Lloyd, LeMay, Inc.; Bill Chatham, CPA; Irmgard Wilcox, Murrey/American Disposal; Bob Schille, Waste Management; Mike Philpott, Stericycle; James Sells, WRRRA; David W. Wiley, Williams, Kastner & Gibbs; Polly McNeill, Summit Law Group; Nanette Walker, CPA; Laura Reisdorf, WRRRA; and, Mike Weinstein, Waste Management.

58 During the meeting, oral comments were received that stated:

59 (a) The participants believe that the commission needs to acknowledge that fuel cost spikes are easily recognized, can be easily-isolated in company books and records, and a simple, quickly-initiated process should be developed to help regulated companies recover the increased costs.

60 (b) Fuel surcharge filings should not require rate case treatment, the company should not have to sustain a heavy burden of proof.

61 (c) Solid waste collection companies should enjoy a "level playing field" with other regulated companies as relates to grant of fuel surcharges.

62 (d) Solid waste collection companies, and small companies especially, need a simple, easy to use methodology to be developed and adopted.

63 Requested results: That the commission authorize a simple methodology that allows carriers to recover spiking fuel costs without having to sustain a heavy burden of proof.

64 NOTICE OF PROPOSED RULE MAKING: The commission filed a notice of proposed rule making (CR-102) on November 22, 2000, at WSR 00-23-132. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 00-23-132 at 9:30 a.m., Wednesday, December 27, 2000, in the Commission's Hearing Room, Second Floor

Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

65 COMMENTERS (WRITTEN COMMENTS): The commission received written comments from Jeff Kelley-Clarke, Solid Waste Utility Director, Snohomish County; Lisa Friend, recycling educator; John Yeasting, President, WRRRA Board of Directors; Rodney G. Hansen, Manager, King County Solid Waste Division; Kathy Kiwala, Solid Waste Program Manager, Clark County Department of Public Works; Polly L. McNeill, Summit Law Group, representing Waste Management of Washington, Inc.; David W. Wiley, Williams, Kastner & Gibbs, representing Waste Connections of Washington, Inc., Murrey's Disposal/Waste Connections, and Rabanco Companies; Jesse Tanner, Mayor, City of Renton; Michelle Tsalaky, Executive Director, WRRRA (Ms. Tsalaky previously represented Thurston County during this rulemaking); Karen Van Gelder, Director, Environmental Services, MultiCare Health System; Fred Sheldon, Omak, Washington; Jeff Jarvis, Facilities Manager, Pike Place Preservation and Development Authority. Telephone comments were received from Ed Nikula, Sanitary Services, Inc.; John Lloyd, LeMay Enterprises; and, Peter Dodds, Senator Tracey Eide's office.

66 The written comments addressed the following issues:

67 (a) Request for inclusion of an amended definition. Rodney Hansen, King County, requested that the commission amend the rules to include additional definitional language that would allow small businesses to, at their option, choose to sign up for solid waste collection service under single-family residential tariffs. The commission did not follow this suggestion because RCW 81.77.020(8) states that solid waste collection service does not include collection or transporting recyclable materials from commercial or industrial generators, and RCW 81.77.020(9) states that solid waste collection does not include the transportation of recyclable materials except those collected from residences. The commission, thus, concluded that it does not have the authority to include the provisions requested by Mr. Hansen.

68 (b) Support of the rules. Fred Sheldon of Omak, Washington, commented only that he supported the solid waste rules. He did not address specific provisions.

69 (c) WAC 480-70-011 Exempt operations. Three comments were received regarding subparagraph (1)(e) of this proposed rule.

- Rodney Hansen of King County and Jeff Kelley-Clarke of Snohomish County asked the commission to modify the draft of WAC 480-70-011 (1)(e) to state that transportation of agricultural animal wastes, particularly that from what they termed to be "hobby stables," would be exempt from regulation as solid waste. The commission rejected this suggestion because it concluded that the waste from "hobby stables" is collected from residences and, thus, included in the definition of solid waste in RCW 81.77.010(9). To the extent that the stables are commercial operations, the current statutes

would not define the manure as solid waste if it was recyclable, and would allow exempt operations by a recycling company or a nonprofit program for recycling and transporting the stable output for recycling through composting. RCW 81.77.010 (8), (9). To the extent that the stable owners described are residential customers, this exemption is not available. The counties may, of course, determine levels of service for residential recycling programs in their solid-waste plans, and may institute programs for on-site composting or recycling animal waste in the same manner as they have used for yard waste.

- Polly McNeill, Summit Law Group, requested that the commission revise the proposed rules to strike the word "landfill" from the final sentence of paragraph (1)(e). She stated that currently most solid waste is transported to a transfer station, not to a landfill, and deleting the word "landfill" would clarify the rule to reflect current practice. The commission adopted this suggestion.

70 (d) WAC 480-70-016 Determination of authority required to transport specific commodities or provide specific services. Two comments were received on this proposed rule. The commenters, David W. Wiley, Williams, Kastner & Gibbs, and Polly McNeill, Summit Law Group, both suggested that subsection (1) be amended to include additional language clarifying that persons operating under common carrier permits issued subject to the provisions of chapter 81.80 RCW might also be required to obtain certificates of public convenience and necessity authorizing solid waste collection if they were holding themselves out as providing solid waste transportation. The commission adopted this suggestion, including alternate language provided by Ms. McNeill.

71 (e) WAC 480-70-041 Definitions, general. The commission received twelve written comments addressing specific definitions. The comments were:

72 (1) Business of transporting solid waste for collection and/or disposal for compensation. Michelle Tsalaky, WRRRA, suggested that the commission amend this definition to include at the end of the definition a phrase which reads, "... and serve customers in a particular defined area." The reason offered for making this change was that the additional language would serve to emphasize that only carriers with certificate authority could be engaged in the "business of transporting solid waste for collection and/or disposal for compensation." The commission rejected this suggestion. WAC 480-70-016 and 480-70-081 already state that carriers transporting solid waste for compensation must first obtain a certificate from the commission, and that operations conducted without having first obtained a certificate are unlawful. Adding the phrase to this rule would be redundant. Additionally, the commission cites this definition when conducting classification proceedings. In such hearings, the commission determines whether a company is operating in the "business of transporting solid waste for collection and/or disposal for compensation" without having proper certificate authority. If yes, then the commission orders the offending company to cease and desist unlawful operations. The addi-

tional phrase would not add clarity to the rule; it could instead complicate classification hearings.

73 (2) Classes of companies. Michelle Tsalaky, WRRRA, David W. Wiley, Williams, Kastner & Gibbs, and Polly McNeill, Summit Law Group, all suggested that the commission adopt a figure of five million dollars as the threshold dividing Class A from Class B companies. They stated that with the increase in disposal fees and other operating costs experienced by the solid waste industry in recent years, the current one million dollar threshold is too low, and an update of the threshold to five million dollars is appropriate. The commission adopted this suggestion.

74 (3) Commercial recycling service. Rodney Hansen of King County and Jeff Kelley-Clarke of Snohomish County requested that the commission amend the definition to add "agricultural generator" to the list of entities identified as participating in commercial recycling. The commission rejected this suggestion. RCW 81.77.010 (8) and (9) define commercial recycling. If the "hobby stables" referred to by the commenters are commercial establishments, they are already included in this definition, and inclusion of the term would be redundant. If the "hobby stables" are residential rather than commercial establishments, inclusion would conflict with the statutory definitions.

75 (4) Occasional. Polly McNeill, Summit Law Group, suggested the phrase "Any company holding itself out to the public to transport solid waste will be deemed to be providing solid waste collection services, even if the collection of solid waste is only a small portion of the company's operations or is performed only occasionally" be added to the definition of the term "occasional." The commission rejected this suggestion. The recommended language does not enhance or clarify the definition of the term "occasional." Further, WAC 480-70-011 and 480-70-016 already adequately address the concept engendered in the recommended addition; adding it to this definition would be redundant.

76 (5) Private carrier. Polly McNeill, Summit Law Group, suggested that the definition of private carrier be amended to indicate that a private carrier transports solid waste in the person's own vehicle, arguing that the definition has always included the phrase and the carriers believe it is an important qualifier that should be retained. The commission adopted this suggestion.

77 (6) Solid waste or solid wastes. Michelle Tsalaky, WRRRA, suggested that "refuse" be added to the list of commodities that may be transported as solid waste, arguing that the term would add clarity. The commission adopted this suggestion.

78 (7) Solid waste collection. Polly McNeill, Summit Law Group, suggested this definition be amended to revert to the definition contained in the current rules, as the older definition consisted of more familiar phrasing and was largely a restatement of statutory language. The commission adopted this suggestion in part, combining Ms. McNeill's suggestion with language developed by staff. The resulting definition adopted by the commission reads as follows: "Solid waste collection means collecting solid waste from residential or commercial customers and transporting the solid waste, using

a motor vehicle, for collection and/or disposal over the highways of the state of Washington, for compensation."

79 (8) Traditional solid waste collection company. Michelle Tsalaky, WRRRA, and Polly McNeill, Summit Law Group, filed substantially duplicative comments on this definition. First, both suggested that language be added to the definition to indicate that traditional solid waste collection companies may also provide specialized solid waste collection service unless their certificates of authority restrict such activity. The commission adopted this suggestion. Second, both suggested that the term "regular" be stricken from the sentence defining the schedule under which traditional solid waste companies operate. Both stated that to do so would recognize the fact that traditional companies also provide on-call service. The commission rejected this suggestion. The definition of specialized service added to the rule in adopting the first suggestion includes providing on-call service. Thus, this second suggestion is unnecessary and duplicative.

80 (f) WAC 480-70-076 Regulatory fees. The commission received comments from three persons on this rule: David W. Wiley, Williams, Kastner & Gibbs; Polly McNeill, Summit Law Group; and Michelle Tsalaky, WRRRA. Each requested that the date for filing of regulatory fees be changed from April 1 of each year to May 1. In addition, Ms. McNeill requested that a statement be included in the rule indicating the commission would not begin assessing late fees until May 1. The commission rejected these suggestions. RCW 81.77.080 requires that solid waste collection companies pay their regulatory fees by the April 1. Further, RCW 81.24.075 establishes the timeline for assessment of late fees. The suggested changes would conflict with those statutory provisions.

81 (g) WAC 480-70-131 Certificates, temporary. The commission received comments from three persons on this rule: Michelle Tsalaky, WRRRA; Kathy Kiwala, Clark County; and Polly McNeill, Summit Law Group.

- All three suggested the commission amend subsection (4) of the rule. Ms. Tsalaky and Ms. Kiwala asked the commission to substitute the word "will" for the word "may" in the first sentence. Ms. McNeill suggested that the second sentence of the subsection be stricken and replaced with a sentence reading, "The commission will normally limit temporary authority to allow a company to provide service to only those commercial customers whose support statements are submitted with an application." The commission rejected these suggestions. These changes would unnecessarily limit the commission's discretion in granting temporary certificate authority. The proposed rule already limits the time a temporary certificate is effective, and provides for imposition of additional limitations and conditions if the commission decides they are warranted. The commission will decide what limits to impose on a case-by-case basis, depending on its examination of the facts demonstrating the need for the proposed service.
- Ms. McNeill recommended that subsection (2) be amended to delete the examples enumerated in subparagraphs (b)(i), (ii), and (iii). She recommended

that the language instead be relocated to subsection (1) of proposed WAC 480-70-136(1). The commission partially rejected this suggestion, deciding that the language contained in the three subparagraphs provides clarity and, thus, should remain in the rule. The commission did, however, adopt the suggestion that the language also be contained in WAC 480-70-136.

- Ms. McNeill suggested that language be added to this rule stating that the commission will conduct a factual investigation into the need for proposed service before it grants temporary authority. The commission adopted this suggestion by adding a paragraph to the rule that states, "Before granting or denying an application for temporary authority, the commission will conduct an investigation to examine the facts relating to the need for the proposed service."

82 (h) WAC 480-70-136, Certificates, temporary, expedited application. Polly McNeill, Summit Law Group, submitted three comments regarding this rule:

- Ms. McNeill suggested that language from WAC 480-70-131(2) be relocated to this rule. The commission instead included the language in this rule as well as leaving it in WAC 480-70-131. Ms. McNeill suggested that language be added that states the commission will normally limit a grant of temporary authority to allow an applicant to serve only those commercial customers whose support statements are submitted with the application. The commission rejected this suggestion. The rule already states that the commission may limit expedited authority to service within a specific county, a specific city, a specific geographical area, a specific route, or a specific site. The commission believes this language is sufficient, and that to adopt Ms. McNeill's suggestion would unduly limit the commission's discretion.
- Ms. McNeill suggested that language be added to this rule to reflect that the commission will conduct an investigation into the facts relating to the need for proposed service before it grants temporary authority. The commission adopted this suggestion by adding a paragraph to the rule that states, "Before granting or denying an application for temporary authority, the commission will conduct an investigation to examine the facts relating to the need for the proposed service."

83 (i) WAC 480-70-141 Certificate authority canceled by city annexation or incorporation. The commission received written comments from four persons on this rule: Kathy Kiwala, Clark County; Michelle Tsalaky, WRRRA; Polly McNeill, Summit Law Group; and Jesse Tanner, City of Renton.

- Ms. Kiwala suggested that the rule be amended to require notification to a county and/or input by the county in the processes involved in reinstatement of solid waste certificates due to city actions to opt into, or out of, providing collection services. The commission rejected this suggestion. RCW 81.77.120 already provides that counties will periodically

provide information to the commission regarding solid waste issues. Further, the commission maintains mailing lists of persons interested in various issues or subjects. By notifying the commission of its interest in specific issues or subjects, the county will receive information on applications, dockets, and other commission actions. Including additional provisions in this rule would be duplicative and is unnecessary.

- Ms. Tsalaky suggested changes to the proposed rule to: (a) Clarify the date on which commission regulation ceases in annexed territory; (b) state that canceled certificate authority shall be reinstated instead of may be reinstated as is provided in the rules; (c) state that the previous certificate holder shall petition the commission instead of may petition the commission as is provided in the draft rules; and (d) replace the phrase "compensated for" with the phrase "purchased or condemned."
- Ms. McNeill suggested changes to the rule to: (a) Clarify that the rule applied to both annexations and incorporations; (b) clarify that authority is not canceled until the city complies with statutory requirements; (c) clarify that canceled authority shall be reinstated, rather than may be reinstated, where the appropriate standards have been met; (d) change the permissive language in subsection (5)(c) to a positive requirement; (e) recognize that certificates, and portions of certificates, may be transferred, thus effecting to whom authority is reinstated; and (f) delete the phrase "compensated for" by using instead the phrase "purchased or condemned."
- Mr. Tanner requested clarification as to whether commission regulation ceased on the date the commission received notification from the city or on the date the city made the decision to take over service.

84 It being evident from the number and scope of comments received that the original draft was not drafted clearly enough to be understood by various audiences, a new draft of this rule was developed and distributed to those persons who had previously commented. The second draft is not substantively different from the text noticed at WSR 00-23-132. The second draft merely clarifies and expands upon the first draft, making the rule more easily understood. Polly McNeill, Summit Law Group, is the only person who filed written comments regarding the second draft. For the most part, her comments supported that second draft. She did, however, suggest some minor modifications. She suggested that to clarify that the rules apply in instances where cities only partially provide service, the phrase "To the extent solid waste collection service is provided within the limits of a city, it must be provided by:..." should be added. She also suggested subsection (5)(a) be amended to include similar language. She also suggested that subsection (2)(b) be amended to contain the phrase, "...the commission will not cancel the affected certificate authority and cease regulation in the affected area until the date of receipt of the city's or town's written notice." These suggestions were included in the draft rules attached to staff's open meeting memorandum (December 27, 2000, meeting) and recommended for adoption by the

commission. The commission adopted the second draft of this rule, and incorporated the comments Ms. McNeill filed relating to that draft.

85 (j) WAC 480-70-151 Service agreements between companies. Michelle Tsalaky, WRRRA, and David W. Wiley, Williams, Kastner & Gibbs, commented on this rule. Both suggested the rule be amended to indicate that companies wishing to enter into service agreements must first hold exclusive traditional solid waste collection authority rather than just exclusive authority as was stated in the proposed rule. They stated that this was necessary because the overlap of Class C specialized solid waste certificates, such as those authorizing statewide collection of medical waste, technically means that there are no exclusive solid waste certificates in the state of Washington. The commission adopted this suggestion.

86 (k) WAC 480-70-271 Customer notice requirements. The commission received comments on this rule from: Jeff Kelley-Clarke, Snohomish County; Polly McNeill, Summit Law Group; David W. Wiley, Williams, Kastner & Gibbs; and Michelle Tsalaky, WRRRA.

- Mr. Kelley-Clarke suggested that subsection (1)(b)(ii) be amended to require that notice be sent to county commissioners or county council members. The proposed rule, requiring notice only to county commissioners, failed to acknowledge that some counties are governed by county councils and not by county commissions. The commission adopted this suggestion.
- Mr. Kelley-Clarke also suggested that subsection (1)(b)(ii) and (iii) be amended to require the company to notify designated county solid waste managers in addition to council or commission members. He stated that often materials mailed to elected officials do not get passed down to proper department heads in time to comment or answer questions from ratepayers. The commission rejected this suggestion. The commission believes notifying county commissioners or county council members is sufficient and that ensuring appropriate county staff members receive that notification is an obligation of the county, not the company.
- Ms. McNeill, Mr. Wiley, and Ms. Tsalaky suggested that subsection (1)(c)(iv)(D) be amended to indicate that separately stated costs for recycling service, yardwaste service, and solid waste service need not be shown on a customer notice if prohibited by local governments. The commission rejected this suggestion. The proposed rule governing the contents of bills to customers, WAC 480-70-391, requires separate line items for these services, if the company has separately tariffed rates for those services. The commission encourages the separate tariffing of these items. However, if they are not separately tariffed, then the requirement in the customer notice rule would not require that they be separately stated; it only requires this "if applicable," which would cover the concern the commenters express.
- Ms. McNeill, Mr. Wiley, and Ms. Tsalaky also suggested that subsection (2)(a)(vi) be amended to state

that notice is not required until after the commission makes a final decision related to increases in either credits or charges to customers for recycling commodity adjustments. The draft rule addressed only commodity credits. The commission adopted this suggestion.

- Mr. Wiley suggested that the title of subsection (2) be amended to read "Customer notice after final commission action for rate adjustments outside the control of the solid waste collection company." He stated that the title of the paragraph was unclear, and additional cross-referencing of issues was required. The commission rejected this suggestion, electing instead to insert additional language in the rule to clarify application and cross-references.
- Mr. Wiley suggested that subsection (1)(c)(iii) be amended to require less verbiage on the customer notice to describe "a clear explanation of the reason the company has requested the rate change." Mr. Wiley stated that requiring this information might preclude short-form (postcard) notices currently used by some companies. The commission rejected this suggestion. The explanation of the reasons leading to filing for a rate increase need not be lengthy. A phrase such as "increased operating costs" or "increased labor costs" is sufficient to provide information to the company's consumers.
- Mr. Wiley suggested that subsection (1)(c)(iv)(B) be amended stating that requiring the listing of "the five most used services" was unnecessarily burdensome. The commission adopted this suggestion, changing the paragraph to require listing only four services.
- Mr. Wiley suggested that subsection (1)(c)(iv)(E) be amended to eliminate the requirement that a company must include a statement using a range of percentage increase and explaining how a customer could get more information, if a service is not listed on the customer notice but is, in fact, impacted by the filing. An example of the statement to be included is: "Rates for other services, not listed in this notice, will increase by XX% to YY%. For additional information you may contact (toll-free phone number)." Mr. Wiley stated that requiring such a statement could be confusing to the consumer and could result in additional calls to both the company and the commission by consumers requesting clarification. The commission rejected this suggestion. The requirement adds flexibility for the companies to make decisions on how to notice their customers. The company may list each service affected by the proposal, or include only some services and include the statement shown above. This information may be a key tool for customers to know whether to make further inquiries about the effect of the company's proposal.
- Ms. Tsalaky, WRRRA, suggested that the provisions of subsection (1)(c)(iv)(E) be stricken from the draft. She stated no reasons in her written comments for the suggestion. Staff spoke with Ms. Tsalaky about WRRRA's concerns regarding the pro-

posal and explained the intent of the rule. Ms. Tsalaky submitted no further comments. As explained in the paragraph above addressing Mr. Wiley's comments on the same provision of the draft rules, the commission rejected this suggestion.

87 (l) WAC 480-70-316 Tariff supplements. Polly McNeill, Summit Law Group, suggested that in subsection (3) the phrase "forty-five day notice to customers and the commission" be amended to the phrase "notice to customers and the commission." She pointed out that there are filings that do not require forty-five days notice. The commission adopted this suggestion.

88 (m) WAC 480-70-351 Recycling programs. The commission received comments from: Polly McNeill, Summit Law Group; Rodney Hansen, King County; Ed Nikula, Sanitary Service Company; and David W. Wiley, Williams, Kastner & Gibbs. They suggested the rule be amended to include charges as well as credits already contained in the proposed rule. The commission adopted this suggestion.

89 (n) WAC 480-70-361 Availability of information. The commission received comments from: Polly McNeill, Summit Law Group; Rodney Hansen, King County; Ed Nikula, Sanitary Service Company; Lisa Friend, recycling educator; Jeff Jarvis, Pike Street Market; Jeff Kelley-Clark, Snohomish County; John Yeasting, Washington State Recycling Association; Loretta Zammarchi, Yakima County Solid Waste; Gwen McCamley, New West Gypsum (USA); Frances Ambrose, Skagit County Public Works; New West Gypsum Company (USA); and David W. Wiley, Williams, Kastner & Gibbs.

- Ms. Zammarchi, Ms. McCamley, Ms. Ambrose, Ms. Friend, Mr. Yeasting, Mr. Hansen, Mr. Jarvis, and New West Gypsum (USA) stated their support for the rule as drafted.
- Ms. McNeill, Ms. Tsalaky, and Mr. Wiley suggested that the rule be amended to eliminate any provisions requiring companies to develop or distribute information that contained references to commercial recycling companies that operate as competitors to solid waste companies. They expressed concern about liability if a solid waste company overlooked a recycling company in developing material, and also about the propriety of passing costs of developing and distributing materials about nonregulated entities through to their regulated customers. Further, they stated that the provisions of the proposed rules would unfairly shift the responsibility regarding recycling and waste reduction education from the local jurisdictions to the companies.

90 It being evident from the number and scope of the comments received that the original draft did not meet the concerns of the regulated industry, a second draft was developed by commission staff and distributed to those persons who had commented previously. Oral comments were received on this second draft at the commission's open public meeting on December 27, 2000. Those oral comments are discussed in paragraph 99 of this order.

91 (o) WAC 480-70-381 Reinstatement of service following cancellation. David W. Wiley, Williams, Kastner &

Gibbs, and Polly McNeill, Summit Law Group, commented on this rule. Both suggested the commission amend the rule to recognize that some customers may not wish to have service reinstated after they correct the causes leading to cancellation of service. The commission adopted this suggestion by adding language that states that following correction of the circumstances leading to cancellation, service will be reinstated unless the customer asks the company not to do so.

92 (p) WAC 480-70-396 Billing. The proposed rule states that if a company receives partial payment for a billing that contains charges for both regulated and nonregulated services, the company should apply payment first to regulated services. Kathy Kiwala of Clark County suggested that the rule be amended to add the phrase, "...unless the customer indicates otherwise." The commission rejected this suggestion. A regulated company should not have to accept and process payment on behalf of nonregulated entities when payments for regulated services are due and payable.

93 (q) WAC 480-70-416 Prepayments. Michelle Tsalaky of WRRRA and Ed Nikula of Sanitary Service, Inc., suggested that the rule be amended to apply to both container and drop-box service, stating that carriers experience as many bad-debt problems with provision of temporary container service as they do with provision of temporary drop-box service. The commission adopted this suggestion.

94 (r) WAC 480-70-421 Fair use of customer information. The commission received comments from: Ed Nikula, Sanitary Service, Inc.; Michelle Tsalaky, WRRRA; David W. Wiley, Williams, Kastner & Gibbs; and Kathy Kiwala, Clark County.

- Mr. Nikula, Ms. Tsalaky, and Mr. Wiley suggested that the rule be amended to allow companies to provide, absent written consent, customer information to title insurance and escrow companies when those companies request the information in the process of researching real estate titles or closing real estate transactions. They stated that title companies must inquire into the status of all utility bills when researching titles or closing real estate transactions. The commission rejected these suggestions. RCW 60.80.020 lists those utilities that must provide information to escrow and title agents. Solid waste collection provided under the provisions of chapter 81.77 RCW is not included in that list. If consumers wish the information be provided to title and escrow agents the consumer can give written authorization for release of the information.
- Ms. Kiwala suggested that provisions be added to the rule allowing release of customer information to cities, counties, and companies providing solid waste collection or recycling services under contract with a city or county. The information would be used by cities or counties to provide recycling service, distribute educational information, and perform public outreach. The commission rejected this suggestion. WAC 480-70-361 already establishes processes of distribution of educational materials, thus it need not be addressed in WAC 480-70-421 as well. Further, the commission believes that cities and counties have adequate sources of information

available to them, such as business licenses and tax records, from which they can prepare mailing lists for providing customer information, noting that the universe of solid waste collection customers is only a subset of the universe of city or county citizens.

95 (s) WAC 480-70-451 Biomedical waste, packaging and containment. Karen Van Gelder of MultiCare suggested the rule be amended to allow flexibility in the manner in which packages containing biomedical waste are labeled. The commission adopted this suggestion by amending the rule to state that packages must be labeled in a manner complying with applicable federal standards.

96 (t) WAC 480-70-461 Biomedical waste, compaction not allowed. Karen Van Gelder of MultiCare suggested that this rule be amended to allow compaction of biomedical waste that had been processed and rendered inert and non-infectious. The commission rejected this suggestion. Materials that have been rendered inert no longer meet the definition of biomedical waste, and are thus not subject to the provisions of this rule. Amending the rule is unnecessary.

97 RULE-MAKING HEARING:

98 The rule proposal was considered for adoption, pursuant to notice, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on December 27, 2000, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, and Commissioner William R. Gillis. The commission heard oral comments from Cathie Anderson, Penny Hansen, Jeff Goltz, C. Robert Wallis, Gene Eckhardt, Mary Tennyson, and Diana Otto representing commission staff, and from Michelle Tsalaky, representing the WRRRA; Ed Nikula, representing Sanitary Service, Inc.; Bob Schille, representing Waste Management; David W. Wiley, attorney, representing Waste Connections and Rabanco Companies; James Sell, attorney, representing WRRRA; John Lloyd representing LeMay Enterprises and Pacific Disposal; Marsha Patrick, representing MultiCare Health Systems; Ed Rubatino representing Rubatino Refuse Service; Don Kneass representing the Washington State Recycling Association; Robert Vern Pontius representing Pontius Trucking; and Bill Reed representing the King County Solid Waste Division (via the commission's telephone conference bridge). Oral comments addressed the following issues:

99 (a) WAC 480-70-361 Availability of information. Six persons commented on this proposed rule.

- Don Kneass, Washington State Recycling Association, suggested the commission adopt the version of WAC 480-70-361 Availability of information, published in the text noticed at WSR 00-23-132, rather than the amended version recommended in the staff's open meeting memorandum. He stated that the new language reverts to the status quo and will not result in additional persons receiving notice of recycling and waste reduction options. It was his belief that the previous language would be more beneficial in stopping the decline in the state's recycling rate, reviving the state's leadership in recycling, protecting the recycling industry's investment,

and responding to the public's need to know about recycling opportunities.

- Michelle Tsalaky, WRRRA, supported the revised draft of this rule, and opposed Mr. Kneass' suggestion that the commission adopt the earlier text of the rule. She did, however, indicate that additional language could be included to more clearly indicate that the options listed in subsection (7)(b)(i), (ii), and (iii) were a hierarchical progression. Ms. Tsalaky reiterated the solid waste haulers' concerns about being required to develop and distribute information that contained reference to other companies that compete with the haulers for commercial recycling accounts. Further, she stated that some companies had expressed concern about notifying customers of commercial recycling services they themselves offered under common carrier authority granted by the commission under chapter 81.80 RCW. Ms. Tsalaky further suggested that it be clarified in the rule that expenses incurred in distribution of information would be recoverable in rates.
- Bob Schille, Waste Management, stated that he supported the revised draft of the text, but also suggested that additional emphasis should be placed on collaboration between companies and local governments in developing required information. Mr. Schille, too, stated that he had concerns about notifying customers about services offered by competitors in the commercial recycling arena.
- Bill Reed, King County Solid Waste, supported the language in the text noticed at WSR 00-23-132, but believed that the hierarchy of options should be amended. He suggested that the first, most preferable option should be that contained in subsection (7)(b)(ii) of the draft and that the second option should be that contained in subsection (7)(b)(i) of the draft.
- Ed Nikula, Sanitary Service, Inc., suggested that subsection (7)(a)(i) be amended to delete the word "all." He stated that including the word "all" was too broad and could result in the companies being required to develop a voluminous document.
- James Sells, WRRRA, suggested that subsection (7)(b)(iii) be amended to state, "... about all regulated service options and service levels..." He stated that by changing the phrase the intent of the rule would be more clearly reflected.

100 COMMISSION ACTION ON ORAL COMMENTS RECEIVED ON WAC 480-70-361:

101 The commission rejected Mr. Kneass' suggestion that the text noticed at WSR 00-23-132 be adopted instead of the amended language recommended in staff's open meeting memorandum. Following analysis of the original text, the commission believes the proposed provisions place too heavy a burden on companies to develop information, may expose the companies to unintended liabilities if in developing the information they overlook service providers, and may infringe on companies' free speech rights.

102 (2) The commission adopted the suggestions of Ms. Tsalaky and Mr. Reed to clarify and reorder the hierarchy of

distribution options from that shown in the text noticed at WSR 00-23-132. The commission decided that requiring companies to distribute information developed, published, and provided by local governments is reasonable even if that information contains reference to waste reduction and/or other entities that provide commercial recycling services. The commission does agree with the solid waste companies, however, that if the company must develop and distribute information, due to the local government's choice not to do so, the company should not be required to reference competitive commercial recycling companies or even commercial recycling services provided by the company itself under permits issued under chapter 81.80 RCW. Companies may include reference to their commercial recycling services if they wish, but the commission does not believe they should be required to do so. (3) The commission rejected Ms. Tsalaky's suggestion that the rule contain language stating that costs incurred by the company in complying with the provisions of this rule would be properly recoverable in rates. To include such language in only this rule might imply that these costs are to receive special or different handling than the cost of complying with other rules. Further, the language is unnecessary as commission policies and regulatory accounting practices sufficiently describe the costs that are recognized in rate making.

103 (4) The commission rejected Mr. Nikula's suggestion to delete the word "all." In adopting suggestions made by other parties to clarify portions of the rule, the concerns Mr. Nikula addressed were also resolved.

104 (5) The commission adopted Mr. Sells' suggestion to clarify reference to regulated service options by amending the rule to indicate information a company develops, publishes, and distributes (when local governments do not provide the information) may include reference to a company's commercial recycling services, regulated under the provisions of chapter 81.80 RCW, but there is no requirement that they do so.

105 (b) **WAC 480-70-041 Definitions, general.** Three persons submitted oral comments on this issue:

- Robert Vern Pontius suggested that the provisions related to defining the differences between solid waste collection companies and dump truck operators be amended to allow those dump truck operators holding common carrier authority on January 1, 1994, to transport solid waste. Mr. Pontius stated that it has long been a traditional practice for dump truck operators to provide transportation of contaminated soils and construction, demolition, and land-clearing debris to disposal sites. He stated that is the reason many dump truck operators invested in specific types of equipment, and believed that adoption of the proposed rules would restrict dump truck operators from providing services that they had been providing for over forty years. He further stated that this is an unfair erosion of the authority he, and other dump truck operators, have exercised for many years.
- James Sells, attorney for WRRRA, asked the commission to reject Mr. Pontius' suggestion, citing the commission's past policies and orders regarding the

need for a solid waste certificate. He stated that the proposed rules clarified rather than restricted the lawful authority of dump truck operators.

- David W. Wiley, attorney, also asked that the commission reject Mr. Pontius' suggestion. He concurred with staff testimony that the text noticed at WSR 00-23-132 accurately reflected the distinction between solid waste operations and dump truck operations that had existed since 1961. He also agreed with staff testimony that commission orders, policies, and interpretations since 1961 have consistently reflected this same distinction.

106 **COMMISSION ACTION ON ORAL COMMENTS RECEIVED ON WAC 480-70-041:** The commission rejected Mr. Pontius' suggestion. The commission has been asked many times to clarify the issues addressed by Mr. Pontius and has consistently held that a motor freight carrier may not transport waste, except incidentally to its carrier activities. Further, the commission has also consistently held that although it appears to some that it has been a traditional practice for dump truck operators to provide this type of service, the transportation policies of the state are set by the legislature, not by industry practice. The legislature requires that the commission regulate the collection and/or disposal of solid waste under chapter 81.77 RCW. To allow dump truck operators to hold themselves out as providing solid waste service without first having obtained proper solid waste collection certificate authority would conflict with statute and the authority granted the commission by the legislature.

107 (c) **WAC 480-70-271 Customer notice requirements.** David W. Wiley, attorney representing Waste Connections and Rabanco, suggested that subsection (c)(iv)(E) be amended to read, "A statement that if a service is not listed in the notice, but is the subject of an increase contained in the proposal, the company also must explain how the customer can obtain more information on the rate increase proposal, if needed, and list a toll-free telephone number." He recommended this language, that eliminates the requirement that the company list a percentage range of proposed changes, because he believes that the proposed language of the rule will confuse customers.

108 The commission rejected Mr. Wiley's suggestion. Listing a percentage range in the rule provides a key tool that consumers may use to determine whether they need to inquire further into the specifics of a rate proposal. Further, these proposed notice requirements are designed to allow flexibility to the company in delivering customer notice. The company may list each service rate and accessorial service rate that will be changed by a proposal, or it may list some of those changes and include a statement to the effect that, "In addition to the items listed, other rates and charges will be increased between XX-percent and YY-percent. For additional information you may contact our toll-free number, (xxx)xxx-xxx." This proposal strikes a balance between the customer's right to know the details of a rate change and the company's burden in publishing a lengthy notice.

109 (d) **WAC 480-70-456 Compaction not allowed, biomedical waste.** Marsha Patrick, MultiCare Health Systems, suggested this rule be amended by adding language

stating: "A company must not compact biomedical waste or any material in a container labeled as containing biomedical waste, unless it has been rendered noninfectious." The commission rejected this suggestion. Materials that have been rendered noninfectious (inert) cannot be shipped as biomedical waste or in containers labeled as containing biomedical waste. The material is no longer biomedical waste, and is not subject to this rule. Therefore, adding the suggested language to the rule is not necessary.

110 (e) WAC 480-70-151 Service agreements between companies. Ed Rubatino suggested that the word "traditional" be stricken from subsection (1)(a) of the proposed rule. He stated his belief that inclusion of the word "traditional" might limit his company's ability to lease equipment. The commission rejected this suggestion. The word "traditional" was included in the proposed rule at the specific request of those persons filing written comments on the draft rules. The inclusion of this word clarifies rather than restricts application of the rule. Further, this rule does not affect leasing of equipment to augment a company's fleet. Leasing, a separate issue, is addressed in WAC 480-70-211.

111 (f) WAC 480-70-396 Billing. John Lloyd, LeMay Enterprises and Pacific Disposal, suggested the rule be amended to allow companies that issue bimonthly bills to bill for two months in advance, or in lieu thereof, to clarify that the phrase "One-month advanced billing allowed" could be interpreted to mean the current month the bill is issued, plus one additional month in advance. Further, he asked if a billing issued on the first day of a month would be considered as meeting the definition of "current month, plus one additional month in advance." The commission rejected this suggestion. The commission does, however, clarify through this order that billing on the first day of a month for that month and the immediately following month does meet the intent of the phrase "current month, plus one additional month in advance." (See, paragraph 118.)

112 CHANGES FROM PROPOSAL: The commission adopts the proposal with the following changes from the text noticed at WSR 00-23-132.

113 (a) Those changes indicated as having been adopted by the commission and described in paragraphs 66 through 111 of this order.

114 (b) WAC 480-70-376 Service cancellation, company. Subsection (2) was amended to add delivery of a notice of impending cancellation of service by placing a written notice on the customer's primary residence door as another acceptable form of notice. This amendment was suggested by the commission's consumer affairs staff to allow companies greater flexibility in providing notice to consumers.

115 (c) WAC 480-70-386 Complaints. Subsection (1)(b)(i) was amended to clarify that extensions of time to report investigation results to the commission may be granted if requested and warranted. This amendment was suggested by the commission's consumer affairs staff to codify current practice.

116 (d) WAC 480-70-396 Billing. The chart contained in the rule was amended to indicate that the delinquency date could not be earlier than the last day of the second month if

the company bills each two months, or the last day of the third month if the company bills on a quarterly basis. This amendment was suggested by the commission's consumer affairs staff to simplify the rule and make it more easily understood.

117 (e) WAC 480-70-411 Establishing credit and deposits. The first paragraph was amended to delete the sentence that read, "Deposits guarantee payment for the final billing period plus one month." This amendment was suggested by the commission's consumer affairs staff because they felt the statement was misleading as deposits do not guarantee payment.

118 (f) Typographical errors were corrected.

119 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: In reviewing the entire record, the commission determines that chapter 480-70 WAC should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 7, Amended 0, Repealed 1; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 100, Amended 0, Repealed 67.

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

120 THE COMMISSION ORDERS:

121 Chapter 480-70 WAC is amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2). The WAC sections listed in paragraph 8 of this order are adopted. The WAC sections listed in paragraph 9 of this order are repealed.

122 This order and the rules set out in Appendix A, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 23rd day of March, 2001.

Washington Utilities and Transportation Commission
Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner

PART 1—GENERAL ADMINISTRATIVE RULES**NEW SECTION**

WAC 480-70-001 Purpose of chapter. The legislature has declared that operating as a solid waste collection company in the state of Washington is a business affected with a public interest and that such companies should be regulated. The purpose of these rules is to administer and enforce chapter 81.77 RCW by establishing standards for:

- Public safety;
- Fair practices;
- Just and reasonable charges;
- Nondiscriminatory application of rates;
- Adequate and dependable service;
- Consumer protection; and
- Compliance with statutes, rules and commission orders.

NEW SECTION

WAC 480-70-006 Application. (1) Except for those operations described in WAC 480-70-011, these rules apply to any solid waste collection company in the business of transporting solid waste for collection and/or disposal from points in the state of Washington, for compensation, over the public highways.

(2) Cases of erroneous or doubtful interpretation of these rules by a solid waste collection company or customer are subject to appeal to the commission by any interested and proper party affected.

(3) Upon proper showing of any solid waste collection company, the commission may waive or modify as to that solid waste collection company the provisions of any rule in this chapter except when such provisions are fixed by statute.

(4) No deviation from these rules will be permitted without written authorization by the commission. Violation will be subject to the penalty provisions of chapter 81.04 RCW.

(5) A company in the business of transporting solid waste for collection and/or disposal from points in the state of Washington is not exempt from commission regulation under the provisions of:

(a) The Interstate Commerce Act. Commission regulation of solid waste collection companies includes regulation of the collection and transportation of solid waste between points in the state of Washington and from points in the state of Washington to out-of-state disposal locations; or

(b) The Federal Aviation Administration Authorization Act (FAAAA) of 1994. The FAAAA preempted state regulation of rates, routes and services of property carriers, but did not affect state regulation of solid waste collection companies.

NEW SECTION

WAC 480-70-011 Exempt operations. (1) The following collection and hauling operations are not regulated by the commission:

(a) The operations of a company conducted under a contract for solid waste collection service with a city or town (refer to RCW 81.77.020);

(b) The operations of a city or town that itself provides solid waste collection service (refer to RCW 81.77.020);

(c) The operations of a company conducted under a contract with any county, city or town for the collection or transportation of source-separated recyclable materials from residences (refer to RCW 81.77.130);

(d) The operations of any city or town that itself provides collection and transportation of source-separated recyclable materials from residences (refer to RCW 81.77.130);

(e) The operations of a recycling company or nonprofit entity collecting and transporting recyclable materials from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than disposal or incineration, or under agreement with a solid waste collection company (refer to RCW 81.77.140);

(f) The operations of a commercial or industrial generator of commercial recyclable materials in selling, conveying, or arranging for transportation of recyclable materials to a recycler for reuse or reclamation (refer to RCW 81.77.140);

(g) The operations of private carriers who, in their own vehicles, transport solid waste purely as an incidental adjunct to some other established private business owned or operated by them in good faith. This private-carrier exemption does not include persons transporting solid waste from residential sources, such as apartment houses or mobile home parks, in vehicles designed or used primarily for the transport of solid waste;

(h) The operations of carriers using special equipment to transport sewage or cesspool wastes as an incidental part of a septic tank or cesspool cleaning service; or

(i) The operations of carriers transporting loads either from a transfer station to a disposal site or between disposal sites (refer to RCW 36.58.050).

(2) The following collection and hauling operations are not regulated by the commission as solid waste:

(a) The operations of a carrier operating under a permit issued by the commission under chapter 81.80 RCW (motor freight) that occasionally transports to a disposal site, but whose primary business is not the collection of solid waste. This exemption does not apply if the carrier holds itself out to the public as a transporter of solid waste. Examples of this type of operation include, but are not limited to:

(i) A dump truck operator, who as a part of performing dump truck operations in conjunction with building or construction projects, hauls an occasional load to a disposal site; or

(ii) A household goods carrier who transports to a disposal site the used packing materials from a shipment of household goods that the carrier transported.

(b) A carrier collecting or transporting recyclable materials from a drop box or recycling buy-back center, or collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation. This type of operation is regulated under chapter 81.80 RCW as transportation of general commodities.

(3) A carrier transporting commercially salable earth that is used as fill, road ballast, or aggregate is regulated under chapter 81.80 RCW as a transporter of general commodities.

NEW SECTION

WAC 480-70-016 Determination of authority required to transport specific commodities or provide specific services. (1) Chapter 81.77 RCW is intended to cover operations of carriers whose primary business is transporting solid waste for collection and/or disposal. Persons holding permits issued by the commission under the provisions of chapter 81.80 RCW, whose primary business is not the collection of solid waste, normally will also need to obtain a certificate of public convenience and necessity if they transport solid waste to a disposal site on more than an occasional basis, or if they hold themselves out to the public as providing solid waste collection service.

(2) In some instances carriers may be engaged extensively in both motor freight and solid waste collection operations. In cases where such operations are separable, carriers may be required to hold both a solid waste certificate under the provisions of chapter 81.77 RCW and a motor carrier permit under the provisions of chapter 81.80 RCW in order to provide both services. In each case it is within the discretion of the commission to determine whether a carrier is required to hold both a motor carrier permit and a solid waste certificate.

(3) In some instances, transportation of a specific commodity may be subject to commission regulation under the provisions of chapter 81.80 RCW, or as solid waste under the provisions of chapter 81.77 RCW, depending on the circumstances involved in the transportation of that commodity. For example, if soil is transported to a landfill to become part of the cover of the landfill, the transportation is subject to regulation as a motor carrier under the provisions of chapter 81.80 RCW. However, if the soil is being transported to a landfill merely for disposal, the transporter is subject to regulation as a solid waste collection company under the provisions of chapter 81.77 RCW.

(4) In determining whether operations require a solid waste certificate or a motor carrier permit, the commission will consider factors including, but not limited to:

- (a) The intent of the shipper;
- (b) The intended destination of the shipment;
- (c) The actual destination of the shipment;
- (d) Special handling or conditions placed on the shipment by the shipper and/or receiver;
- (e) The value of the commodity being transported;
- (f) Whether the carrier is primarily engaged in the business of providing solid waste collection or is primarily engaged in the business of providing a service other than the collection of solid waste; and
- (g) Whether the carrier holds itself out to the public as a transporter of solid waste.

NEW SECTION

WAC 480-70-021 Additional requirements. (1) These rules do not relieve any solid waste collection company from

any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any solid waste collection company in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-70-026 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 480-70-031 Resolving disputes about the meaning of these rules. If the interpretation of any rule in this chapter is questioned by a company, a customer, or an applicant, a request for clarification may be filed with the commission.

NEW SECTION

WAC 480-70-036 Rules of practice and procedure. Commission rules governing administrative practices and procedures are in chapter 480-09 WAC. If a rule in this chapter conflicts with a rule in chapter 480-09 WAC, the rule in this chapter applies. Copies of chapter 480-09 WAC are available on request to the commission records center.

NEW SECTION

WAC 480-70-041 Definitions, general. (See WAC 480-70-226 for definition of terms used primarily in tariff filings.) Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases mean:

"**Application docket**" means a commission publication listing applications requesting operating authority, and commission action taken on applications for temporary authority.

"**Biomedical waste**" means the following types of waste:

"Animal waste" means waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.

"Biosafety level 4 disease waste" means waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the Centers for Disease Control, National Institute of Health, *Biosafety in Microbiological and Biomedical Laboratories*, current edition.

"Cultures and stocks" means wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and labora-

tory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes, but is not limited to, culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.

"Human blood and blood products" means discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

"Pathological waste" means waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.

"Sharps waste" means all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

Note: Certificates issued prior to the effective date of these rules may contain the terms "biohazardous waste" or "infectious waste" in describing services authorized. From the effective date of these rules, those permits shall be understood to allow the transportation of "biomedical waste."

"**Biohazardous or biomedical waste generator**" means any person, by site, whose act or process produces infectious waste, or whose act first caused an infectious waste to become subject to regulation. In the case where more than one person, e.g., doctors with separate medical practices, are located in the same building, each individual business entity is a separate generator for the purposes of these rules.

"**Biohazardous or biomedical waste transporter**" means any person who transports infectious waste over the highways in a quantity equal to or exceeding one hundred pounds per month for compensation.

"**Biosolids**" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process.

"**Business of transporting solid waste for collection and/or disposal for compensation**" means those carriers who are primarily in the specialized business of solid waste for collection and/or disposal.

"**Cancellation**" means an act by the commission to terminate a solid waste collection company certificate; or an act by a carrier to discontinue the application of a tariff, a tariff supplement, or a tariff item.

"**Certificate**" means the certificate of public convenience and necessity issued by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW for the operation of solid waste collection companies.

"**Certificated authority**" means the territory and services granted by the commission and described in a company's certificate of public convenience and necessity.

"**City regulation**" means regulation of the operations of a solid waste collection company by a city through issuance of a contract.

"**Classes of companies**":

"**Class A company**" means a traditional solid waste collection company with an annual gross operating revenue from regulated, intrastate operations of five million dollars or more.

"**Class B company**" means a traditional solid waste collection company with an annual gross operating revenue from regulated, intrastate operations of less than five million dollars.

"**Class C company**" means a solid waste collection company that does not provide traditional residential or commercial solid waste operations. This class includes specialized carriers generally hauling specific waste products for specific customers or providing only on-call or nonscheduled service.

"**Classes of service**" means either commercial, specialized, drop box, or residential service.

"**Company**" means a solid waste collection company.

"**Commercial authority**" means authority to provide solid waste collection service to business, institutional, or industrial generators.

"**Commercial recycling service**" means transportation of recyclable commodities from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than landfill disposal or incineration. Commercial recycling is regulated under chapter 81.80 RCW.

"**Commercial service**" means solid waste collection service provided to a business, institutional, or industrial generator.

"**Commission**" means the Washington utilities and transportation commission.

"**Common carrier**" means any person who transports solid waste by motor vehicle for compensation.

"**Construction debris**" or "**construction waste**" means solid waste resulting from the building or renovation of buildings, roads and other man-made structures. Construction debris includes, but is not limited to, materials such as plasterboard, cement, dirt, wood, and brush.

"**Contract carrier**" means a person holding a certificate issued by the commission authorizing transportation of solid waste for collection and/or disposal under special and individual contracts or agreements.

"**Demolition waste**" or "**demolition debris**" means solid waste resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste includes, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper.

"**Disinfect**" means to cleanse by destroying harmful microorganisms.

"**Disposal site**" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs. This term includes, but is not limited to, landfills, transfer stations, and incinerators.

"**Dump truck operator**" means a carrier holding a permit under chapter 81.80 RCW engaged in the operation of dump trucks and similar vehicles used in the transportation of sand, gravel, dirt, debris, and other similar commodities except solid waste. Dump truck operations are usually conducted during the daytime; are local in character; are some-

what seasonal, especially in connection with building or construction projects; and the value of the commodity transported is usually low.

"Filing" means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

"Garbage" means those materials of solid waste that are putrescible.

"Garbage and refuse." Whenever the phrase "garbage and refuse" is used as a qualifying phrase, it means either garbage or refuse, or both garbage and refuse.

"Hazardous waste" means any material that is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR Part 262.

"Incineration" means to reduce the volume of solid waste by use of an enclosed device using controlled flame combustion.

"Incinerator" means a site where solid waste is reduced in volume by use of an enclosed device using controlled flame combustion.

"Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land-treatment facility.

"Land-treatment facility" means the site on which the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose takes place. The term does not include applying waste onto or into the soil surface for the purpose of soil sweetening or soil amendment.

"Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

"Motor vehicle" means any truck, trailer, semi-trailer, tractor or any self-propelled or motor-driven vehicle used on any public highway of this state for the purpose of transporting solid waste for collection and/or disposal.

"Multiple-family residence" or **"multifamily residence"** means any structure housing two or more dwelling units.

"Multifamily service" means residential service provided to multifamily structures or locations including, but not limited to, duplexes, apartments, mobile home courts, and condominiums.

"Nonputrescible" means not capable of being readily decomposed by microorganisms.

"Occasional" means occurring at irregular and infrequent intervals. The term is qualitative, not quantitative, in that the term applies to services that are only performed from time-to-time, not that the solid waste hauling is only a small part of services offered.

"Packer" means a device or vehicle specially designed to compress loose materials.

"Person" means an individual, firm, corporation, association, partnership, lessee, receiver, trustee, consortium, joint venture, or commercial entity.

"Private carrier" means a person who transports solid waste in the person's own vehicle purely as an incidental

adjunct to some other established private business owned or operated by that person in good faith.

EXCEPTION: A person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste is not a private carrier.

"Private motor vehicle" means a vehicle owned or operated by a private carrier.

"Private road" means a road not normally available for use by the public.

"Public highway" means every street, road, or highway in this state normally available for use by the public.

"Putrescible" means capable of being readily decomposed by microorganisms.

"Recyclable materials" means materials that are transported for recycling, reprocessing, reclamation, or for any process that extracts or modifies the commodity for reuse or another commercially valuable purpose.

"Recycling" means transforming or remanufacturing materials into usable or marketable materials for use other than landfill disposal or incineration.

"Refuse" means those materials of solid waste that are not putrescible.

"Residence" means the regular dwelling place of an individual or individuals.

"Residential authority" means authority to provide solid waste collection from residences.

"Residential recycling service" means collection of those solid wastes that are separated for recycling or reuse, such as paper, plastic, metals, and glass, that are identified as recyclable materials pursuant to a local comprehensive solid waste plan.

"Residential service" means solid waste collection from residences.

"Sewer sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW, and is transported to a site for disposal.

"Shipping paper" means a shipping order, bill of lading, manifest, or other shipping document serving a similar purpose and containing the information required in WAC 480-70-401.

"Small business" means any company that has fifty or fewer employees.

"Solid waste" or **"solid wastes"** means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to:

- Garbage;
 - Rubbish;
 - Refuse;
 - Swill;
 - Ashes;
 - Industrial wastes;
 - Sewage sludge;
 - Demolition and construction wastes;
 - Abandoned vehicles or parts of abandoned vehicles;
- and

• Source-separated recyclable materials collected from single and multifamily residences.

"Solid waste collection" means collecting solid waste from residential or commercial customers and transporting the solid waste, using a motor vehicle, for collection and/or disposal over the highways of the state of Washington for compensation.

"Solid waste collection company" means every common carrier, including a contract carrier, who provides solid waste collection service.

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

"Specialized solid waste collection company" means a company providing other than traditional solid waste collection service. Specialized companies generally haul specific waste products for specific customers, provide only on-call or nonscheduled service, or provide accessorial services not normally provided by traditional solid waste collection companies.

"State" means the state of Washington.

"Suspension" means an act by the commission to temporarily withhold a solid waste collection company's certificated authority; or an act by the commission to withhold approval of a company's tariff filing.

"Tariff" means a document issued by a company, and approved by the commission, containing the services provided, the rates and charges the company bills its customers for those services, and the rules describing how the rates and charges apply.

"Tariff service territory" means a company-defined geographic division of its certificated authority in which a specific tariff applies.

"Third-party waste broker" means a person or company acting on behalf of a generator of solid waste, usually an industrial or commercial generator, to arrange for collection and/or disposal of solid waste.

"Traditional solid waste collection company" means a company engaged in collecting and removing solid waste and recyclable materials from private homes, and/or removing solid waste from commercial establishments, industrial facilities, and other sites. Solid waste is normally picked up on a daily, weekly, or other regular basis. Drivers are usually assigned designated routes to collect curbside residential solid waste or transport cans or containers for commercial businesses. Unless the company's certificate is restricted against doing so, a traditional solid waste collection company may also perform specialized solid waste collection service.

"Transfer station" means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. The definition does not usually include detachable containers. However, in counties with a population of less than seventy thousand, and in any county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand that is located east of the crest of the Cascade mountain range, if detachable containers are securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, and tip-

ping fees that cover the cost of providing the containers and the use of the facility are charged, then such detachable containers constitute a transfer station. (Refer to RCW 36.58.030).

"Treatment" means incineration, sterilization, or other method, technique, or process that changes the character or composition of a biomedical waste so as to minimize the risk of transmitting an infectious disease by making it noninfectious. Any waste, except sharps, that has been treated is not considered biohazardous or biomedical waste, and may be considered to be solid waste for purposes and handling.

"Vehicle" means every device capable of transporting solid waste on a public highway. The term "vehicle" does not include devices moved by human or animal power or used exclusively on stationary rails or tracks.

"Yard waste" or **"yard debris"** means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping, or similar activities. Yard waste includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

NEW SECTION

WAC 480-70-046 Change of address or telephone number. A company must notify the commission in writing of any change in physical business address, business mailing address or business telephone number. This notice must be filed at least ten days before the effective date of the change by letter, telefacsimile, or e-mail.

NEW SECTION

WAC 480-70-051 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purpose of the rule.

(5) The commission will issue an order granting or denying the request or setting it for hearing pursuant to chapter 480-09 WAC.

NEW SECTION

WAC 480-70-056 Mapping. (1) **Software and scale compatibility.** The commission uses geographic information system (GIS) software to track certificated authorities. When required by this chapter to file a map, a company must file that map in one of the methods described in (a) and (b) of this section.

(a) **Electronic maps.** A company may file an electronic map that is compatible with the commission's hardware and software. Before filing its map electronically, a company must contact the commission to determine whether its mapping software is compatible with that used by the commission.

(b) **Paper maps.** A company may file a paper map using United States Geological Survey (USGS) maps at a scale of 1:250,000 to show certificate boundaries. The commission may require maps at a scale of 1:24,000 to clearly resolve any inconsistencies. USGS maps are available through the Washington state department of natural resources and various private vendors.

(2) **Map detail.** Any map submitted to the commission must:

(a) Clearly show townships, ranges, streets, county lines, and any other feature described in the certificate;

(b) Be clearly labeled to identify the features described in the certificate;

(c) Have a north arrow;

(d) Have a map legend briefly describing the features on the map;

(e) Have a scale bar showing the distance on the map equal to a defined number of feet, miles or other unit; and

(f) Have a title box that includes the company's name as shown on the company's certificate, the company's registered trade name, the identification number of the company tariff to which the map applies, and a contact name and phone number.

NEW SECTION

WAC 480-70-061 Records retention. (1) **General provisions.** A company must keep all business records and reports for at least three years following the date those documents are created unless otherwise specified in these rules or unless a longer retention period is required by another governmental body.

(2) **Retention schedule table.** The following schedule shows periods that companies must preserve various records.

Type of Record:	Retention Period:
1. Corporate and General Records: A. Incorporation and reorganization records including: (a) Charter or certificate of incorporation and amendments;	

Type of Record:	Retention Period:
(b) Legal documents related to mergers, consolidations, reorganization, receiverships and similar actions that affect the identity or organization of the company. . . .	Refer to Note 1
B. Minutes of directors, executive committees, stockholders and other corporate meetings. . . .	Refer to Note 1
2. Original certificate. . . .	Until cancellation
3. Contracts and agreements: (a) Service contracts (management, accounting, financial or legal services) (b) Contracts with employees and employee groups. . . . (c) General contracts, leases and agreements. . . .	Until expiration or termination plus three years Until termination plus one year Until termination plus one year
4. Capital stock records. . . .	Refer to Note 1
5. Long-term debt records: (a) Bond indentures, underwritings, mortgages, and other long-term credit agreements. . . . (b) Registered bonds and debenture ledgers. . . . (c) Stubs or similar records of bonds or other long-term debt issued. . . .	Until redemption plus three years Refer to Note 1 Refer to Note 1
6. Ledgers: (a) General and subsidiary ledgers and indexes. . . . (b) Balance sheets and trial balance sheets of general and subsidiary ledgers . . .	Until discontinuance of use plus three years Three years
7. Journals: (a) General journals. . . . (b) Subsidiary journals and any supporting data necessary to explain journal entries . . .	Until discontinuance of use plus three years Three years
8. Cash books: (a) General cash books. . . . (b) Subsidiary cash books	Until discontinuance of use plus three years Three years

PERMANENT

Note 1: Records referring to this note should be maintained as determined by the designated company records supervisory official. In determining the length of time to retain these records, companies should consider the record retention requirements of the Internal Revenue Service, Securities and Exchange Commission, state and local jurisdictions, and other regulatory agencies.

(3) **Customer service records.** A company must maintain complete and accurate customer service records for all customers served.

(a) Customer service records must be kept on file in the general office of the company for at least three years.

(b) Customer service records must be kept in alphabetical, service address, or service route order.

(c) Customer service records must show at least the following information:

(i) The name and service address of the customer;

(ii) The billing address of the customer, if different than the service address;

(iii) Categories and quantity of service provided, including extra services as they are provided;

(iv) Information required to provide, on customer request, a detailed description of the amount billed the customer;

(v) Amounts billed;

(vi) Amounts collected; and

(vii) Balance due.

PART 2—ACCOUNTING REQUIREMENTS, REPORTING REQUIREMENTS AND REGULATORY FEES

NEW SECTION

WAC 480-70-066 Accounting requirements. (1) The commission publishes a uniform system of accounts (USOA) for solid waste collection companies. The commission supplies copies of the USOA on request.

(a) The USOA defines accounting, financial, and other procedures the commission uses to determine if rates are fair, just, reasonable, and sufficient.

(b) The USOA contains accounting definitions, listings, and explanations of balance sheet and income statement accounts.

(2) The commission recommends companies maintain their financial and accounting records in concurrence with the USOA. Regardless of what accounting system a company uses, the company must maintain its books and records in a manner sufficient to complete the commission-issued annual report form, using figures that reconcile with the USOA.

NEW SECTION

WAC 480-70-071 Reporting requirements. (1) **Annual reports.** An annual report is an end-of-the-year summary of financial and operational activity that each regulated company is required to file with the commission.

(a) Each year the commission provides an annual report form and instructions to each company at its address of record. Failure to receive the form does not relieve a com-

pany of its obligation to complete and file its annual report. A company that does not receive an annual report form must contact the commission to request a copy of the form.

(b) A company must file a complete, accurate annual report showing all requested information by May 1 of the succeeding year. Information provided on the annual report must agree with source documents maintained at company offices.

(c) The commission may grant an extension of time allowing the company to file its annual report after the May 1 due date if the commission receives a request for extension before May 1.

(d) The commission may issue penalty assessments or take action to suspend or cancel a certificate if a company fails to file its required annual report.

(e) A company selling, canceling, transferring, or in some other manner discontinuing operations must submit an annual report for that portion of the year in which the company operated.

(2) **Other reports.** The commission may require a company to file periodic or other special reports.

NEW SECTION

WAC 480-70-076 Regulatory fees. A regulatory fee is an annual assessment paid by each company to cover the costs of regulating the solid waste industry.

(1) The maximum regulatory fee is set by statute at one percent of gross intrastate operating revenue. Each year, the commission may set the regulatory fee at an amount less than the statutory maximum. The minimum fee can be no less than one dollar.

(2) A company must pay its regulatory fee by April 1 of each year.

(3) The commission does not grant extensions for payment of regulatory fees.

(4) If a company does not pay its regulatory fee by April 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

(5) The commission may issue penalty assessments, or take action to suspend or cancel a certificate, if a company fails to pay its regulatory fee.

PART 3—CERTIFICATES

NEW SECTION

WAC 480-70-081 Certificates, general. (1) **Certificate required.** A person must have a certificate of public convenience and necessity from the commission before operating as a solid waste collection company in the state of Washington.

(2) **Company name.** The company name is the name of the certificate holder.

(a) A company electing to conduct operations under a trade name must first register the trade name with the commission.

(b) A company must conduct all operations under the company name or a registered trade name. The term "operations" includes, but is not limited to: Collection, billing, advertising, and identifying vehicles.

(3) **Display.** A company must keep the original of its certificate on file at its main office subject to inspection by any customer, law enforcement officer, commission compliance officer, or other authorized commission representative who asks to see it.

(4) **Replacement.** The commission will replace a lost or destroyed original certificate at no charge.

(5) **Description of certificated authority.** When a company's certificated authority is described using boundaries such as streets, avenues, roads, highways, townships, ranges or other descriptions, those descriptions or boundaries are established in the certificate as they existed at the time the commission granted the authority.

(6) **Operating within certificated authority.**

(a) A company must operate strictly within the authority described in its certificate.

(b) The commission may institute administrative sanctions against a company operating outside its certificated authority. Refer to WAC 480-70-216 for information regarding administrative sanctions.

(2) Applications must include all requested information, attachments, signed statements, and filing fees.

(a) The commission may reject or defer consideration of an application until the applicant provides all required information;

(b) The commission may reject or defer consideration of an application until the applicant pays any outstanding fees or penalties; or

(c) The commission may reject or dismiss an application if it includes false, misleading, or incomplete information.

(3) A certificate application must include, but is not limited to:

(a) A complete description of the proposed service and the line, route, or service territory using boundaries such as streets, avenues, roads, highways, townships, ranges, city limits, county boundaries, or other geographic descriptions;

(b) A map of the proposed line, route, or service territory that meets the standards described in WAC 480-70-056;

(c) If contract carrier authority is requested, a copy of each contract under which service will be performed;

(d) A statement of the applicant's assets and liabilities;

(e) A proposed tariff;

(f) A statement of conditions that justify the proposed service;

(g) An equipment list; and

(h) A statement of the applicant's transportation or solid waste industry experience, including knowledge of motor carrier driver and equipment safety requirements.

PERMANENT

NEW SECTION

WAC 480-70-086 Certificates, application fees. (1)

The purpose of application filing fees is to partially cover handling and processing expenses.

(2) The commission establishes the following fees for application filings:

Certificate applications, including applications for new authority, extension of existing authority, transfer of authority, lease of authority, and reinstatement of canceled authority \$ 200

Temporary certificate applications, including applications for new temporary authority, temporary authority to operate pending a commission decision on a concurrently filed certificate application, and applications for expedited temporary \$ 25

Name change applications, including applications for change of corporate name, change of trade name, additional or new trade name, and change of surname of an individual owner or partner \$ 35

Mortgage applications, including requests for permission to mortgage or otherwise encumber a certificate \$ 35

NEW SECTION

WAC 480-70-091 Certificates, applications. (1) A company must submit its application for certificated authority on forms provided by the commission.

NEW SECTION

WAC 480-70-096 Certificates, acquisition of control.

(1) **Notice required.** Any person acquiring control of a solid waste collection company through acquisition of the stock of that company must notify the commission in writing within thirty days of the acquisition.

(2) **Content of notice.** Notice may be accomplished by filing a letter with the commission. The letter must include at least the following information:

(a) The name, registered trade names, and certificate number of the acquired company.

(b) The date of acquisition.

(c) The names of the majority stockholders and the percent of stock each holds.

(d) The name, address, telephone number, telefacsimile number, and e-mail address of a contact person within the company to whom questions may be directed.

(e) The location (mailing address and physical address) where books and records of the acquired company will be retained.

NEW SECTION

WAC 480-70-101 Certificates, initiating service. Filing an application for certificated authority does not authorize the applicant to start solid waste collection operations in the territory, or of the commodity, described in the application. The commission must grant authority and issue a certificate before a company may begin service in that territory.

NEW SECTION

WAC 480-70-106 Certificates, application docket, protests, and intervention. (1) **Application docket.** The application docket is a notice of pending certificate applications published by the commission. The application docket is mailed to each existing certificate holder and to any other interested person. It includes notice of certificate applications for:

- (a) New authority;
- (b) Extension of existing authority;
- (c) Transfer of authority;
- (d) Lease of authority; and
- (e) Reinstatement of authority when a city discontinues self-hauling or contracting for solid waste collection.

(2) **Protests.** A certificate holder may file a protest to an application on the docket. A solid waste collection organization, association, or conference may file a protest on behalf of existing certificate holders, specifying the names of the persons or companies in whose interest the protest is filed.

(a) **Form of protests.** Protests must:

- (i) Be filed within thirty days of the date the commission mailed the application docket notice;
- (ii) Be filed according to the provisions of WAC 480-09-420;
- (iii) Specify the reasons for protest; and
- (iv) Specify the protestant's interest in the proceeding.

(b) **Failure to file protest on time.** A person who is eligible to file a protest but fails to do so within the thirty-day protest period may not in any way participate further in the proceeding, unless that person can show that the commission did not provide proper notice of the pending application.

(3) **Intervention.** Any person, other than the applicant and protestants to an application, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may petition in writing to be an intervenor. Refer to chapter 480-09 WAC for information on intervention.

(4) **Applications not subject to the docket and protest provisions of this rule.** This rule does not apply to:

- (a) Applications to reinstate a certificate canceled for cause under the provisions of WAC 480-70-166, when those applications are filed within thirty days of the cancellation date;
- (b) Applications for expedited temporary authority;
- (c) Applications for temporary certificated authority;
- (d) Applications for name change; or
- (e) Applications to mortgage a certificate.

NEW SECTION

WAC 480-70-111 Certificates, overlapping applications. (1) The commission may consolidate applications for certificated authority for joint consideration if:

- (a) The authority requested in the applications overlaps in whole or in part; and
- (b) The subsequent application was filed within thirty days of the mailing date of the application docket notice of the original application.

(2) Applications for overlapping authority not filed within thirty days after the initial application docket notice will be decided after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

(3) When applications consolidated by the commission for joint consideration also contain requests for territory or services not overlapping that requested in the other application, and the nonoverlapping services or territory may be appropriately severed, the commission may decide the nonoverlapping portions of the application separately from the portions that do overlap.

NEW SECTION

WAC 480-70-116 Certificates, sale, lease, assignment, transfer or mortgage. (1) A company must obtain commission approval before it may sell, assign, lease, transfer, or mortgage its certificate, or any portion of the operating authority described in its certificate.

(2) To obtain commission approval for sale, assignment, lease, transfer or mortgage, all parties to the transaction must file a joint application with the commission.

NEW SECTION

WAC 480-70-121 Certificates, name change. (1) A company must file a name change application to:

- (a) Change its corporate name;
- (b) Change its trade name;
- (c) Add a trade name to a certificate; or
- (d) Change the surname of an individual owner or partner to reflect a change resulting from marriage or other legal action.

(2) When filing a name change application, the applicant must include:

- (a) The application fee required by WAC 480-70-086;
- (b) Copies of any corporate minutes authorizing the name change; and
- (c) Proof that the new name is properly registered with the department of licensing, office of the secretary of state, or other agencies, as may be required.

(3) If a name change results from a change in ownership, including addition or deletion of a partner, the company must file an application to transfer the certificate pursuant to the provisions of WAC 480-70-116.

NEW SECTION

WAC 480-70-126 Certificates, refiling of application prohibited for six months. (1) A person whose application has been denied after hearing may not refile the application for a period of six months from the date of the final order denying the application.

(2) A person whose application has been dismissed for failure to appear at a hearing, or who has been found to be in default, may not refile the application for a period of six months from the date of the final order dismissing the application.

NEW SECTION

WAC 480-70-131 Certificates, temporary. (1) **Requirements.** Temporary certificate applications must meet the requirements of WAC 480-70-091.

(2) **Public interest.** The commission may grant a temporary certificate after determining that granting the requested authority is consistent with the public interest. In determining if the requested temporary authority is consistent with the public interest, the commission will consider factors including, but not limited to:

- (a) The fitness of the applicant.
- (b) The immediate or urgent need for the requested service due to circumstances such as, but not limited to:
 - (i) An emergency rendering it impossible for the existing company to provide service;
 - (ii) Commission action suspending or canceling the authority of the existing company; or
 - (iii) Lack of service.
- (c) Whether the requested service is currently available from an existing company serving the territory; and
- (d) Any other circumstances indicating that a grant of temporary authority is consistent with the public interest.

(3) **Shipper support statements required.** Applicants for temporary certificates must include signed and sworn support statements from one or more potential customers identifying all pertinent facts relating to need for the proposed service.

(4) **Commission investigation of applications.** Before granting or denying an application for temporary authority, the commission will conduct an investigation to examine the facts relating to the need for the proposed service.

(5) **Special terms, conditions, and limitations.** The commission may impose special terms, conditions, and limitations in connection with the grant of any temporary certificate. For example, the commission may limit temporary authority to provide service to only those commercial customers whose support statements are submitted with an application.

(6) **Length of service allowed under temporary certificate.** The commission may issue a temporary certificate effective for a period:

- (a) Of up to one hundred eighty days when the area or service territory is not contained in another company's certificate;
- (b) Of up to one hundred twenty days when the area or service territory is contained in another company's certificate; or
- (c) That continues until the commission grants, denies, or dismisses a parallel certificate application for permanent authority, or until the temporary certificate is otherwise canceled, whichever happens first. The permanent certificate application must be filed within thirty days of the temporary certificate application or within thirty days of the order granting the temporary certificate.

(7) **Docketing.** The commission will publish the following on its application docket:

- (a) Temporary certificates granted, including any terms and conditions attached to the grant of such authorities; and

(b) A list of all applications for temporary certificated authority that the commission considered and denied.

(8) **Protests.** An existing company may file a protest opposing a temporary certificate, if the area or service territory granted is contained in the existing company's certificate. A solid waste collection organization, association, or conference may file a protest on behalf of existing companies, specifying the names of the individuals or companies in whose interests the protest is filed. Protests must:

(a) Be filed with the commission in writing within twenty days after the date the commission mails the application docket;

(b) Contain a statement of the specific grounds on which the protest is made;

(c) Contain a statement of the protestant's interest in the proceeding;

(d) Be served on the applicant; and

(e) Be served on the applicant's representative, if one is stated in the notice.

(9) **Disposition of protests.** The commission may grant or deny a protest without hearing.

(10) **Brief adjudicative proceedings.** The commission may order a brief adjudicative proceeding on its own motion or at the request of a party.

(11) **Intervention.** Any person, other than the applicant and protestants to an application, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may petition in writing to be an intervenor. Refer to chapter 480-09 WAC for information on intervention.

NEW SECTION

WAC 480-70-136 Certificates, temporary, expedited application. The commission may grant temporary authority using an expedited application process to meet an immediate or urgent need for service if it determines that doing so would be consistent with the public interest. Authority granted under these provisions is known as "expedited temporary authority" or an "ETA."

(1) **Determining public interest.** The commission will consider the following factors in determining whether granting expedited temporary authority is consistent with the public interest:

(a) A showing of an immediate or urgent need for the requested service due to circumstances such as, but not limited to:

(i) An emergency rendering it impossible for the existing company to provide service;

(ii) Commission action suspending or canceling the authority of the existing company; or

(iii) Lack of service.

(b) The presence or lack of available service capable of meeting the need; and

(c) Any other circumstances indicating that the grant of the expedited temporary authority is consistent with the public interest.

(2) **Restrictions and limitations on expedited temporary authority.**

(a) The commission may grant expedited temporary authority for periods of not more than thirty days.

(b) The commission may limit expedited temporary authority to providing service to the specific customer or customers supporting the application.

(c) The commission may further limit expedited temporary authority to service within a specific county, a specific city, a specific geographical area, a specific route, or a specific site.

(3) **Application for expedited temporary authority.** A company applying for expedited temporary authority must submit at least the following:

(a) An application on a form provided by the commission.

(b) Sworn statements from a customer or customers setting forth all pertinent facts relating to the need for service.

(c) Proof that the applicant holds insurance coverage in the amounts, and meeting the provisions, of WAC 480-70-181. Proof may consist of an insurance policy or a certificate of insurance.

(d) An application fee of twenty-five dollars.

(e) A statement that the company will comply with all applicable safety regulations including, but not limited to, those regulations relating to driver qualifications, hours of service, equipment safety, and drug and alcohol testing.

(4) **Commission investigation of applications.** Before granting or denying an application for temporary authority, the commission will conduct an investigation to examine the facts relating to the need for the proposed service.

NEW SECTION

WAC 480-70-141 City service and cancellation of certificated authority. (1) **City service.** To the extent solid waste collection service is provided within the limits of a city or town, it must be provided by:

(a) A solid waste collection company regulated by the commission operating under a commission-issued certificate authorizing such service; or

(b) A city or town that self-hauls or contracts for service, exempt from commission regulation under the exemption for cities in RCW 81.77.020.

(2) **City service—Cancellation of certificated authority and termination of commission regulation.**

(a) The commission will cancel the affected certificated authority and cease regulation in the affected area on the date that a city or town commences service as specified in its notice to the commission unless (b) of this subsection applies.

(b) If a city or town commences service before notifying the commission in writing, the commission will not cancel the affected certificated authority and cease regulation in the affected area until the date of receipt of the city's or town's written notice.

(3) **Company responsibilities.** When entering into a contract with a city or town to provide solid waste collection services, a regulated company must advise the commission within thirty days of the date of the agreement if the area to be served is contained in the company's certificated authority. Notice must include a cover letter, a copy of the executed

agreement, and a map of the affected area. The map submitted must meet the standards defined in WAC 480-70-056.

(4) **Compensation for canceled certificated authority.** A company must notify the commission in writing within thirty days of a city or town purchasing or condemning all or a portion of its certificated authority. Notice must include a cover letter and a copy of the relevant document such as an ordinance, resolution, franchise, or contract.

(5) **City service discontinued.** When a city notifies the commission of its decision to discontinue providing solid waste collection service to the extent solid waste collection service is provided within the limits of a city or town:

(a) Except to the extent set forth in subsection (4) of this section, the previously canceled certificated authority will be reinstated, and a new or revised certificate will be issued to the previous certificate holder or its successor if the previous certificate holder, or its successor, petitions for reinstatement and:

(i) Prior certificated authority was canceled by city annexation or incorporation; or

(ii) Prior certificated authority was canceled by commencement of city service under RCW 80.77.020.

(b) The commission will consider all applications for new certificated authority if the previous certificated authority was purchased or condemned.

(c) The commission will consider applications for new certificated authority if no previous certificate holder exists.

NEW SECTION

WAC 480-70-146 Contracts. Contracts accompanying applications for contract certificated authority must be original or duplicate original contracts. They must be mutually binding on both the shipper and company, entered into in good faith, and include:

(1) The starting and ending dates of the agreement;

(2) The route or area in which service will be provided;

(3) The kind and minimum quantity of the commodities to be transported (the minimum quantity must be an amount sufficient to allow operation of the company's equipment at a profit);

(4) The rates agreed on by the parties;

(5) A description of the process for terminating the contract before the stated expiration date, that specifies that at least five days' notice must be given to the commission and to both parties before the termination process may be implemented; and

(6) A provision stating that the contract is subject to the authority of the commission to fix or amend just, fair, and reasonable classifications, rules, and minimum rates and charges for solid waste collection service.

NEW SECTION

WAC 480-70-151 Service agreements between companies. (1) A company may enter into an agreement to allow another company to operate in its territory when the first company:

(a) Holds exclusive traditional authority for solid waste collection service in the territory to be served; and

(b) Lacks suitable equipment to adequately serve its customers, or is unable to provide service on a temporary basis due to situations such as, but not limited to, road closures, temporary weight limitations, or other temporary restrictions imposed by local jurisdictions.

(2) The commission must approve the agreement before any service is provided. To apply for commission approval, the companies must jointly file a copy of the written agreement at least fifteen days before the proposed effective date of the agreement. Companies may request the fifteen-day approval period be waived in the case of an emergency.

(3) The agreement filed with the commission must clearly state:

(a) The first company will bill customers for service provided by the second company at rates and charges contained in the first company's filed tariff.

(b) The first company will pay the second company for providing service in compliance with terms stated in the agreement.

(c) The beginning and ending dates of the agreement.

(d) A provision for early termination of the agreement that includes at least five days' notice to the commission and to each party.

NEW SECTION

WAC 480-70-156 Contracts or service agreements with third-party waste brokers. A company providing solid waste service under a contract or agreement with a third-party waste broker must comply with the laws of the state of Washington, commission rules and policies relating to solid waste collection and/or disposal, and the provisions contained in the company's filed, approved tariffs.

NEW SECTION

WAC 480-70-161 Suspending certificates. (1) Cause for suspension. The commission may suspend a certificate for cause. Cause includes, but is not limited to:

(a) Failure to maintain evidence of required liability insurance coverage for all areas of a company's operations;

(b) Failure to file an annual report or pay required regulatory fees;

(c) Failure to comply with the rates and rules contained in the company's filed tariff;

(d) Failure or refusal to comply with operating standards that protect the public health, safety or welfare;

(e) Allowing others to operate under a company's certificated authority without having first obtained commission approval; or

(f) Operating in a manner that violates the rights of customers and/or constitutes an unfair or deceptive business practice.

(2) **Notice of suspension.** The commission will issue an order notifying the company of the commission's action to suspend a certificate. Suspension is effective on the date the commission mails the suspension order (service date).

(3) **Contest of suspension.** A company may contest the suspension of its certificate by requesting a hearing or brief adjudicative proceeding.

(4) **Suspension without opportunity for prior hearing.** The commission may suspend a certificate without providing an opportunity for prior hearing if there is imminent danger to the public health, safety, or welfare, and there is insufficient time to conduct a hearing. If the commission invokes this suspension clause, the commission will, as soon as is practical, schedule a hearing or brief adjudicative proceeding to determine if the suspension should continue in force and effect.

NEW SECTION

WAC 480-70-166 Canceling certificates. (1) Cause for cancellation of a certificate. The commission may cancel a certificate for cause. Cause includes, but is not limited to:

(a) Operating without proper insurance;

(b) Failure to file an annual report or pay required regulatory fees;

(c) Failure to correct within the time specified in a suspension order all conditions listed in the suspension order that led to the certificate's suspension;

(d) Continued violations of applicable laws and rules affecting the public health, safety, or welfare when the commission has reason to believe the company will not comply with those laws and rules following a specified period of suspension;

(e) Repeated failure or refusal to comply with applicable laws and rules pertaining to operations of solid waste collection companies;

(f) Failure to supply requested information needed by the commission in the performance of its regulatory functions;

(g) Submission of false, misleading or inaccurate information; or

(h) Allowing others to operate under a company's certificated authority without having first obtained commission approval.

(2) **Cancellation hearing.**

(a) The commission will normally hold a hearing prior to canceling a certificate, or will offer the company an opportunity for a hearing.

(b) No hearing will be held if an order of suspension issued by the commission stated a date by which a company must correct the causes that led to the suspension, and the company failed to take corrective action within the time frame shown in that order.

(3) **Notice of cancellation.** The commission will issue an order notifying the company of the commission's action to cancel a certificate. The cancellation is effective on the date the commission mails the cancellation order (service date).

(4) **Contest of cancellation.** A company may contest the cancellation of its certificate by requesting a hearing or brief adjudicative proceeding.

NEW SECTION

WAC 480-70-171 Certificates, reinstatement. (1) The commission may reinstate a certificate canceled for cause under provisions of WAC 480-70-166 if the company:

- (a) Corrects all conditions leading to the cancellation; and
- (b) Files a certificate application to reinstate authority with proper application fee within thirty days of the cancellation service date.

(2) The commission may reinstate a certificate, or any portion of the operating authority contained in a certificate, canceled by city annexation or incorporation under the conditions specified in WAC 480-70-141.

(3) The commission may reinstate a certificate suspended under the provisions of WAC 480-70-161 if the company satisfies the terms of the suspension and all conditions leading to the suspension are corrected.

NEW SECTION

WAC 480-70-176 Certificates, discontinuance of operations. (1) A company must not discontinue operations authorized under its certificate without prior approval from the commission.

(2) A company requesting commission approval to discontinue operations must give at least ten days' written notice to its customers, officials of cities and counties where affected customers reside, and the commission.

(3) A request for approval to discontinue operations must contain at least the following:

- (a) The name, telephone number, mailing address, telefacsimile number (if any) and e-mail address (if any) of a contact person;
- (b) An explanation of the company's reasons for requesting approval to discontinue operations;
- (c) A statement of the number of customers, by class of service provided, who will lose service if the commission grants the requested approval to discontinue operations; and
- (d) An explanation of options available to the customers who will lose service. For example: Names of landfills and/or transfer stations to which the customer may self-haul or the names of companies with overlapping certificates.

PART 4—INSURANCE

NEW SECTION

WAC 480-70-181 Public liability and property damage insurance. (1) **Insurance coverage.** A company must have public liability and property damage insurance covering each motor vehicle it operates in the state of Washington.

- (a) The insurance policy must be written by an insurance company authorized to write insurance in the state of Washington.
- (b) The insurance policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement (Form F).
- (c) If a company operates without the required insurance coverage, the commission may take immediate compliance

action as described in WAC 480-70-161 and WAC 480-70-166.

(2) **Insurance limits.** The minimum limits of required public liability and property damage insurance for motor vehicles operated by companies are:

Vehicles that:	Must have bodily injury and property damage insurance or bond with the following minimum limits:
Have Gross Vehicle Weight Rating (GVWR) less than 10,000 pounds	\$300,000 combined single limit coverage
Have GVWR 10,000 pounds or more	\$750,000 combined single limit coverage
Transport quantities of bio-medical waste not subject to federal regulation	\$1,000,000 combined single limit coverage
Transport quantities of hazardous or biomedical waste that are subject to federal regulation	The federal minimum combined single limit coverage

(3) **Insurance filings.** A company must file and maintain a Uniform Motor Carrier Bodily Injury Property Damage Certificate of Insurance (Form E) as a condition of being issued and maintaining a certificate.

(a) The Form E is a standard motor carrier insurance form recognized by the insurance industry and is normally filed with the commission by an insurance company rather than an insurance agent.

(b) The Form E must be issued in the company name exactly as it appears on the company's certificate or application for certificate.

(c) The Form E filing must remain in effect until canceled by a Notice of Cancellation (Form K). The Form K must be filed with the commission by the insurance company not less than thirty days before the cancellation effective date.

(d) A company may file a Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) instead of the Form E.

(4) **Insurance binders.** The commission will accept an insurance certificate or binder for up to sixty days.

(a) An insurance certificate or binder may be canceled by written notice filed with the commission at least ten days before the cancellation effective date.

(b) An insurance certificate or binder must be replaced by a Form E within sixty days of filing, or before the expiration date, whichever occurs first.

- (c) Insurance certificates or binders must show:
 - (i) The commission as the named insurance certificate holder;
 - (ii) The company name, exactly as it appears on the company's certificate or application for a certificate, as the insured;
 - (iii) The insurance company name;
 - (iv) The insurance policy number;

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- (v) The insurance policy effective and expiration dates; and
- (vi) The insurance limits of coverage.

NEW SECTION

WAC 480-70-186 Insurance cancellation. If a company's insurance filing is canceled, and a new filing that provides continuous coverage is not filed before the cancellation effective date, the commission may:

- (1) Dismiss a company's application for a certificate;
- (2) Suspend a company's certificate under the provisions of WAC 480-70-161;
- (3) Cancel a company's certificate under the provisions of WAC 480-70-166.

PART 5—EQUIPMENT AND DRIVERS

NEW SECTION

WAC 480-70-191 Vehicle licensing. A company must ensure that each vehicle it operates is in compliance with all appropriate state vehicle licensing laws, commission rules, and commission orders.

NEW SECTION

WAC 480-70-196 Commercial vehicle defined. For the purposes of the rules in Part 5—Equipment and Drivers, "commercial motor vehicle" means any self-propelled or towed motor vehicle used on a highway when the vehicle:

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of ten thousand and one pounds or more, whichever is greater; or
- (2) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

NEW SECTION

WAC 480-70-201 Vehicle and driver safety requirements. (1) Companies must comply with all state and local laws and rules governing vehicle and driver safety. Companies must also comply with the parts of Title 49, Code of Federal Regulations (49 CFR) shown in the following chart, that are adopted by reference. Information about 49 CFR regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

49 CFR Part Adopted:	Portions Not Adopted:
Part 382 - Controlled Substance and Alcohol Use and Testing	n/a
Part 383 - Commercial Driver's License Standards; Requirements and Penalties	n/a

49 CFR Part Adopted:	Portions Not Adopted:
Part 390 - Safety Regulations, General	(1) The terms "motor vehicle," "commercial motor vehicle," and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 CFR, they shall have the meanings assigned to them in WAC 480-70-041 (private vehicle) and WAC 480-70-196 (commercial motor vehicle). (2) Whenever the term "director" is used in Title 49 CFR, it shall mean the commission.
Part 391 - Qualification of Drivers	(1) A driver who operates exclusively within the state of Washington is not subject to the provisions of Part 391.49 (waiver of certain physical defects), if that driver has obtained from the Washington department of licensing a driver's license with endorsements and restrictions allowing operation of the motor vehicle being driven. (2) A driver who operates exclusively within the state of Washington is not subject to the provisions of Part 391.11 (b)(1) (general qualifications - age). A driver operating exclusively within the state of Washington may drive a motor vehicle if he or she is at least eighteen years of age.
Part 392 - Driving of Motor Vehicles	n/a
Part 393 - Parts and Accessories Necessary for Safe Operation	n/a
Part 395 - Hours of Service of Drivers	n/a
Part 396 - Inspection, Repair, and Maintenance	n/a
Part 397 - Transportation of Hazardous Materials, Driving and Parking Rules	n/a

- (2) Companies must:
 - (a) Maintain all motor vehicles in a safe and sanitary condition;
 - (b) Ensure that vehicles are free of defects likely to result in an accident or breakdown; and
 - (c) Make vehicles available for inspection by commission representatives.
- (3) The commission will place out-of-service any motor vehicle having safety defects identified in the *North American Uniform Out-Of-Service Criteria*. Information about the

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North American Uniform Out-of-Service Criteria regarding the version adopted and where to obtain copies is set out in WAC 480-70-999. A company must not operate any vehicle placed out-of-service until after proper repairs have been completed.

(4) The commission will place out-of-service any driver meeting criteria identified in the *North American Uniform Out-Of-Service Criteria*. A company must not allow a driver who has been placed out-of-service to operate a motor vehicle until such time as the conditions causing the driver to be placed out-of-service have been corrected.

NEW SECTION

WAC 480-70-206 Motor vehicle identification. A company must ensure that all motor vehicles operated, including leased, substitute or emergency vehicles, display the certificate holder's name (or registered trade name) and certificate number on each side of the vehicle. All identifications must be clearly legible. All identifications, except those displayed on leased or substitute vehicles, must be permanent.

NEW SECTION

WAC 480-70-211 Leasing vehicles. (1) A company operating a leased vehicle must have a written lease agreement with the owner of the vehicle.

(2) It is the company's responsibility to ensure that:

(a) A copy of the lease is carried in each leased vehicle;

(b) A copy of the lease is kept in the company's files during the effective period of the lease and for at least one year after the lease expires;

(c) A copy of the lease is provided to the owner of the leased vehicle;

(d) The company has complete possession, control, and use of the motor vehicle during the period of the lease;

(e) The leased motor vehicle is properly insured as specified in WAC 480-70-181;

(f) The leased vehicle is properly identified as specified in WAC 480-70-206;

(g) The leased vehicle is operated in compliance with all safety laws and rules, including those regarding vehicle inspection, records, and maintenance; and

(h) The terms of the lease are followed.

(3) If a company leases a vehicle with a driver, the company must also ensure that:

(a) The driver of the leased motor vehicle is on the company's payroll during the lease period;

(b) The driver operates in compliance with all driver qualification, safety and hours of service laws and rules;

(c) The driver is subject to the company's alcohol and controlled substance policies; and

(d) The company maintains appropriate files and paperwork on the driver for a period of at least one year following the expiration of the lease.

(4) The company and the owner of the leased vehicle must specify in the lease who is responsible for all expenses relating to the leased motor vehicle. The lease must contain all information shown in the following sample lease form. If a company uses an alternate form, the company must ensure the alternate form contains all information requested on the sample.

Illustration of motor vehicle lease form:

EQUIPMENT LEASE					
A copy of this lease must be carried in the leased vehicle. Copies must also be maintained in the files of both parties for the length of the lease plus one year following the expiration of the lease.					
Name and address of company leasing vehicle (lessee):-				G certificate number:	
Name and address of party from whom the vehicle is being leased (lessor):				G certificate number, if any:	
Vehicle make and year:		Vehicle Serial Number:		Vehicle License Number:	
The lease will become effective at (time) on (date), and will continue until (date) unless canceled in writing before that date.					
Compensation that will be paid to owner of vehicle (lessor): \$ per					
If lease also includes driver, compensation for driver: \$ per					
Lessee/Lessor Expense Agreement					
Place an "x" or a checkmark next to each item indicating whether the lessee or lessor is responsible for the listed expense.					
Item	Lessee	Lessor	Item	Lessee	Lessor
Vehicle Licensing Fees			Equipment Rental Taxes		
Toll and Ferry Charges			Fuel and Oil		

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Vehicle Loan Payments			Vehicle Maintenance		
Parts & Tires			Major Vehicle Repairs		
Insurance, Comprehensive			Minor Vehicle Repairs		
Insurance, Theft			Other (explain):		
Insurance, Fire			Other (explain):		
Under the terms of this lease, the lessee must:					
<ul style="list-style-type: none"> • Have complete possession, control and use of the vehicle during the lease period; • Be in complete control of all operations; • Provide liability and property damage insurance; • Ensure that the driver of the leased vehicle is an employee of the lessee; • Ensure that the vehicle is properly identified; • Comply with all safety regulations; and • Bill and collect proper tariff rates and charges. 					
The parties signing this lease certify that the information shown above is true and correct, that the provisions of the lease will be enforced by both parties, and that all operations conducted with the leased equipment will be conducted in compliance with applicable laws and rules.					
Lessee Signature/Title.....			date signed.....		
Lessor Signature/Title.....			date signed.....		

PART 6—COMPLIANCE

NEW SECTION

WAC 480-70-216 Commission compliance policy. (1) The commission is authorized to administer and enforce laws and rules relating to solid waste collection companies. The commission delegates authority to the commission staff to inspect equipment, drivers, records, files, accounts, books, and documents. The commission also delegates to its staff authority to arrest without warrant or to issue citations to any person found violating this chapter in the presence of its staff.

(2) The commission encourages voluntary compliance with statutes, rules, and commission orders.

(3) The commission will enforce statutes, rules, and commission orders through:

(a) A program emphasizing education and technical assistance.

(b) A compliance program including:

- (i) Investigation and resolution of complaints;
- (ii) Safety compliance reviews of drivers and equipment;
- (iii) Economic compliance audits including, but not limited to, rates, charges, and billing practices;
- (iv) Coordinated roadside enforcement; and
- (v) Cooperative agreements with other agencies to enable effective enforcement and appropriate use of resources.

(4) Where necessary to ensure compliance with statutes, rules, and commission orders, the commission will pursue:

(a) Administrative actions that the commission believes will best ensure future compliance by the violating company, including, but not limited to, warnings, sanctions, or penalty assessments under the provisions of chapter 81.04 RCW;

(b) Suspension or cancellation of a company's certificate:

(i) When the commission believes education and penalties have not been, or will not be, effective to secure compliance;

(ii) For willful violations of legal requirements; or

(iii) For serious actions including, but not limited to, misrepresentation;

(c) Enforcement action against violators based on information collected by commission staff; or

(d) Proceedings in district and superior court.

NEW SECTION

WAC 480-70-221 Sanctions for operating without a valid certificate. (1) **Operations without a certificate.**

(a) A company that operates as a solid waste collection company without a certificate from the commission is subject to citation if observed or contacted by a representative of the commission or other law enforcement agency.

(b) If the commission receives information that a solid waste collection company is operating without a certificate, and a commission representative or other law enforcement agency has not observed those operations, the commission may:

(i) Issue a citation through the court; or

(ii) Contact the solid waste collection company and provide education and technical assistance concerning applicable regulations. This includes supplying the company with a copy of the applicable laws, rules, and certificate application forms.

(c) If the solid waste collection company continues to operate without a certificate after commission education and technical assistance is offered, the commission may institute an administrative proceeding to classify the company pursuant to RCW 81.04.510. If, as a result of that proceeding, the commission formally classifies the company as a solid waste

collection company operating without the required certificate, the commission will issue a cease and desist order pursuant to RCW 81.04.510.

(d) If a company operates in violation of a commission order, the commission may impose penalties and/or take legal action in court.

(2) **Operating while certificate is suspended.** A company that operates after the commission suspends the company's certificate is subject to:

(a) Misdemeanor or gross misdemeanor citations, for which the company must appear in district court;

(b) Monetary penalty assessments or other commission administrative actions; or

(c) Commission proceedings to cancel the company's certificate.

(3) **Operating after certificate is canceled.** A company that continues to operate after the commission cancels the company's certificate is subject to:

(a) Misdemeanor or gross misdemeanor citations, for which the company must appear in district court; and

(b) Enforcement proceedings in superior court.

PART 7—TARIFFS, RATES, AND RATE FILINGS

NEW SECTION

WAC 480-70-226 Tariffs, definitions used in. (See WAC 480-70-041 for definition of general solid waste terms.) Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases have the following meanings:

"Bale" means material compressed by machine and securely tarped or banded.

"Bulky materials" means empty carriers, cartons, boxes, crates, etc., or materials offered for disposal, all of which may be readily handled without shoveling.

"Commercial billing" means solid waste collection service:

Billed to a commercial customer; or

Billed to, and paid for, by a property manager or owner rather than a residential tenant.

"Compacted material" means material which has been compressed by any mechanical device either before or after it is placed in the receptacle handled by the collector.

"Loose material" means material not set out in bags or receptacles, including materials which must be shoveled.

"Pass-through fee" means a fee collected by a solid waste collection company on behalf of a third party when the fee is billed directly to the customer without markup or mark-down.

"Permanent service" means container and drop-box service provided at the customer's request for a period of more than ninety days.

"Rate" means a price per unit or per service. A rate is multiplied times the number of units transported or the number of times a service is performed to determine a charge.

"Rate design" and **"rate structure"** mean the relationship between rates charged for different solid waste service options offered to customers within the same class (residen-

tial, commercial or drop box). Neither of the terms includes setting specific rates for specific services.

"Residential billing" means solid waste collection service billed to and paid for by the resident.

"Solid waste receptacle" includes the following items, with the following meanings:

- **"Automated cart"** means a cart designed to be picked up and emptied by mechanical means. The specific type and size are to be defined in rate items.

- **"Can"** means a receptacle made of durable, corrosion-resistant, nonabsorbent material that is watertight, and has a close-fitting cover and two handles. A can holds more than twenty gallons, but not more than thirty-two gallons or four cubic feet. The maximum weight of an empty and filled can will be established in each company's tariff.

- **"Cart"** means a wheeled plastic container. A cart may also be referred to as a toter. If supplied by a customer, a cart must be compatible with the collector's equipment. The size and type of cart that is compatible will be established in each company's tariff.

- **"Container"** means a detachable receptacle (normally designed to hold at least a cubic yard of solid waste) from which materials are collected by mechanically lifting the receptacle and emptying the contents into the company's vehicle.

- **"Drop box"** means a detachable receptacle used to provide solid waste collection service by the receptacle being placed on the collector's vehicle by mechanical means and transported to a disposal site.

- **"Drum"** means a metal or plastic container of approximately fifty-gallon capacity, generally used for oils or solvents. The maximum weight allowed in a drum will be established in each company's tariff.

- **"Litter receptacle"** means a container not over sixty-gallon capacity, generally placed in shopping centers and along streets or highways for litter. The maximum weight allowed in a litter receptacle will be established in each company's tariff.

- **"Micro-mini can"** means a can made of durable, corrosion-resistant, nonabsorbent material that is watertight and has a close-fitting cover. A micro-mini can may not hold more than ten gallons. The maximum weight allowed in a micro-mini can will be established in each company's tariff.

- **"Mini can"** means a can made of durable, corrosion resistant, nonabsorbent material that is watertight and has a close-fitting cover. A mini can may not hold more than twenty gallons. The maximum weight allowed in a mini can will be established in each company's tariff.

- **"Recycling bin or container"** means a bin or container designed or designated for the collection of recyclables. The size and type of recycling bin or container will be established in each company's tariff.

- **"Toter"** means a wheeled plastic container. A toter may also be referred to as a cart. If supplied by customer, a toter must be compatible with the collector's equipment. The size and type of toter that is compatible will be established in each company's tariff.

• **"Unit"** means a receptacle made of durable, corrosion-resistant, nonabsorbent material, that is watertight, and has a close-fitting cover and two handles. A unit holds more than twenty gallons, but not more than thirty-two gallons or four cubic feet. The maximum weight of an empty and filled unit will be established in each company's tariff.

Where agreed on between the company and the customer, and where allowable under local ordinance, a box, carton, cardboard barrel or other suitable container may be substituted for a solid waste can, for a single pick-up that includes removal of the container, if it meets the size and weight limits established in the carrier's tariff.

• **"Yardwaste bin or container"** means a bin or container specifically designed or designated for the collection of yardwaste. Each carrier's tariff will refer to a specific type of yardwaste bin or container to be used by customers in a service area. The type, size, weight, etc., of this type of bin or container will often be set by local government plans or ordinances.

"Special pick-up" means a pick-up requested by the customer at a time other than the regularly scheduled pick-up time, but which does not involve the special dispatch of a truck. If a special dispatch is required, the company will assess time rates established in the company's tariff.

"Temporary service" means providing container or drop-box service at the customer's request, for a period of ninety days or less.

NEW SECTION

WAC 480-70-231 Tariffs, general. (1) **Solid waste tariffs no longer subject to chapter 480-149 WAC.** As of the effective date of these rules, solid waste collection companies are not subject to the provisions of the commission's Tariff Circular No. 6 (chapter 480-149 WAC). They are instead subject to the requirements of this chapter.

(2) **Additional regulatory requirements.** Companies are also subject to additional rules regarding rate filings contained in chapter 480-09 WAC, including, but not limited to:

- (a) WAC 480-09-015 - Submission of "confidential" information;
- (b) WAC 480-09-101 - When communications are received;
- (c) WAC 480-09-120 - Filing and service by telefacsimile; and
- (d) WAC 480-09-300 through 480-09-335 - Filing requirements.

NEW SECTION

WAC 480-70-236 Tariffs, all companies must file tariffs and must comply with the provisions of approved tariffs. (1) No company may provide solid waste collection service until it files, and the commission approves, a tariff.

(2) No company may assess rates and charges for solid waste collection service that are higher, lower, or different from those contained in its approved tariff.

(3) No company may accept a payment for service provided that is higher, lower, or different from the rates and charges contained in its approved tariff.

NEW SECTION

WAC 480-70-241 Tariffs, content. A company must file with the commission a tariff showing all rates and charges it will charge its customers, together with rules that govern how rates and charges will be assessed. The tariff must contain, but is not limited to:

- (1) A title page;
- (2) A rules section;
- (3) A rates section; and
- (4) A map.

NEW SECTION

WAC 480-70-246 Tariffs, posting. (1) A company must maintain a copy of its current approved tariff in its offices.

(2) The tariff maintained in company offices must be available for inspection on request by customers.

NEW SECTION

WAC 480-70-251 Tariffs, rates and charges, general. (1) Rates and charges must cover a complete service, including disposal, unless a separate charge for disposal is specifically named in the tariff.

(2) Rates and charges must be stated by unit and billing method. For example: Dollars and cents per can, per trip, per hour, per service, per week, per month, or other.

NEW SECTION

WAC 480-70-256 Tariffs, rejection. The commission will reject tariffs that:

- (1) Do not contain all required information, including, but not limited to, that required by WAC 480-09-300 through 480-09-335;
- (2) Do not comply with format rules;
- (3) Are not accompanied by required maps;
- (4) Reflect retroactive rate treatment;
- (5) Are not filed in accordance with the notice requirements shown in WAC 480-70-261 through 480-70-276; or
- (6) Contain provisions that conflict with state statutes or commission rules.

NEW SECTION

WAC 480-70-261 Tariffs requiring one-day notice to the commission. The commission may approve on one-day notice:

- (1) Initial tariff filings that accompany applications for certificated authority;
- (2) Tariff adoptions filed under the provisions of WAC 480-70-321; and
- (3) Tariff filings whose only purpose is to add a new service option or a service level which has not been previously

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included in the company's tariff, if that service option or service level is requested by a customer.

NEW SECTION

WAC 480-70-262 Tariffs requiring seven-day notice to the commission. A company must provide at least seven calendar-days' notice to the commission on filings whose only purpose is:

- (1) To implement decreases in rates or charges; or
- (2) To add a new service option or service level that has not been previously included in the company's tariff.

NEW SECTION

WAC 480-70-266 Tariffs requiring forty-five-day notice to the commission. A company must provide at least forty-five calendar-days' notice to the commission on any filing that will result in an increase in rates or charges to customers.

NEW SECTION

WAC 480-70-271 Customer notice requirements. A company must provide notice to its customers at least once, either before (see subsection (1) of this section) or after (see subsection (2) of this section) final commission action, depending on the type of filing.

(1) Customer notice before commission action.

(a) Thirty days' customer notice requirement. A company must provide each affected customer a notice at least thirty days before the requested effective date when a company proposes to (see exceptions in subsection (2) of this section):

- (i) Increase recurring monthly rates;
- (ii) File a general rate case;
- (iii) Institute a charge for a service that was formerly provided without charge; or
- (iv) Restrict access to services (e.g., discontinue a service or limit access to service by imposing a new usage level on existing services).

(b) Who must receive a notice. A company must provide a customer notice to:

- (i) Each customer that will be affected by the company's proposal;
- (ii) County commissioners or council members in all counties where affected customers reside;
- (iii) The senior officials of affected cities (e.g., mayor or city manager) where affected customers reside; and
- (iv) The commission's designee for public affairs.

(c) Content of notice. The customer notice must contain, at a minimum:

- (i) The date the notice is issued;
- (ii) The company's name and address;
- (iii) A clear explanation of the reason(s) the company has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, or increased office expenses, such as, postage, and customer billing);

(iv) For services the company proposes to change, a comparison of current and proposed rates that, at a minimum, must include:

(A) The minimum volume of service offered (e.g., mini can service);

(B) The four most used services, or if fewer than four services are offered in the customer class, all services (e.g., one-can, two-can, etc.);

(C) How often the rates will be billed (for example, monthly, bimonthly or quarterly);

(D) Separately stated rates for recycling service, yard-waste service, and solid waste service, if applicable;

(E) If a service is not listed in the notice, but the rates are affected, the company must list a range of percentage increases (e.g., five to ten percent increase), and explain how a customer can get more information, if needed, by listing a toll-free telephone number;

(v) The requested effective date and, if different, the implementation date;

(vi) An explanation that the commission has authority to set final rates that may vary from the company's request, depending on the results of the commission's investigation;

(vii) A description of how customers may contact the company toll-free if they have questions or need additional information about the proposal; and

(viii) Public involvement language. A company may choose from (A) commission-suggested language, or (B) company-developed language.

(A) Commission-suggested language:

If you would like to comment on this proposal, it is important for you to do so now. Comments may be submitted in writing or presented at the commission's open public meeting. If you have questions, or you would like to be added to the mailing list for this case, you may contact the Washington Utilities and Transportation Commission at P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150; comments@wutc.wa.gov; or 360-664-3604(telefacsimile).

(B) Company-developed language must provide:

- A brief explanation of how to participate in the commission's process by attending an open meeting, writing a letter, e-mail (comments@wutc.wa.gov) or telefacsimile; and
- How to contact the commission for information about the process or notification of the scheduled open meeting date, providing the commission's mailing address, and toll-free telephone number (1-800-562-6150).

(d) Notice methods permitted.

(i) Notice may be provided by bill insert, bill message, message printed on the back of the billing envelope, separate mailing, or by can tag.

(ii) A company may use separate customer notices for its residential customers and commercial customers as long as each affected customer receives notice.

(2) Customer notice after final commission action.

(a) Notice required. Each affected customer must receive notice on or with the first bill after the final commission decision when a company increases rates for:

- (i) Nonrecurring charges (e.g., late payment fees, NSF fees, one-time charge, etc.);
- (ii) Local taxes;

- (iii) Disposal fee increases;
- (iv) Fuel surcharges;
- (v) Credits or refunds; and
- (vi) Commodity credits and charges.

(b) **Who must receive notice.** In addition to each affected customer, a company must provide notice to:

- (i) County commissioners or council members in all counties where affected customers reside;
- (ii) The senior officials of affected cities (e.g., mayor or city manager) where affected customers reside; and
- (iii) The commission's designee for public affairs.

(c) **Content of the notice.** At a minimum, the notice provided after final commission action must include:

- (i) The effective date;
- (ii) A clear description of changes to rates and services; and
- (iii) A toll-free company contact number where customers may seek additional information.

(d) **Methods of notice permitted.** Notice may be provided by bill insert, bill message, message printed on the back of the billing envelope, separate mailing, or by can tag.

(3) **Commission assistance on the customer notice.** The commission's public affairs section is available to:

- (a) Assist companies with customer notice questions;
- (b) Review draft customer notice language; and
- (c) Offer suggestions on draft customer notice language.

If a company would like assistance, the company must submit the notice for review at least two working days before the planned notice printing date.

(4) **Other customer notice.** The commission may require additional notification to customers other than described in this rule when the commission is holding a public hearing in a contested case, or when the effect of a company's proposal may have a significant impact on:

- (a) Customer rates;
- (b) Access to services; or
- (c) When the commission determines that additional customer education is needed.

NEW SECTION

WAC 480-70-276 Tariffs, less than statutory notice handling. The commission may allow tariff filings to become effective with less notice than is shown in WAC 480-70-262 and 480-70-271 when there is an emergency or when merit is shown. This process is known as "less than statutory notice" (LSN) handling. A company filing for LSN handling may use an LSN form supplied by the commission, or a letter containing at least the following information:

- (1) Company identification information:
 - (a) Name and registered trade name;
 - (b) Certificate number;
 - (c) Address;
 - (d) Telephone number, e-mail address, and telefacsimile number; and
 - (e) Name and telephone number of a person to contact regarding the filing;
- (2) Tariff identification information:
 - (a) Number of the tariff being amended;

(b) Identifying number and title of the tariff item(s) being amended; and

(c) Number of the tariff page being amended;

(3) Concise description of the provisions being proposed;

(4) Reason(s) for requesting LSN handling; and

(5) Effective date requested.

NEW SECTION

WAC 480-70-281 Tariffs, format and size requirements. A company must file tariffs meeting the following criteria:

(1) Tariffs must be on forms available from the commission or on comparable forms approved by the commission.

(a) Tariffs submitted on forms other than those obtained from the commission must conform to the commission-prescribed item numbering format. For example:

Subject the item addresses	Must be in tariff item number:
Definition of terms	Item 20
Residential rates	Item 100
Disposal site rates	Item 230

(b) A complete list of item numbers is shown in the commission's tariff form.

(2) Tariffs must be filed in loose-leaf format.

(3) Tariffs must be typed or mechanically printed (not handwritten) using at least ten-point type.

(4) Tariffs must be printed on eight and one-half inch by eleven inch paper, with margins of at least one-half inch on each side.

NEW SECTION

WAC 480-70-286 Tariffs, changes must be identified. Each change in rates, charges, or rules must be clearly identified by using one of the following methods:

(1) By printing the appropriate code symbol immediately to the left of the material being changed. Approved symbols are:

Code Symbol	used to indicate:
(R)	reductions in rates or charges
(A)	increases in rates or charges
(C)	changes resulting in neither increases nor decreases
(N)	new rates, services or rules

(2) By printing a notice in distinctive type at the location defined in the following table:

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If the changes affect:	The notation must state:	The notation must be printed:
All rates and charges on a tariff page or on a tariff supplement page.	All rates and charges on this page are (Company would state in the blank the nature of the changes, using one of following terms: •Increases •Decreases; or •Wording changes resulting in neither increases nor decreases.)	In the top margin of the page.
All rates and charges in a tariff.	All rates and charges on this page are (Company would state in the blank the nature of the changes, using one of following terms: •Increases	In the top margin of each page.

If the changes affect:	The notation must state:	The notation must be printed:
	•Decreases; or •Wording changes resulting in neither increases nor decreases.)	

NEW SECTION

WAC 480-70-291 Tariffs, title pages. The title page of every tariff must show at least the following:

- (1) The certifying name of the company, its certificate number, and all trade names filed with the commission that the tariff applies to;
- (2) An identifying tariff number;
- (3) The number of any tariff being canceled by the tariff to which the title page applies (canceling a tariff also cancels all supplements applying to that tariff);
- (4) The types of services covered by the tariff;
- (5) A clear description of the territory in which the tariff applies;
- (6) The date the tariff is issued and date it becomes effective;
- (7) The name, title, telephone number, telefacsimile number (if any), and mailing address of the person who files the tariff; and
- (8) A box that is at least three-fourths of an inch in height, spans from margin to margin and is labeled "for official use only."

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Illustration of tariff title page:

Original Title Page
Tariff No. 2
Cancels
Tariff No. 1
of
John Doe's Sanitation Company, Inc.
d/b/a
John's Garbage and Recycle
Certificate No. 1999

Naming rates for the transportation and disposal of
solid waste and, if noted, recycling and yardwaste collection.

In the following described territory:

Any County

Issued by:

John Jones, President
1234 East Easy Street

For official use only

NEW SECTION

WAC 480-70-296 Tariffs, page format. All pages in a tariff, except the title page, must include the following:

- (1) A page header that includes:
 - (a) The identifying number of the tariff;
 - (b) A page number;
 - (c) A revision number;
 - (d) The name of the company filing the tariff; and

- (e) Any applicable registered trade name.
- (2) A page footer that includes:
 - (a) The name of the person filing the tariff;
 - (b) The date the page is issued;
 - (c) The date the page becomes effective; and
 - (d) A box that is at least three-fourths of an inch in height, spans from margin to margin and is labeled "for official use only."

Illustration of tariff page:

Tariff No. 2 Company Name: John Doe's Sanitation Co., Inc. <div style="text-align: center;">d/b/a John's Garbage and Recycle</div>	2nd Revised Page 18
<div style="display: flex; justify-content: space-between;"> Issued by: John Jones, President Effective Date: </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> Issue Date: (For Official Use Only) </div>	

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NEW SECTION

WAC 480-70-301 Tariffs, maps. A company must file a map with its tariff that clearly identifies the company's entire certificated authority area. If a company divides its authorized certificate area into tariff service territories, then the company must also file a map showing each of the tariff service territory divisions. The maps must meet the specifications in WAC 480-70-056.

NEW SECTION

WAC 480-70-306 Tariffs, rules. (1) Tariff rules must be stated in clear language.

(2) A rule that applies to only a specific rate or charge must be included in the same tariff item as the applicable rate or charge.

NEW SECTION

WAC 480-70-311 Tariffs, changes. Companies may change filed tariffs by one of two methods:

(1) Issuing revised pages to the tariff. A revised page must have the same page number as the page it cancels. For example: "1st revised page 1" cancels "Original page 1."

(2) Issuing complete new tariffs. Each of the pages in a new tariff must be identified as an original page. For example: "Original Page 1," "Original Page 2," and so on.

NEW SECTION

WAC 480-70-316 Tariffs, supplements. (1) Companies may issue tariff supplements to reflect situations such as

Illustration of adoption form:

Tariff No.

..... adopts,
 (Name of new company and registered trade name of new company)

all tariffs and supplements to the tariffs, filed with the Washington Utilities and Transportation Commission by

.....
 (Insert here name of prior company)

before the date of its (new company) acquired possession of that (prior) company.

ISSUED BY:

.....
 (Printed name and title of person filing adoption notice)

gas price fluctuations, city or county taxes, or county surcharges imposed under the provisions of RCW 36.58.045.

(2) Companies may not issue tariff supplements to make general rate increases.

(3) Supplements are subject to all applicable rules and procedures including transmittal letters, notice to customers and the commission, and proper tariff format. The commission will provide sample tariff supplement forms on request.

(4) Supplements to a tariff must be numbered consecutively. If a newly filed supplement cancels a previous supplement(s), that information must be clearly shown on the new supplement. For example: "Supplement 6 cancels Supplements 4 and 5."

NEW SECTION

WAC 480-70-321 Tariffs, filings after name change or change in ownership. (1) When a company changes the name on its certificate it must file a tariff in the new name of the company or adopt the existing filed tariff.

(2) When a company leases, transfers, or acquires a portion of the certificated authority of another company, it must file a new tariff reflecting the same rates as the prior company.

(3) When a company obtains operating control of another company, it must file a new tariff at the same rate levels as the prior company or adopt the existing filed tariff of the prior company.

(4) A company filing a tariff to comply with subsections (1), (2), and (3) of this section cannot raise rates in that filing. A separate rate increase filing must be made.

(5) To adopt existing filed tariffs, the company must file with the commission an adoption-of-tariff form, that must read as follows:

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NEW SECTION**WAC 480-70-326 Tariffs, filing procedures.** (1)

Method of filing. A company may submit tariff filings to the commission in person, by mail, or by telefacsimile. If a company files by telefacsimile, a hard copy must be mailed on the same day as the telefacsimile transmission.

(2) **Transmittal letter.** A company must file two copies of a transmittal letter with each tariff filing submitted to the commission. The commission will stamp one copy of the letter and return it to the company as acknowledgment that the filing was received.

(a) The transmittal letter must include at least the following:

(i) The name, certificate number, and trade names of the company;

(ii) A description of each proposed change and a brief statement of the reason for each change;

(iii) The dollar and percentage amounts that revenue will change if the filing is approved by the commission;

(iv) The percentage amount that rates will change if approved by the commission;

(v) A contact person's name, mailing address, telephone number, telefacsimile number (if any), and e-mail address (if any); and

(vi) A statement that the company mailed a copy of the transmittal letter to the chair of the county commission or county council of each county affected by the filing.

(b) The transmittal letter accompanying a filing that increases rates or charges must also include the date customer notice was, or will be, mailed or delivered to all affected customers.

(3) Additional documents required.**(a) Filing due to governmental, or other entity, action.**

If the tariff filing results from action of another entity or governmental body, the company must file documentation of that action. For example: Ordinances, resolutions, and disposal site fee increase or decrease notices.

(b) **Tariff filed by agent.** If the tariff filing is made by a person other than an owner, partner, or corporate officer, the company must include with its tariff filing a statement granting authority for that person to file on behalf of the company. The statement must be signed by an owner, partner, or corporate officer, and may be incorporated into the transmittal letter accompanying the filing.

NEW SECTION

WAC 480-70-331 Tariffs, approval. Receipt by the commission of a tariff filing does not mean that the provisions of the filing are approved. Companies may not implement provisions contained in tariff filings until the commission approves the filing or until the provisions become effective by operation of law.

NEW SECTION**WAC 480-70-336 Tariffs, free and reduced rates.** (1)

A company wishing to provide service at free and reduced

rates under the provisions of RCW 81.28.080, must first publish those rates in its filed tariff.

(2) A company may publish free and reduced rates for collection services provided:

(a) To the United States, state, county, and municipal governments or municipal corporations;

(b) For charitable purposes; or

(c) To specific customer classes, as approved by the commission.

(3) If a company chooses to provide service at free or reduced rates, the company must publish in its tariff:

(a) The name of the customer or a detailed description of a customer class;

(b) The service provided; and

(c) The applicable rate(s), amount of reduction (such as, twenty percent), or if free, "\$0.00" or "no charge."

(4) The company's owners or stockholders are responsible for the revenue not collected by providing service at free or reduced rates. Ratepayers will not subsidize the revenue a company donates by providing service at free and reduced rates.

NEW SECTION**WAC 480-70-339 Tariffs, suspension by the commission.** (1)

The commission may, on receiving a complaint or protest, or on its own motion, suspend tariff rates, tariff charges, or tariff rules as provided in RCW 81.04.130.

(2) The commission will not take action to suspend a tariff, or any part of a tariff, based on a complaint or protest unless the complaint or protest is filed in compliance with the commission's rules of practice and procedure as set out in chapter 480-09 WAC.

NEW SECTION**WAC 480-70-341 Pass-through disposal fees.** (1)

A company must charge its customers the disposal fees contained in the company's lawfully filed tariffs applicable to the disposal site actually used for disposal, and not those of any other site.

(2) A company must not charge its drop-box customers disposal fees that exceed the actual cost to the company.

(3) A company must track fees charged at any disposal sites used and change its filed tariff as necessary to accurately reflect those fees.

NEW SECTION**WAC 480-70-346 Rates, general rate increases and fuel cost update.**

A company filing a rate change based on changes in general operating expenses must update the test period fuel costs using actual fuel costs for the most recent twelve-month period.

NEW SECTION**WAC 480-70-351 Rates, recycling programs, credits,**

or charges. (1) **Programs to encourage recycling.** The commission encourages solid waste collection companies to

develop programs intended to increase recycling. The commission will, among other things, consider whether a proposed program:

- (a) Provides an incentive to the party who controls the actions or behaviors that the program intends to change;
- (b) Defines measurable outcomes reasonably attributable to the proposed program; and
- (c) May have any unintended results or consequences.

(2) **Recycling credits or charges.** Companies that estimate the revenue from the sale of recyclable materials collected in residential curbside programs as part of a deferred accounting program to return recycling revenues or charges to customers must use the most recent twelve-month historical period to estimate the revenue for the next twelve months.

PART 8—CONSUMER RULES

NEW SECTION

WAC 480-70-361 Availability of information. (1) **Company information.** A company that provides traditional solid waste service must maintain a business office and must, at least once a year, notify its customers of its:

- (a) Regular business hours. Regular business hours must include at least four hours each day between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays;
- (b) Toll-free business telephone number; and
- (c) Mailing address.

(2) **Messaging.** A company must have voice mail, an answering machine, or answering service to receive calls when company personnel are unavailable.

(3) **Responding to customer inquiries.**

(a) A company must respond to urgent messages within twenty-four hours and to all others within forty-eight hours, excluding weekends and holidays.

(b) A company must acknowledge and respond to a customer's written inquiry within two weeks of receipt.

(4) **Notice of change in address or phone number.** A company must advise current customers of any change in its address or telephone number at least ten days before the effective date.

(5) **Notice of change in pick-up date.** When a company changes the pick-up date for its certificate area, or a portion of its certificate area, the company must notify all customers in the affected area of that change. Notice may be made via mail, personal contact, or by a notice being affixed to the customer's solid waste can at least seven days before implementation of the new pick-up schedule.

(6) **Consumer brochure.** A company must provide a copy of the commission's consumer brochure to each new applicant for service, and must once a year notify its current customers of the availability of the brochure and how to obtain a copy. A company may copy the commission's brochure and may add appropriate company-specific information.

(7) **Program information.**

The commission requires that each new applicant for service, and, at least once a year the company's current customers, must receive a list, brochure, newsletter or similar docu-

ment that describes available solid waste and recycling services:

(a) **Material requirements defined.** Materials may be provided by local government solid waste divisions or solid waste coordinators directly to the public, or to the solid waste companies for delivery. This information may include reference to available local commercial recycling service options, service levels, and to methods for reducing solid waste. If such materials are not available, or if they do not include the information described in (a)(i) and (ii) of this subsection, companies must provide materials. Materials prepared by a company must describe:

(i) All service options and service levels available to the customer through the company; and

(ii) Company methods and programs available to recycle and reduce solid waste. This information may contain reference to nonregulated commercial recycling services also provided by the certificated company.

(b) **Delivery options defined.**

(i) If local government solid waste divisions or solid waste coordinators provide materials to the company, the company must distribute those materials to the company's customers.

(ii) If local government solid waste divisions or solid waste coordinators do not provide information to the company, the company's obligations under the provisions of (a) of this subsection may be satisfied if the local government solid waste divisions or solid waste coordinators distribute the information as part of the local government's solid waste, recycling, and waste reduction educational activities.

(iii) If required materials are not distributed by solid waste divisions or solid waste coordinators as part of educational activities or the solid waste divisions or solid waste coordinators do not provide the information to the companies for distribution, the company must provide the materials described in (a) of this subsection.

(8) **Information that must be available for review in company office.** A company must make the following items available to customers for review at all times the company's business office is open. The company must notify its customers, either in its consumer brochure, a newsletter, or similar document that the items are available for customer review and state the location at which they are available for that review.

(a) The commission's solid waste rules, chapter 480-70 WAC;

(b) The company's current rates and regulations (tariff);

(c) The company's current certificate;

(d) The commission's consumer brochure; and

(e) A map of the company's service territory.

NEW SECTION

WAC 480-70-366 Refusal of service. (1) A company must not refuse service to an applicant or cancel service to a customer when there are unpaid bills from a prior customer at the same premises unless the company has objective evidence that the applicant is acting on behalf of the prior customer with the intent to avoid payment.

(2) A company may refuse service to an applicant or cancel service to a customer when:

(a) The customer has not complied with state, county, or municipal regulations concerning the service.

(b) In the company's judgment, providing the service would be hazardous, unsafe, or dangerous to persons or property.

(c) In the company's judgment, driveways or roads are improperly constructed or maintained, do not have adequate turn arounds, or have other unsafe conditions.

(d) The customer has an overdue bill from the company for the same class of service at the same or a different location, and satisfactory arrangements for payment of the overdue unpaid bill have not been made. For purposes of this rule, class of service means residential service or commercial service.

(e) The customer requests service at a location where there currently resides a former customer who has an overdue bill from the company for the same class of service at the same location, and satisfactory arrangements for payment of the overdue bill have not been made.

(f) The customer has obtained or retained service from the company by dishonest or fraudulent means, for the purpose of avoiding debts, including, but not limited to:

- (i) False statement of credit references or employment;
- (ii) False statement of present or prior premises address;
- (iii) Use of an alias or false name; or
- (iv) Rotation of service among roommates or persons living together.

NEW SECTION

WAC 480-70-371 Service cancellation, customer. A company may require that its customers give advance notice to cancel service, but may not require more than three business days' notice. A company may continue to bill for service at approved tariff rates until the company receives notice or until the company realizes that the customer has vacated the property.

NEW SECTION

WAC 480-70-376 Service cancellation, company. (1) **Reasons.** If a company has properly notified a customer as provided in subsection (2) of this section, the company may cancel a customer's service when:

(a) The customer:

- (i) Has a delinquent bill (as defined in WAC 480-70-396);
- (ii) Fails to keep any agreed-upon payment arrangement;
- (iii) Abandons the premises;
- (iv) Violates rules, service agreements or approved tariffs; or
- (v) Fails to comply with state, county, or municipal regulations concerning the service;

(b) The company:

- (i) Believes it would be hazardous, unsafe or dangerous to persons or property to provide service;

(ii) Believes that driveways or roads are improperly constructed or maintained, do not have adequate turn arounds, or have other unsafe conditions; or

(iii) Has evidence that the customer, for the purpose of avoiding debts, obtained service by dishonest or fraudulent means.

(2) **Notice required.** A company is not required to notify a customer before cancellation if the cancellation is due to danger to life or property, dishonest or fraudulent use, or violation of a law requiring immediate cancellation. In all other instances, a company shall not cancel service until it meets the following notice requirements.

(a) Before a company cancels service it must provide two cancellation notices to the customer. The notices must meet the criteria shown in the following table:

The first notice:	The second notice:
1. Must be mailed to the billing address. 2. Must contain at least the following: <ul style="list-style-type: none"> • A cancellation date and time. The date and time must be not less than eight business days after the date the notice is mailed if mailed in the state of Washington. The date and time must be not less than 11 business days if mailed from outside the state of Washington. • All pertinent information about the reason for the cancellation. • All pertinent information about how to correct the reason for cancellation. • The company's name, address and toll-free telephone number by which to contact the company to discuss the pending cancellation. 	1. Must be made at least twenty-four hours before the cancellation date and time specified in the first required notice. 2. Must allow the customer until 5:00 p.m. of the following business day to comply. 3. Must be made by one of the following: <p>By telephone. A company must call the customer. If the company representative is unable to speak with the customer on the first attempt, at least one additional attempt must be made. If a customer has provided the company with a business or message telephone number, the second attempt may be made to that number.</p> <p>By personal delivery. A company providing notice by personal delivery must make at least one attempt to contact the customer. The company may personally deliver notice by placing a written notice or tag on the customer's solid waste can, container or drop box or on the primary residence door.</p> 4. Must contain at least the following: <ul style="list-style-type: none"> • A cancellation date and time. • All pertinent information about the reason for the cancellation. • All pertinent information about how to correct the reason for cancellation.

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The first notice:	The second notice:
<p>3. The company must maintain a written record of all cancellation notices issued.</p>	<ul style="list-style-type: none"> • The company's name, address and toll-free telephone number to contact the company to discuss the pending cancellation. <p>5. The company must maintain a record of attempts made to contact the customer. The record must show:</p> <ul style="list-style-type: none"> • The telephone number called; • The date and time the call was made; and • The result of the call. For example: Left a message, no answer, line busy, etc.

(3) Notice expiration.

(a) **No mutually agreed-upon arrangements.** Cancellation notices expire ten business days after the first day that the company may discontinue service. If the company does not cancel service within ten business days, the notice process must start over.

(b) **Mutually agreed-upon arrangements made.** Cancellation notices do not expire if mutually agreed-upon arrangements have been made and confirmed in writing by the company. A company may cancel service without further notice if the customer fails to keep the agreed-upon arrangements.

(4) **No cancellation while customer is pursuing a dispute.** If the customer pays all undisputed amounts when due, and corrects any conditions posing a danger to health, safety or property, a company must not cancel service while:

- (a) The customer is pursuing any remedy or appeal provided by these rules;
- (b) The customer is attempting to resolve a complaint with the company's representatives; or
- (c) The customer is attempting to resolve a complaint with the commission's consumer affairs section staff.

NEW SECTION

WAC 480-70-381 Reinstatement of service following cancellation. A company must reinstate service on the next scheduled pick-up date, unless asked not to do so by the customer, when:

- (1) The responsible party corrects the causes of cancellation;
- (2) The customer pays all proper charges due or makes satisfactory payment arrangements; or
- (3) The commission or its staff directs reinstatement pending resolution of a dispute.

NEW SECTION

WAC 480-70-386 Complaints. (1) **Company responsibility.**

(a) **Complaints from customer.** When a company receives a complaint from a customer or an applicant for service, it must:

- (i) Acknowledge the complaint;
- (ii) Investigate promptly;
- (iii) Report the results of the investigation to the complainant;
- (iv) Take corrective action, if warranted, as soon as appropriate under the circumstances;
- (v) Inform the complainant that the decision may be appealed to a higher level representative of the company, if any;
- (vi) Inform the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability for review of the complaint; and
- (vii) Provide the complainant with the commission's address and toll-free telephone number.

(b) **Complaint referred by commission.** When commission consumer affairs staff refer an informal complaint to the company, the company must:

- (i) Investigate and report the results to the commission consumer affairs staff within two business days (the commission consumer affairs staff may grant an extension of time for responding to the complaint if requested and warranted);
- (ii) Keep the commission consumer affairs staff informed of progress toward the solution; and
- (iii) Inform the commission consumer affairs staff of the final result.

(c) **Complaint record.** A company must keep a record of all complaints concerning service or rates for at least one year. The record of complaints and rates must be made readily available for commission review. The record must contain:

- (i) The complainant's name and address;
- (ii) Date and nature of the complaint;
- (iii) Action taken; and
- (iv) Final result.

(2) **Complaints to commission.** Applicants, customers, or their representatives may file with the commission either:

- (a) An informal complaint against the company under the provisions of WAC 480-09-150; or
- (b) A formal complaint against the company under the provisions of WAC 480-09-500.

NEW SECTION

WAC 480-70-391 Credits as compensation in consumer complaints or problems. Companies may offer customers a credit on the customers' bills for:

- (1) A missed collection, regardless of the reason the collection was missed; or
- (2) As compensation for service quality problems, billing problems, or other problems experienced by the customer.

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NEW SECTION

WAC 480-70-396 Billing. (1) **Billing period.** A company may bill its customers for one, two, or three months of service.

(2) **Advance billing and payment delinquency dates.** The following chart defines the maximum period allowed for advance billing and the date when a bill may be considered delinquent:

Billing period	Maximum advance billing period allowed	Delinquency date
One month's service (monthly)	No advance billing allowed	May not be less than twenty-one days after the date the bill is mailed
Two months' service	One month advanced billing allowed	May not be until the last day of the second month
Three months' service	Two months' advance billing allowed	May not be until the last day of the third month

(3) Bills issued to customers must clearly show the company's name and applicable registered trade name, business address, and toll-free telephone number where a customer may contact the company. Bills must also show:

(a) Account information, including:

(i) The customer's name, service address, and billing address;

(ii) Company customer identification number, if any;

(iii) The billing period;

(iv) The date the bill was mailed;

(v) The date payment is due; and

(vi) The date the bill becomes delinquent;

(b) Rate information, including:

(i) The percentage amount or minimum charge for late payments (may not exceed one percent of the unpaid balance or one dollar, whichever is greater);

(ii) All rates or charges billed to the customer, shown as separate line items on the bill (for example: Service and size of container; yardwaste service and size of container; recycling service and recycling commodity adjustment);

(iii) Other tariffed services (for example: Drive-in charges, carry-out charges, and occasional extras); and

(iv) The percentage rate and dollar amount of any government tax or fee imposed on the company and passed on directly to customers;

(c) Other information as may be directed by the commission.

(4) If a customer initiates or terminates solid waste service within a month, monthly rates and charges must be prorated based on the number of pick-ups actually provided.

(5) The commission may allow consolidated billing for regulated and nonregulated activities.

(a) A consolidated billing must:

(i) Disclose nonregulated activity as a separate line item; and

(ii) Include a telephone number where the customer may contact the company providing the nonregulated activity.

(b) If a customer makes partial payment, a company must apply the payment to the regulated solid waste charges first.

(c) A company may not discontinue solid waste service if the customer does not pay for nonregulated services, but has paid in full for regulated solid waste service.

NEW SECTION

WAC 480-70-401 Payment options. A company may accept payment by cash, money order, personal check, certified check, debit card, or credit card.

NEW SECTION

WAC 480-70-406 Refunds. (1) When there has been a transaction that results in a credit being due the customer, the following apply:

(a) If the amount due is five dollars or less, an adjustment must be shown on the next regular bill.

(b) If the amount due is more than five dollars, the customer may accept an adjustment to the account or request a refund. If the customer elects to have an adjustment made, it must show on the next regular billing. If the customer chooses to receive a refund, the company must issue a check within thirty days of the request.

(2) **Overcharges.** Once a company becomes aware that it has overcharged a customer, it must provide a refund or bill adjustment credit to the customer. The customer must be given a choice as to which option is preferred. The refund or credit must be the amount overcharged in the three years before the date of discovery.

(3) **Prepayments.** If a customer has paid service fees in advance, service is discontinued during the prebilled period, and the customer is due a refund, the following apply:

(a) A company must honor all requests for refunds of the unused portion of prepayments.

(b) If the customer provides a forwarding address to the company or one can be obtained from the U.S. Post Office, the company must issue a refund check no more than thirty days following the customer's request.

(c) If the customer cannot be located or did not provide a forwarding address and the U.S. Post Office cannot furnish a forwarding address, the amount may be presumed to be abandoned and is subject to the Uniform Unclaimed Property Act after one year.

NEW SECTION

WAC 480-70-411 Establishing credit and deposits. Prepayments made to secure temporary drop-box service are not subject to the provisions of this rule. Refer to WAC 480-70-416 for provisions related to prepayments.

(1) **Establishing credit - residential service.** A company must not collect a security deposit if an applicant for residential service can establish satisfactory credit by any one of the following:

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(a) The applicant had prior service with the company or another solid waste collection company for at least six of the twelve months before the application date and:

- Service was not canceled for nonpayment;
- The customer received no more than one delinquency notice; and
- References with the other company may be quickly and easily checked. A company may request that the references from the previous company be in writing.

(b) The applicant had consecutive employment during the prior twelve months with no more than two employers and is currently employed or has a regular source of income.

(c) The applicant owns or has a legal interest in the premises being served.

(d) The applicant can furnish a satisfactory guarantor who will be responsible for payment of solid waste bills in the event of cancellation or default by the customer, in a specified amount, not to exceed the amount of the required cash deposit required.

(e) The applicant personally produces at the company's business office two major credit cards, or other credit references that the company may quickly and easily check, that demonstrate a satisfactory payment history.

(2) **Establishing credit - commercial service.** An applicant for commercial service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) **Deposit requirements.** A company may require a deposit when:

- The applicant has failed to establish a satisfactory credit history as outlined in subsections (1) and (2) of this section;
- The applicant's service from another solid waste company was canceled for failure to pay amounts owing when due during the twelve months before the application date;
- The applicant has an unpaid, overdue balance owing for similar service from the solid waste company to which application is being made or from any other solid waste company;
- Two or more delinquency notices have been served on the applicant by any solid waste company during the prior twelve months; and
- The application is to begin or continue service to a residence where a prior customer still lives and owes a past due bill to the solid waste company.

(4) **Amount of deposit.** Deposits required for a customer or location must not exceed:

Company billing period:	Maximum deposit amount allowed:
Monthly	Two-twelfths of the estimated annual billing
Bimonthly	Three-twelfths of the estimated annual billing
Trimonthly (quarterly)	Four-twelfths of the estimated annual billing.

(5) **Transfer of deposit.** When a customer moves to a new address in the company's service territory, the deposit,

less any outstanding past-due balance owing from the old address, must be transferred.

(6) **Interest on deposits.** Interest on deposits collected from applicants or customers must:

(a) Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. The commission will annually mail a notice to solid waste collection companies advising them of the specific rate.

(b) Earn the calculated interest rate during January 1 through December 31 of the subsequent year.

(c) Be computed from the time of deposit and compounded annually.

(7) **Extended payment arrangement of deposits.** When an applicant or customer is required to pay a deposit but is unable to pay the entire deposit in advance of starting or continuing service, the company must allow the applicant or customer to pay on the following schedule:

- Fifty percent of the deposit must be paid before service;
- Twenty-five percent must be paid in each of the next two months.

(8) **Receipt for deposit.** A company must furnish a receipt to each applicant or customer for the amount deposited.

(9) **Refund of deposits required.** A company must refund deposits plus accrued interest when there has been satisfactory payment as defined in (a) of this subsection, or service is terminated.

(a) **"Satisfactory payment"** means a customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

- The company has not started a cancellation process against the customer; and
- The company has issued no more than two notices of delinquency to the customer.

(b) **Termination of service.** When service is canceled, the company must return to the customer the amount then on deposit plus accrued interest, less any amounts due to the company.

(10) **Refund of deposits, manner.** A company must refund any deposit, plus accrued interest, in the manner chosen by the customer at the time of deposit, or as modified on a later date. The customer must choose one of the following methods:

(a) A check issued and mailed to the customer no later than fifteen days following completion of twelve months of satisfactory payment, as described above; or

(b) A credit applied to the customer's account for service beginning in the thirteenth month.

(11) **Additional deposit.** Nothing in this rule prevents the requiring of a larger deposit or a new deposit when conditions warrant. A company requiring a new or larger deposit must specify the reasons in writing to the customer. Any requirement for a new or larger deposit must comply with the standards in this rule.

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NEW SECTION

WAC 480-70-416 Prepayments, temporary container and drop-box service. A company may require its temporary commercial service customers to prepay either:

(1) An amount not exceeding the estimated total due for delivery of the container or drop box, plus rent for the first month, plus pick-up charges and disposal fees for one month; or

(2) Fifty percent of the estimated total that will apply over the length of the service agreement.

NEW SECTION

WAC 480-70-421 Fair use of customer information.

(1) Customer information includes the customer's name, address, telephone number, service level, credit and deposit information, and billing history.

(2) Companies must use customer information only for:

(a) Providing and billing for services the customer requests;

(b) Marketing new services or options to its customers; or

(c) Providing information to its customers.

(3) Any sale or release of customer information without the written permission of the customer is prohibited. The only exceptions to this rule are:

(a) Release of information to the commission to investigate or resolve complaints filed with the commission by a customer;

(b) Sharing nonpayment information with agencies the company engages to act as the company's agent in pursuing collection of past due accounts; and

(c) Release of information of a former customer for purposes of WAC 480-70-411 (1)(a).

(4) Companies are allowed to collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

PART 9—BIOMEDICAL WASTE RULESNEW SECTION

WAC 480-70-426 Biomedical waste, purpose. It is a matter of statewide concern that biomedical waste be handled in a manner that protects the health, safety, and welfare of the public, the environment, and the workers who handle the waste.

NEW SECTION

WAC 480-70-431 Biomedical waste, adoption of federal regulations. (1) Companies transporting biomedical waste must comply with all federal, state and local laws and rules governing such transportation. Companies must also comply with Parts 170 through 189 of Title 49, Code of Federal Regulations (49 CFR), that are adopted by reference. Information about 49 CFR regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

(2) Any company transporting waste, that meets either federal or state criteria as biomedical waste, must handle and transport that waste according to the appropriate requirements of the federal hazardous materials regulations and the additional requirements in these rules.

NEW SECTION

WAC 480-70-436 Biomedical waste, operational requirements. (1) A company collecting, transporting and disposing of biomedical waste as defined in WAC 480-70-041 must prepare and maintain a biomedical waste operating plan.

(2) A company must keep the biomedical waste operating plan:

(a) On file in the company's main office; and

(b) A copy must be carried in each motor vehicle used in transportation of biomedical waste.

(3) The biomedical waste operating plan must include provisions ensuring that:

(a) Biomedical waste is kept separate from any other solid waste until treatment or disposal;

(b) Only authorized and properly trained persons collect, transport, and dispose of biomedical waste;

(c) Unauthorized persons are prevented from having access to, or contact with, biomedical waste;

(d) Any motor vehicle used to collect, transport or dispose of biomedical waste is properly decontaminated;

(e) Employees are provided and required to use clean gloves and uniforms, and any other necessary protective clothing when collecting, transporting, and disposing of biomedical waste; and

(f) Appropriate methods are available to decontaminate any person exposed to biomedical waste during collection, transportation, and disposal.

(4) The biomedical waste operating plan must also include alternative storage, treatment and disposal sites in case of an accident or unavailability of the primary storage, treatment, or disposal site.

NEW SECTION

WAC 480-70-441 Biomedical waste, training requirements. (1) Any person involved in collection, transportation, and disposal of biomedical waste must be adequately trained. A company involved in collection, transportation, and disposal of biomedical waste must:

(a) Develop, publish and maintain an employee training plan;

(b) Ensure that company employees are properly trained; and

(c) Certify that company employees are properly trained.

(2) The employee training plan must be kept on file in the company's main office, available for inspection by the commission, its authorized representatives, and customers.

(3) The employee training plan must include the following training elements:

(a) Safe operation of motor vehicles and motor vehicle equipment inspection procedures;

- (b) Safe collection, transport and disposal of biomedical waste;
- (c) Information on health risks associated with the collection, transport and disposal of biomedical waste;
- (d) Emergency procedures for spills of biomedical waste, rupture of containers, and equipment failure;
- (e) Notification procedures following a biomedical waste spill or repackaging of biomedical waste;
- (f) Packaging and labeling requirements;

- (g) Personal hygiene practices;
 - (h) Use of protective clothing and equipment;
 - (i) Contamination control procedures for vehicles and equipment; and
 - (j) Shipping-paper requirements.
- (4) A company must maintain a file of certificates on each person trained. A suggested sample form for the certificate of employee training is:

CERTIFICATE OF EMPLOYEE TRAINING

Name of Carrier:.....

Driver's Name:.....

Operator's Driver's CDL/License No.:.....

Dates of Training:.....

Signature of driver acknowledging completion of training program:

Driver:.....

Date:.....

I certify under penalty of perjury under the laws of the state of Washington that the employee named above received training in proper collection, transportation, and disposal of biomedical waste:

Signature/Title:.....

Date:.....

County where signed:.....

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NEW SECTION

WAC 480-70-446 Biomedical waste, cooperative agreements. The commission may enter into cooperative agreements with other state or local agencies, such as the department of labor and industries or the department of health, to review biomedical waste operating or training plans for compliance.

NEW SECTION

WAC 480-70-451 Biomedical waste, packaging and containment. (1) Biomedical waste, except for sharps waste (refer to subsection (2) of this section), must be contained in bags or lined containers that are impervious to moisture and that will not rip, tear, leak, or burst under normal conditions of transportation. If bags are used, they must be properly secured to prevent leakage during handling and transportation.

(2) Containers used for sharps waste (refer to WAC 480-70-041) must:

- (a) Be impervious to moisture;
- (b) Not rip, tear, leak, or burst under normal conditions of transportation;
- (c) Be rigid and puncture-resistant; and
- (d) Be labeled in accordance with applicable federal standards.

(3) A company transporting biomedical waste contained in bags or disposable containers must place the bags or disposable containers inside tightly covered pails, cartons, drums, or portable bins. The containment system, that may be any color, must be:

- (a) Leak-resistant;
- (b) In good repair; and
- (c) Labeled in accordance with applicable federal standards.

(4) Reusable containers for biomedical waste must be thoroughly washed and decontaminated each time they are emptied.

(5) Packaging and containers marked or labeled as containing biomedical waste may not be used to ship or transport waste that does not meet the definition of biomedical waste.

NEW SECTION

WAC 480-70-456 Biomedical waste, transfer to off-site treatment and disposal facilities. A company must transport biomedical waste to a facility that meets all local, state, and federal environmental regulations for treatment, storage, and disposal.

NEW SECTION

WAC 480-70-461 Biomedical waste, compaction not allowed. A company must not compact biomedical waste or any material in a container labeled as containing biomedical waste.

NEW SECTION

WAC 480-70-466 Biomedical waste, vehicle requirements. (1) A company that transports biomedical waste must ensure that all motor vehicles used to transport biomedical waste are equipped with cargo compartments that:

- (a) Can be secured to limit access at all times, except by company personnel during loading and unloading;
- (b) Are fully enclosed;
- (c) Are leak-proof;
- (d) Are made of nonporous material impervious to biomedical waste; and
- (e) Are physically separated from the driver's compartment.

(2) A company may substitute a motor vehicle with a detachable cargo box that meets all the requirements of subsection (1) of this section.

NEW SECTION

WAC 480-70-471 Biomedical waste, shipping-paper requirements. (1) A company collecting or transporting biomedical waste must issue a shipping paper for each shipment transported. The shipping paper must comply with the requirements of 49 CFR Part 172. The shipping paper must contain at least the following information:

- (a) Name and address of the generator of the biomedical waste;
- (b) Name of the person representing the generator from whom delivery is accepted;
- (c) Name of the company transporting the biomedical waste;
- (d) Date and time of collection;
- (e) Destination, naming final treatment, storage and disposal destination;
- (f) The general type and quantity of biomedical waste collected by the company;
- (g) A signature by a representative of the generator of biomedical waste, acknowledging delivery and compliance with all applicable federal, state and local rules regarding packaging and containment; and
- (h) A signature by a representative of the company transporting the biomedical waste, acknowledging receipt.

(2) A legible copy of the shipping paper must accompany the shipment. At the destination, the shipping paper must be signed by a representative of the facility accepting the biomedical waste for treatment, storage or disposal, acknowledging acceptance.

(3) A copy of the shipping paper of each shipment must be kept on file by the company at its main office for three years. The shipping paper must be available for inspection by the commission or its authorized representatives.

NEW SECTION

WAC 480-70-476 Biomedical waste, inspections. (1) Any shipment of waste meeting the criteria for biomedical waste is subject to inspection by commission staff and by those state, county, and local government personnel charged

with the enforcement of laws and ordinances relating to the transport of biomedical waste.

(2) All companies that transport biomedical waste must give authorized persons, as defined in subsection (1) of this section, a reasonable opportunity to inspect containers and motor vehicles, to review shipping papers, and to inspect other places incidental to the transportation of biomedical waste.

PART 10—HAZARDOUS WASTE RULES

NEW SECTION

WAC 480-70-481 Hazardous waste, purpose. It is a matter of statewide concern that hazardous waste be handled in a manner that protects the health, safety, and welfare of the public, the environment, and the workers who handle the waste.

NEW SECTION

WAC 480-70-486 Hazardous waste, adoption of federal regulations. (1) Companies transporting hazardous waste must comply with all federal, state and local laws and rules governing such transportation. Companies must also comply with Parts 170 through 189 of Title 49, Code of Federal Regulations (49 CFR) that are adopted by reference. Information about 49 CFR regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

(2) Any company transporting waste that meets either federal or state criteria as hazardous waste must handle and transport that waste according to the appropriate requirements of the federal hazardous materials regulations and the additional requirements in these rules.

PART 11—ADOPTION BY REFERENCE

NEW SECTION

WAC 480-70-999 Adoption by reference. In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **The North American Uniform Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2000.

(b) This publication is referenced in WAC 480-70-201.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 40 Code of Federal Regulations**, cited as 40 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on July 1, 2000.

(b) This publication is referenced in WAC 480-70-041.

(c) Copies of Title 40 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-70-201, 480-70-431 and 480-70-486.

(c) Copies of Title 49 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-70-010	Communications.
WAC 480-70-020	Documents—When filed.
WAC 480-70-030	Remittances.
WAC 480-70-040	Change of address.
WAC 480-70-050	Definitions.
WAC 480-70-055	Adoption by reference defined.
WAC 480-70-060	Licenses.
WAC 480-70-070	Certificates, no operation without.
WAC 480-70-080	Operation under trade name.
WAC 480-70-090	Certificates, must be filed main office.
WAC 480-70-100	Certificates, secured by false affidavit.
WAC 480-70-110	Certificate, sale, etc.
WAC 480-70-120	Certificates, application for.
WAC 480-70-130	Temporary certificates, application for.
WAC 480-70-140	Certificates, description, hearing for clarification.
WAC 480-70-150	Certificates, applications—Notice to existing carriers.
WAC 480-70-155	Contemporaneous applications.
WAC 480-70-160	Certificates, qualifications for.
WAC 480-70-170	Certificate, must abide by.

WAC 480-70-180	Certificate, sale, etc.	WAC 480-70-440	Solid waste collection companies statute applicable.
WAC 480-70-190	Miscellaneous fees.	WAC 480-70-500	Operational requirements.
WAC 480-70-200	Certificates, duplicates.	WAC 480-70-510	Training requirements.
WAC 480-70-210	Certificates, reinstatement.	WAC 480-70-530	Packaging and containment.
WAC 480-70-220	Application fees forfeited—denied application, no renewal for six months.	WAC 480-70-540	Transfer of biohazardous or biomedical waste to off-site treatment and disposal facilities.
WAC 480-70-230	Dual operation.	WAC 480-70-550	Shipping paper requirements.
WAC 480-70-240	Tariff, naming rates and charges.	WAC 480-70-560	Insurance requirements.
WAC 480-70-245	Agreements to operate certificates.	WAC 480-70-570	Reporting of accidents.
WAC 480-70-250	Insurance.	WAC 480-70-700	Availability of information.
WAC 480-70-260	Insurance endorsement.	WAC 480-70-710	Discontinuance of service.
WAC 480-70-270	Insurance termination.	WAC 480-70-720	Reinstatement of service following discontinuance.
WAC 480-70-280	Surety bond.	WAC 480-70-730	Refusal of service.
WAC 480-70-290	Equipment of motor vehicles.	WAC 480-70-740	Refusal or discontinuance of service to premises because of former occupant's unpaid account.
WAC 480-70-300	Motor vehicles, identification.	WAC 480-70-750	Deposits.
WAC 480-70-310	Motor vehicles, safety, sanitary, inspection.	WAC 480-70-760	Refunds—Other than deposits.
WAC 480-70-320	Motor vehicles, safe operation.	WAC 480-70-770	Form of bills.
WAC 480-70-325	Equipment—Inspection—Ordered for repairs.	WAC 480-70-780	Pass through disposal fees.
WAC 480-70-330	Drivers, hours of work.	WAC 480-70-790	Complaints and disputes.
WAC 480-70-335	Out-of-service criteria.		
WAC 480-70-340	Annual fee.		
WAC 480-70-350	Accounts—Uniform system adopted—Reports.		
WAC 480-70-360	Contracts.		
WAC 480-70-370	Disabled motor vehicles—Substitution.		
WAC 480-70-380	Equipment—Order for repairs.		
WAC 480-70-390	Discontinuance of service, commission approval required.		
WAC 480-70-400	Driver qualifications, hazardous materials transportation, and equipment safety.		
WAC 480-70-405	Accident reporting.		
WAC 480-70-410	General application of rules.		
WAC 480-70-420	Penalty assessments.		
WAC 480-70-430	Rules, waiver.		

WSR 01-08-045
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)
(Division of Program and Policy)
[Filed March 30, 2001, 4:34 p.m.]

Date of Adoption: March 30, 2001.

Purpose: The proposed rules replace WAC 388-70-510 to 388-70-595 as part of the department's rule migration and regulatory reform required under Executive Order 97-02. The proposed rules create part of a new chapter, WAC 388-27-0120 to 388-27-0390, Child welfare services—Adoption support for children. The proposed rules describe programs and funding requirements to a degree not previously described in rule, with respect to the adoption support program and reflect federal guidelines issued by the United States Department of Health and Human Services which determine federally funded adoption assistance.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-70-510, 388-70-520, 388-70-530, 388-70-540, 388-70-550, 388-70-560, 388-70-570, 388-70-580, 388-70-590, and 388-70-595.

Statutory Authority for Adoption: RCW 74.13.031.

Adopted under notice filed as WSR 00-17-189 on August 23, 2000.

Changes Other than Editing from Proposed to Adopted Version: An addition was made to WAC 388-27-0120 and 388-27-0135 to reflect federal guidelines in Policy Announcement ACYF-CB-PA-01-01 issued by the United States Department of Health and Human Services (DHHS). These guidelines must be used by states in determining a child's eligibility for federally funded adoption assistance. Where these WAC regulations conflict with the guidelines set forth in the federal policy announcement, the federal guidelines are to be used.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 2, 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 42, Amended 0, Repealed 10.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 42, Amended 0, Repealed 10.

Effective Date of Rule: Thirty-one days after filing.

March 27, 2001

Susan Bush

for Bonita H. Jacques, Chief
Office of Legal Affairs

ADOPTION SUPPORT PROGRAM

PART A: GENERAL

NEW SECTION

WAC 388-27-0120 What is the legal basis of the department's adoption support program? The legal authorities for the program are:

- (1) Revised Code of Washington (RCW) 74.13.100 through 74.13.159;
- (2) Chapter 42 United States Code (U.S.C.) 673; and
- (3) The U.S. Department of Health and Human Services policy announcement ACFY-CB-PA-01-01 (issued January 23, 2001) establishing guidelines for states to use in determining a child's eligibility for Title IV-E adoption assistance.

NEW SECTION

WAC 388-27-0125 What is the purpose of the adoption support program? The adoption support program encourages the adoption of special needs children in the legal custody of public or private nonprofit child care agencies who would not be adopted if support for the child was not available.

NEW SECTION

WAC 388-27-0130 What definitions apply to the adoption support program? The following definitions apply to this chapter:

"**Adoption**" means the granting of an adoption decree consistent with chapter 26.33 RCW.

"**Adoption support agreement**" means a written contract between the adoptive parent(s) and the department that identifies the specific support available to the adoptive parent(s) and other terms and conditions of the agreement.

"**Adoption support cash payment**" means basic monthly cash payments paid to the adoptive parent(s) by the department after the child's adoption.

"**Adoption support special rate**" means monthly cash payments in addition to the basic adoption support rate. The department may authorize payment of these funds only to meet documented exceptional expenses necessary to address the special needs condition of the child.

"**Adoption support supplemental cash payment**" means cash payments in addition to the adoption support basic monthly cash payments and the adoption support special rate. These supplemental payments enable the special needs child to receive services not funded by the monthly cash support payment or other resources. Note: Only children adopted on or after July 1, 1996 are eligible for supplemental cash payments.

"**Applicant**" means a person or couple applying for adoption support on behalf of a child the person or couple plans to adopt.

"**Child placing agency**" means a private nonprofit agency licensed by the department under chapter 74.15 RCW to place children for adoption or foster care.

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

"**Extenuating circumstances**" means a finding by an administrative law judge or a review judge that one or more certain qualifying conditions or events prevented an otherwise eligible child from being placed on the adoption support program prior to adoption.

"**Medical services**" means services covered by Medicaid (and administered by the medical assistance administration) unless defined differently in the adoption support agreement.

"**Nonrecurring costs**" means reasonable, necessary, and directly related adoption fees, court costs, attorney fees, and other expenses the adoptive parent incurs when finalizing the adoption of a special needs child. Total reimbursement from the department may not exceed one thousand five hundred dollars.

"Placing agency" means the agency that has the legal authority to place the child for adoption. This may be the department or a private nonprofit child placing agency.

"Program" means the department's adoption support program.

"Reconsideration" means the limited state-funded support available to an eligible child whose adoption was finalized without a valid adoption support agreement in place.

"Resident state" (for purposes of the child's Medicaid eligibility) means the state in which the child physically resides. In some cases this may be different from the state of the parent's legal residence.

"Special needs" means the specific factors or conditions that apply to the child and that may prevent the child from being adopted unless the department provides adoption support services. See WAC 388-27-0140 for a detailed description of the factors or conditions.

PART B: ELIGIBILITY

NEW SECTION

WAC 388-27-0135 What are the eligibility criteria for the adoption support program? For a child to be eligible for participation in the adoption support program, the department must first determine that adoption is the most appropriate plan for the child. If the department determines that adoption is in the child's best interest, the child must:

(1) Be less than eighteen years old when the department and the adoptive parents sign the adoption support agreement;

(2) Be legally free for adoption;

(3) Have a "special needs" factor or condition according to the definition in this rule (see WAC 388-27-0140); and

(4) Meet at least one of the following criteria:

(a) Is in state-funded foster care or child caring institution or was determined by the department to be eligible for and likely to be so placed (For a child to be considered "eligible for and likely to be placed in foster care" the department must have opened a case and determined that removal from the home was in the child's best interest.); or

(b) Is eligible for federally funded adoption assistance as defined in Title IV-E of the Social Security Act, the Code of Federal Regulations, the U.S. Department of Health and Human Services policy announcement, ACFY-CB-PA-01-01 (issued January 23, 2001) establishing guidelines for states to use in determining a child's eligibility for Title IV-E adoption assistance, and any policy issuances of the Department of Health and Human Services.

NEW SECTION

WAC 388-27-0140 What constitutes a "special needs"? To be considered a child with special needs the following three statements must be true:

(1) One or more of the following factors or conditions must exist:

(a) The child is of a minority ethnic background;

(b) The child is six years of age or older at the time of application for adoption support;

(c) The child is a member of a sibling group of three or more or of a sibling group in which one or more siblings meets the definition of special needs;

(d) The child is diagnosed with a physical, mental, developmental, cognitive or emotional disability; or

(e) The child is at risk for a diagnosis of a physical, mental, developmental, cognitive or emotional disability due to prenatal exposure to toxins, a history of serious abuse or neglect, or genetic history.

(2) The state has determined that the child cannot or should not be returned to the home of the biological parent; and

(3) The department or child placing agency that placed the child for adoption must document that except where it would be against the best interests of the child the department or child placing agency had made a reasonable but unsuccessful effort to place the child for adoption without adoption support.

NEW SECTION

WAC 388-27-0145 What constitutes a reasonable effort to place a child for adoption without adoption support? Reasonable effort to place a child without adoption support includes:

(1) A child registered for three months with the Washington adoption resource exchange (WARE) without finding an adoptive family; or

(2) A child for whom a documented, formal agency search was conducted for three months, without finding a family who would adopt the child without adoption support services; or

(3) A child for whom the placing agency's selected prospective adoptive family is unable to adopt the child without assistance from the adoption support program.

NEW SECTION

WAC 388-27-0150 Under what circumstances would it be against the best interest of the child to search for a family that could adopt the child without adoption support? Searching for a family that could adopt the child without adoption support is against the best interest of the child when:

(1) A foster parent desires to adopt a child who:

(a) Has been in the foster parent's home for six months or more before that child becomes legally free for adoption; and

(b) The child has close emotional ties to the current foster parent which, if severed, may cause emotional damage to the child; and

(c) The foster parent is identified as the adoptive parent of choice by the department or agency staff having responsibility for the child (RCW 26.33.190 and 74.13.109(4)); or

(2) The adoptive parent is a relative of specified degree as defined in RCW 74.15.020 (4)(a) and has an approved adoptive home study per RCW 26.33.109 and 74.13.109(4).

NEW SECTION

WAC 388-27-0155 Are there other factors affecting a child's eligibility for adoption support? (1) A child is not eligible for adoption support program services and payments if the adopting parent is the birth parent or stepparent of the child.

(2) The department must not use the adoptive parents' income as a basis for determining the child's eligibility for the adoption support program.

(3) The department must consider income and other financial circumstances of the adopting family as one factor in determining the amount of any adoption support cash payments to be made. (See WAC 388-27-0230, 388-27-0235, and 388-27-0240 for details.)

PART C: APPLICATIONNEW SECTION

WAC 388-27-0160 How does a prospective adoptive parent apply for adoption support services? There are two ways a prospective adoptive parent (applicant) may apply for adoption support services:

(1) An applicant may apply through the social worker of the child to be adopted. The social worker must:

- (a) Register the child with the adoption support program; and
- (b) Submit the applicant's completed program application.

(2) An applicant may also apply directly to the adoption support program for adoption support services if:

- (a) The child does not have an assigned social worker; or
- (b) The applicant and the social worker have a dispute regarding the content of the program application.

NEW SECTION

WAC 388-27-0165 What requirements apply to an application for ongoing adoption support? (1) The application must include a copy of the child's medical and family background report signed by the adoptive parent(s) (DSHS 13-041 minus the attachments). It must also include copies of medical and/or therapist reports that document the child's physical, mental, developmental, cognitive or emotional disability or risk of any such disability.

(2) If the applicant is requesting a cash payment, the applicant and the department must mutually determine both the type and amount according to the requirements of WAC 388-27-0230 and 388-27-0235.

(3) If the applicant is requesting a supplemental cash payment, the applicant and the department must mutually determine the services for which the payment will be used and the expected duration of those services according to the requirements of WAC 388-27-820.

(4) If the applicant is requesting reimbursement of non-recurring costs, the applicant must include this request in the application. (See WAC 388-27-0380 and 388-27-0385 for the type and amount of expenses the department may reimburse.)

(5) The applicant must furnish a copy of the applicant's most recently filed federal income tax return. If the applicant is not required to file a federal income tax return, the applicant must submit a financial statement with the applicant's adoption support application.

PART D: AGREEMENTNEW SECTION

WAC 388-27-0170 What is the nature and purpose of an adoption support agreement? The adoption support agreement is a binding contract between the adoptive parent(s) and the department that identifies the terms and conditions that both parties must follow.

NEW SECTION

WAC 388-27-0175 What must be included in an adoption support agreement? The adoption support agreement must:

(1) State the amount of cash payments (if any) the department must make to the adoptive parent(s) on behalf of the child;

(2) Include an itemized list of the additional services (including Title XIX Medicaid and Title XX social services) for which the child is eligible;

(3) Contain statements that:

(a) Assure that participation in the adoption support program must continue, as long as the child is eligible, regardless of where the adoptive family resides;

(b) Inform the adoptive parent(s) that the agreement must be reviewed (and may be revised) at least once every five years; and

(c) Inform the adoptive parents(s) that the department may suspend a child from the program within thirty days of any changes in circumstances (of the child or family) that affect the child's eligibility for program payments if the adoptive parent has failed to notify the department of the changes.

(d) Define the circumstances under which the agreement may be terminated.

(4) Be signed by all relevant parties before the final adoption decree is issued (45 C.F.R. Sec. 1356.40).

NEW SECTION

WAC 388-27-0180 If the adoptive family resides in or moves to another state, how is the child's participation in the adoption support services affected? If the adoptive family resides in or moves to another state the child's participation in the adoption support program is affected as follows:

(1) Social services (Title XX) become the responsibility of the new state of residence.

(2) Medical benefits (Title XIX Medicaid) remain the responsibility of Washington state if the child is not eligible for federal Title IV-E adoption assistance. However, Washington state is no longer responsible if the child becomes eligible for the resident state's Title XIX program through the

Interstate Compact on Adoption and medical assistance or other eligibility factors.

(3) Title XIX Medicaid benefits become the responsibility of the resident state if the child receives Title IV-E adoption assistance.

(4) Medicaid benefits included in Washington state's Medicaid plan, but not included in the resident state's plan, must remain the responsibility of Washington state and subject to Washington state plan limits.

(5) Washington state remains responsible for any cash payments made to the adoptive parent(s) on behalf of the child or any non-Medicaid counseling that has been pre-authorized by the adoption support program per WAC 388-27-0245.

NEW SECTION

WAC 388-27-0185 When does the adoption support agreement become effective? (1) Unless otherwise stated in the adoption support agreement, an adoption support agreement takes effect on the first day of the month following the month in which the court finalizes the adoption.

(2) If the child to be adopted needs support benefits prior to finalization, the assigned regional adoption support program manager may arrange an early effective date. To be eligible for an early effective date, the applicant must:

(a) Have an adoption support agreement signed by all parties;

(b) Sign the child's medical and family background report (DSHS 13-041) and a statement of the applicant's intention to adopt; and

(c) Have the department's designee sign "an exception to policy" statement.

NEW SECTION

WAC 388-27-0190 If the department implements adoption support services prior to the adoption, may the adoptive parent(s) continue to receive department-funded foster care payments while also receiving adoption support payments? (1) The adoptive parent(s) may not continue to receive department-funded foster care payments for a child while also receiving adoption support payments for the same child.

(2) If the adoptive parent(s) receives department-funded foster care for the child to be adopted, the department's social worker assigned to the child must terminate that coverage on the last day of the month preceding the month in which the adoption support becomes effective.

(3) Foster care payments are paid after the month of service. Adoption Support payments are paid prior to the month of service.

(4) The adoptive parent(s) may not receive foster care payments and adoption support cash or supplemental payments for the same child for the same month of service.

(5) If the adoptive parent is adopting a relative child and has been receiving a nonneedy relative grant the adoptive parent must notify the community services office financial services specialist that the adoption has been finalized. The

adoptive parent may not receive both the grant and adoption support payments for the same month for the same child.

NEW SECTION

WAC 388-27-0195 May the adoptive parent(s) change the benefits contained in the adoption support program? The adoptive parent may submit a written request asking that the department reexamine the benefits offered in the adoption support agreement whenever either the family's economic circumstances or the condition of the child changes.

NEW SECTION

WAC 388-27-0200 When may the department modify the terms of the adoption support agreement? The department's adoption support program may modify the terms of an adoption support agreement:

(1) At the request of the adoptive parent(s);

(2) When the department loses contact with the adoptive parent(s);

(3) When the child is placed outside of the adoptive parents' home at department expense;

(4) If the adoptive parent is no longer providing for the child's daily care and living expenses; or

(5) If the adoptive parent fails to notify the department's adoption support program within thirty days of a change of circumstance which affects the adopted child's continuing eligibility for adoption support program cash payments or services.

NEW SECTION

WAC 388-27-0205 Does the adoptive parent need to let the department know if the family's circumstances change? The adoptive parent must inform the department's adoption support program of circumstances that might make the parent and the adoptive child either ineligible for adoption assistance payments or benefits or eligible for adoption assistance payments or benefits in different amounts. Such changes include but are not limited to:

(1) A significant change in the child's condition;

(2) A change in the marital status of the adoptive parent(s);

(3) A change in the legal or physical custody of the child; or

(4) A change in the adoptive family's mailing address.

NEW SECTION

WAC 388-27-0210 Under what circumstances would the adoption support agreement be terminated? The adoption support agreement is terminated according to the terms of the agreement or if any one of the following events occurs:

(1) The child reaches eighteen years of age; (If a child is at least eighteen but less than twenty-one years old and is a full-time high school student or working full time toward the

completion of a GED (high school equivalency) certificate and continues to receive financial support from the adoptive parent(s), the department may extend the terms of the adoption support agreement until the child completes high school or achieves a GED. Under no circumstances may the department extend the agreement beyond the child's twenty first birthday.) Adoption support benefits will automatically stop on the child's eighteenth birthday unless the parent(s) requests continuation per this rule and have provided documentation of the child's continuation in school. To prevent disruption in services the parent should contact the adoption support program at least ninety days prior to the child's eighteenth birthday if continued services are to be requested.

(2) The adoptive parents request termination of the agreement;

(3) The adoptive parents no longer have legal responsibility for the child;

(4) The adoptive parents are no longer providing financial support for the child;

(5) The child dies; or

(6) The adoptive parents die. (A child who met federal Title IV-E eligibility criteria for adoption assistance will be eligible for adoption assistance in a subsequent adoption.)

PART E: SERVICES

NEW SECTION

WAC 388-27-0215 What benefits may the adoptive parent or child receive from the adoption support program? The adoption support program may provide one or more of the following benefits:

(1) Reimbursement for nonrecurring adoption finalization costs;

(2) Cash payments;

(3) Supplemental cash payments (only for adoptions finalized on or after July 1, 1996);

(4) Payment for counseling services as pre-authorized (see WAC 388-27-0255 for conditions and terms);

(5) Medical services through the department's Medicaid program; or

(6) Child care as pre-authorized per WAC 388-27-0270 (for children adopted on or after July 1, 1996).

NEW SECTION

WAC 388-27-0220 What factors affect the amount of adoption support benefits a child receives? The department bases the amount of support it provides on the child's needs and the family's circumstances, but limits the amount to the rates set by these rules, federal laws and rules, and the state legislature.

NEW SECTION

WAC 388-27-0225 What are the current maximum rates available for basic adoption support monthly cash payments and special rate? Effective July 1, 2000 the max-

imum basic monthly adoption support rates as established by the state legislature are:

Age of Child	Maximum Rate
Less than six years old	\$316.62
Six through eleven years old	\$390.11
Twelve years or older	\$462.24
Special rate	\$147.94

NEW SECTION

WAC 388-27-0230 How does the department evaluate a request for basic adoption support monthly cash payments? (1) To determine the amount of basic monthly cash payment to be made, the department considers the child's physical, mental, developmental, cognitive and emotional condition and expenses as well as the adoptive family's:

(a) Size, including the adopted child;

(b) Normal living expenses, including education and childcare expenses;

(c) Exceptional circumstances of any family member;

(d) Income;

(e) Resources and savings plans;

(f) Medical care and hospitalization needs;

(g) Ability to purchase or otherwise obtain medical care; and

(h) Additional miscellaneous expenses related to the adopted child.

(2) The department and the adoptive parents will jointly determine the level of adoption support cash payments needed to meet the basic needs of the child without creating a hardship on the family.

(3) Under no circumstances may the amount of the basic adoption support monthly rate the department pays for the child exceed the adoption support rate established by the legislature for a child of that age.

NEW SECTION

WAC 388-27-0235 How does the department evaluate a request for adoption support special rate cash payments? (1) The adoption support program may pay the special rate of up to an additional one hundred forty-seven dollars and ninety-four cents per month for children whose diagnosed condition requires adaptive or specialized support in order for the child to participate in the typical environment to the fullest extent possible.

(2) The department and the adoptive parents will jointly determine the level of adoption support special rate payments (if any) that may be needed to meet the specialized support of the child.

(3) The department will not authorize special rate payments for services available through other departmental or community resources/services.

NEW SECTION

WAC 388-27-0240 How does the department evaluate a request for adoption support supplemental cash payments? The department and the adoptive parents will jointly determine the level of adoption support supplemental cash payments.

(1) Supplemental cash payments are to assist the family in purchasing goods and services that are necessary to meet the physical, mental, developmental, cognitive or emotional needs of the child when those goods and services are not otherwise available through other resources.

(2) Supplemental cash payments must not be used to compensate the parent for difficulty of care (i.e., for the parents' time and energy spent caring for the child).

(3) Not all children are eligible to receive supplemental cash payments.

(4) Services necessary to meet the child's physical, mental, developmental cognitive or emotional needs may include:

- (a) Special diets;
- (b) Minor modifications to the environment to meet the medical needs of the child;
- (c) Additional supervision needs required for the safety of the child or others which result from the child's disabilities; or
- (d) Other costs to meet the child's needs as mutually agreed upon by the department and the adoptive parent.

NEW SECTION

WAC 388-27-0245 What specific department requirements apply to supplemental cash payments? (1) If the child was adopted on or after July 1, 1996 the child may be eligible for additional support through supplemental cash payments.

(2) For supplemental cash payments, the department must:

- (a) Base the payments upon needs documented and identified by the adoptive parent, the child's social worker, and/or the other professionals who are providing services to the child;
- (b) Review payments annually (or as specified in the agreement) to determine the level of continued payments;
- (c) Continue or modify payments based upon documented needs and mutual agreement between the adoptive parent(s) and the department.

(3) Under no circumstances may the total amount of payment to the family exceed the amount of the foster care maintenance payment that would be paid for that child if that child were in foster care.

(4) The department will not authorize supplemental cash payments for services available through other departmental or community resources/services.

NEW SECTION

WAC 388-27-0250 What specific department requirements apply to medical services? (1) While an adoption support agreement remains in effect, the department's medical program rules apply to the adopted child.

(2) The department must make all medical payments according to established department procedures and directly to the child's physician(s) or service provider(s).

NEW SECTION

WAC 388-27-0255 What specific department requirements apply to outpatient counseling and/or mental health services not covered by Medicaid? When the department's adoption support program directly pays for a child's counseling and/or mental health services, the following conditions apply:

(1) The adoptive parent must obtain written authorization from the department's adoption support program before the service is rendered;

(2) The adoptive parents' primary health care coverage must be billed prior to billing the department's adoption support program;

(3) The department will pay the adoption support program's authorized rate minus any payment made by the primary (and other) insurer;

(4) The department may grant verbal authorization for no more than three counseling sessions prior to providing the required written authorization;

(5) The child's therapist or other treatment provider must submit a written treatment plan prior to authorization for continued treatment;

(6) The department may authorize counseling as follows:

- (a) Up to six hours of outpatient counseling per month for up to twelve months; or
- (b) Up to a total of twenty hours per quarter when critical need warrants;

(7) The department may extend the authorization for counseling (beyond the initial time period authorized) upon receipt of an updated treatment plan and documentation supporting the need for additional treatment from the treatment provider and a parent's request for continuing counseling (DSHS 10-214);

(8) The department may authorize this service for only one provider at a time unless a second provider is required for a different service.

(9) The department encourages adoptive parents to seek an annual assessment of the functioning of the adoptive child within the family to determine if there are mental health services needed to help maintain and/or strengthen the adoptive placement.

NEW SECTION

WAC 388-27-0260 If the adoptive parent requests residential placement services for the parent's adopted child, what department requirements apply? (1) The adoption support program must not pay for residential treatment placements. See RCW 74.13.080 and WAC 388-25-0025.

(2) If the adoptive parent requests residential treatment services for a child:

- (a) For treatment of a mental illness, the department must refer the family to the local regional support network (RSN);

(b) If a diagnosis of physical, mental, developmental, cognitive or emotional disability is present, department staff must refer the child to the division of developmental disabilities (DDD) to determine eligibility of services for which the child might be eligible; or

(c) For reasons other than treatment of mental illness or developmental disabilities, department staff must refer the adoptive parent to the child welfare services intake at the local office of the division of children and family services (DCFS).

(3) The adoption support program manager may assist the adoptive parent in arranging residential service for the child but must not be responsible for the child's placement or for the payment of the residential service.

NEW SECTION

WAC 388-27-0265 What are the consequences of the department placing the adopted child in foster care, group care, or residential treatment? (1) If a child is on active status with Washington state's adoption support program and the department places the child in foster care, group care, or residential treatment, the department may report to the division of child support that good cause exists for not pursuing collection of support payments.

(2) The department must review the adoption support agreement and must discontinue any cash payments to the adoptive parent during the child's out-of-home placement unless the adoptive parent(s) documents continuing expenses directly related to the child's needs.

NEW SECTION

WAC 388-27-0270 What department requirements apply to child care services? For children adopted on or after July 1, 1996 the adoption support program may authorize childcare. The following conditions must exist:

(1) In a two-parent home, both parents must be employed out of the home;

(2) In a single parent home, the parent must be employed out of the home;

(3) The department must make payment directly to the child care provider at the department rate for child care in that geographic area;

(4) The child must be less than twelve years of age;

(5) The childcare facility must have a valid license;

(6) The total (gross) income of the adoptive family must not exceed eighty-five percent of the state median income adjusted for family size (SMIAFS);

(7) The adoptive parent may be expected to participate in the cost of childcare, depending on individual circumstances; and

(8) If the family qualifies for the state childcare program the family must use that program first. The adoption support program may assist the family in making the co-payment to the state childcare program. The adoption support program must determine assistance with the co-payment on an individual case-by-case basis.

PART F: REVIEW

NEW SECTION

WAC 388-27-0275 When does the department review an adoption support agreement? (1) The adoption support program must review an agreement:

(a) At least once every five years; or

(b) When the adoptive parents request a change in the terms of the agreement.

(2) The department may review an adoption support agreement:

(a) Whenever variations in medical opinions, prognosis, or costs warrant a review; or

(b) At the department's request.

NEW SECTION

WAC 388-27-0280 What is involved in the review process? (1) The review process provides an opportunity for the adoptive parent to describe any changes in family circumstances or the child's condition and request a change in the terms of the adoption support agreement.

(2) The adoptive parent must provide supporting documentation upon department request.

(3) The department may request a copy of the adoptive parents' most recently filed IRS form 1040. If not required to file a federal tax return the adoptive parent(s) must submit a financial statement upon department request.

(4) The adoptive parent must request that the child's medical provider complete an EPSDT (early periodic screening, diagnosis and treatment) exam and submit a report of the results to the adoption support program.

NEW SECTION

WAC 388-27-0285 What is the department's responsibility when the adoptive parent(s) requests a review of the adoption support agreement? The adoption support program must initiate a review of the adoption support agreement no later than thirty days after receiving the adoptive parents' request for review of the agreement.

NEW SECTION

WAC 388-27-0290 What if the department does not respond to a request for a review of an adoption support agreement within thirty days? If the department does not respond to an adoptive parent's request for a review of an adoption support agreement within thirty days, the adoptive parent has the right to an administrative hearing (see RCW 74.13.127).

NEW SECTION

WAC 388-27-0295 What requirements apply to the review of a support agreement? (1) The adoptive parent and the department must negotiate any changes in the agreement that result from a review;

(2) Changes in the terms of the agreement may be retroactive to the date the department received the written request; and

(3) If the department modifies the terms of the agreement, the adoptive parent and the department must sign a new agreement.

NEW SECTION

WAC 388-27-0300 After a review, what if the department and the adoptive parent cannot agree on the terms of the adoption support agreement? If the department proposes service changes without the adoptive parent's consent, the department must give written notification of those changes. In that notice, the department must clearly state the department's reasons for the proposed changes and inform the adoptive parent of the adoptive parent's right to an administrative hearing.

PART G: POST-FINALIZATION REQUESTS FOR ASSISTANCE

NEW SECTION

WAC 388-27-0305 May an adoptive parent apply for adoption support services after the adoption has been finalized? Federal and state laws and rules require that a prospective adoptive parent must apply for adoption assistance prior to adopting a special needs child and that the prospective adoptive parent must have a valid adoption support agreement, signed by all parties, before the adoption is finalized.

However, both state and federal governments have recognized that in some situations there may have been extenuating circumstances that prevented the child from being placed on the adoption support program prior to adoption. For these situations separate remedies have been created depending on which eligibility criteria are met by the child.

NEW SECTION

WAC 388-27-0310 If a child met federal Title IV-E eligibility for adoption assistance before the adoption, but was not placed on the adoptive support program, what may the adoptive parent do after adoption finalization to obtain adoption support services for the adopted child? For a child who met the Title IV-E eligibility criteria for adoption assistance prior to adoption, federal rules allow for a possible finding of extenuating circumstances through an administrative hearing process. In these situations the adoptive parent must request a review by an administrative law judge or a review judge to obtain an order authorizing the department to enter into a post-adoption agreement to provide adoption support services to a special needs child.

NEW SECTION

WAC 388-27-0315 What constitutes "extenuating circumstances"? An administrative law judge or a review

judge may make a finding of extenuating circumstances if one or more of the following situations exist:

(1) Relevant facts regarding the child, the biological family or child's background were known by the agency placing the child for adoption and not presented to the adoptive parents prior to the legalization of the adoption;

(2) The department denied adoption assistance based upon a means test of the adoptive family;

(3) Erroneous determination or advice by the department or private child placing agency that a child is ineligible for adoption assistance; or

(4) Failure by the placing agency to advise adoptive parents of the availability of adoption assistance.

NEW SECTION

WAC 388-27-0320 What is the effective date of an adoption support agreement that results from a finding of extenuating circumstances? The effective date of an adoption support agreement the department and the adoptive parent have entered into as a result of a finding of extenuating circumstances may not be before the date the department received the written request from the adoptive parent for participation in the adoption support program. Under no circumstances may the department back date an adoption support agreement more than two years from the date of an order of an administrative law judge or review judge authorizing the department to enter an adoption support agreement after finalization of the adoption.

NEW SECTION

WAC 388-27-0325 If a child did not meet federal Title IV-E eligibility for adoption assistance before the adoption, what may the adoptive parent do after adoption finalization to obtain adoption support services for the adopted child? For children ineligible for federal Title IV-E Adoption Assistance, the department may provide limited support through the state-funded adoption support reconsideration program.

NEW SECTION

WAC 388-27-0330 What is the adoption support reconsideration program? (1) The adoption support reconsideration program allows the department to register an eligible adopted child for limited state-funded support (see RCW 74.13.150).

(2) The reconsideration program provides for payment of medical and counseling services to address the physical, mental, developmental, cognitive, or emotional disability of the child that resulted in the child's eligibility for the program.

(3) There is a twenty thousand dollar per child lifetime cap on this program.

(4) The program requires the adoptive parent and the department to sign an adoption support reconsideration agreement specifying the terms, conditions, and length of time the child will receive limited support.

NEW SECTION

WAC 388-27-0335 How does a child qualify for the adoption support reconsideration program? To be eligible for the adoption support reconsideration program, a child must:

- (1) Have resided, immediately prior to adoption finalization, in a department funded pre-adoptive placement or in department funded foster care;
- (2) Have a physical or mental handicap or emotional disturbance that existed and was documented before adoption or was at high risk for future physical or mental handicap or emotional disturbance due to conditions to which the child was exposed before adoption;
- (3) Reside in Washington state with an adoptive parent who lacks the financial resources to care for the child's special needs; and
- (4) Be covered by a primary basic health insurance program.

NEW SECTION

WAC 388-27-0340 How does an adoptive parent apply for the adoption support reconsideration program? To apply, the adoptive parent must complete an application for adoption support reconsideration and attach:

- (1) A written cost estimate of the child's proposed corrective-rehabilitative services;
- (2) A current medical evaluation of the child including the cause(s) of the condition requiring corrective-rehabilitative services;
- (3) A written statement explaining the child's current medical and counseling needs;
- (4) A written statement giving the department permission to request and review pre-adoption information held by the adoption agency facilitating the child's adoption; and
- (5) A copy of the adoptive parents' most recently filed IRS 1040 federal income tax form.

NEW SECTION

WAC 388-27-0345 What types of services does the department provide through the adoption support reconsideration program? The reconsideration program provides some support for counseling and medical services needed to treat the child's qualifying condition.

NEW SECTION

WAC 388-27-0350 What department requirements apply to adoption support reconsideration services? (1) The department must authorize, in writing, any services paid by the adoption support reconsideration program before the services are provided.

- (2) The department must base the authorized level of service on the child's needs and must limit the level of service to established program rates.
- (3) The department must limit medical services to those services that would be available to the child if the child were eligible for Medicaid coverage.

(4) The department must make no cash payments to the family.

(5) The department must make payment directly to the provider of the authorized service.

(6) The adoptive parents' basic health insurance must provide primary coverage and must be used before billing the reconsideration program. The adoption support reconsideration program must be the secondary insurer.

NEW SECTION

WAC 388-27-0355 Under what conditions or circumstances would a child become ineligible for the adoption support reconsideration program? (1) Eligibility for adoption support reconsideration services ends according to the terms of the adoption support reconsideration agreement or when the child:

- (a) Reaches eighteen years of age;
- (b) Is eligible for the federal Title IV-E adoption assistance program and has been placed on that program;
- (c) Has received twenty thousand dollars in department paid medical, dental, and/or counseling services; or
- (d) Is no longer the financial responsibility of the adoptive parent(s).

(2) If the parent dies, the reconsideration agreement becomes invalid. Neither the agreement nor the child's eligibility for the program are transferable to a subsequent adoption.

(3) The department may suspend services when the child:

- (a) Resides outside the adoptive parents' home for more than thirty continuous days; or
- (b) Is no longer covered by primary basic health insurance.

NEW SECTION

WAC 388-27-0360 What happens if the state no longer funds the adoption support reconsideration program? If the department no longer has funds available for the program, a child's participation in the program will cease. The department will terminate the adoption support reconsideration agreement.

PART H: APPEAL RIGHTSNEW SECTION

WAC 388-27-0365 Does an adoptive parent have the right to appeal department decisions regarding adoption support issues? (1) An adoptive parent has the right to an administrative hearing to contest the following department actions:

- (a) Denial of a child's initial eligibility for the adoption support program or the adoption support reconsideration program;
- (b) Failure to respond with reasonable promptness to a written application or request for services;

(c) Denial of a written request to modify the level of payment or service in the agreement;

(d) A decision to increase or decrease the level of the child's adoption support payments without the concurrence of the adoptive parent(s);

(e) Denial of a request for nonrecurring adoption expenses; or

(f) Termination from the program.

(2) The adoptive parent must submit a request for an administrative hearing to the office of administrative hearings within ninety days of receipt of the department's decision to deny a request or failure to respond to a request.

(3) The office of administrative hearings must apply the rules in WAC 388-27-0120 through 388-27-0390 as they pertain to the issues being contested.

NEW SECTION

WAC 388-27-0370 What information about adoption support agreements may be used in an administrative hearing? Adoption and adoption support files are confidential, and information contained in those files may not be disclosed without the consent of the person who is the subject of the file. By requesting an administrative hearing to challenge a department decision relating to adoption support the adoptive parent is agreeing that the department may release factual information about the case during the course of the proceedings. Actions taken by the department and decisions by administrative law judges or review judges in adoption support cases which do not directly involve the case being heard may not be cited or relied upon in any administrative proceeding (RCW 26.33.340 and 74.04.060).

PART I: NONRECURRING COSTS

NEW SECTION

WAC 388-27-0375 Will the department reimburse an adoptive parent for nonrecurring adoption expenses? The department may agree to reimburse some or all of an adoptive parent's nonrecurring adoption expenses if:

(1) The child has a qualifying factor or condition identified in WAC 388-27-0140(1);

(2) Washington state has determined that the child cannot or should not be returned to the home of the child's biological parent; and

(3) Except where it would be against the best interest of the child, the department or a child placing agency has made a reasonable but unsuccessful effort to place the child with appropriate adoptive parents without the benefit of adoption assistance; and

(4) The child has been placed for adoption according to applicable state and local laws or Tribal laws.

NEW SECTION

WAC 388-27-0380 What types of nonrecurring adoption expenses will the department reimburse? The department may reimburse:

- (1) Court costs directly related to finalizing an adoption;
- (2) Reasonable and necessary adoption fees;
- (3) Reasonable and necessary attorney fees directly related to finalizing an adoption; and
- (4) Costs associated with an adoption home study, including:
 - (a) Health and psychological examination;
 - (b) Placement supervision before adoption;
 - (c) Transportation, lodging, and food costs incurred by the adoptive parent(s) and child during pre-placement visits; and
 - (d) Other costs directly related to finalizing the legal adoption of the child.

NEW SECTION

WAC 388-27-0385 Is there a limit to the amount of nonrecurring adoption expenses that the department will reimburse? Department reimbursement of nonrecurring adoption expenses must not exceed one thousand five hundred dollars per child.

NEW SECTION

WAC 388-27-0390 How does an adoptive parent get reimbursed for nonrecurring adoption expenses? (1) Before the adoption is finalized, the adoptive parent must sign an agreement with the department specifying the nature and amount of nonrecurring adoption expenses. This agreement may be part of an adoption support agreement or it may be a separate agreement specific to the reimbursement for nonrecurring adoption finalization costs. The department will make no reimbursement payments unless such an agreement exists.

(2) Upon finalization of the adoption, the adoptive parent may request reimbursement. A copy of the adoption decree and documentation supporting actual costs incurred must accompany the request for reimbursement.

(3) The department must reimburse documented actual costs or the amount specified in the signed agreement, whichever is less.

(4) The department will not reimburse nonrecurring adoption expenses that are reimbursable from other sources (for example: IRS, military, or the adoptive parent's employer).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-70-510 Adoption support for children—Legal basis—Purpose.
- WAC 388-70-520 Adoption support for children—Definitions.
- WAC 388-70-530 Adoption support for children—Eligible child.

PERMANENT

WAC 388-70-540	Adoption support for children—Application.
WAC 388-70-550	Adoption support for children—Types and amounts of payments.
WAC 388-70-560	Adoption support for children—Criteria governing amount of payment.
WAC 388-70-570	Adoption support for children—Agreement for adoption support.
WAC 388-70-580	Adoption support for children—Review of support payment.
WAC 388-70-590	Adoption support for children—Appeal from secretary's decision—Hearing.
WAC 388-70-595	Reimbursement for nonrecurring adoption finalization costs.

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 74, Amended 0, Repealed 16.
 Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 74, Amended 0, Repealed 16.
 Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 74, Amended 0, Repealed 16.
 Effective Date of Rule: Thirty-one days after filing.

March 30, 2001

Brian Lindgren

for Bonita H. Jacques, Chief
 Office of Legal Affairs

Chapter 388-60 WAC

DOMESTIC VIOLENCE PERPETRATOR TREATMENT PROGRAM STANDARDS

DEFINITIONS

NEW SECTION

WAC 388-60-0015 What definitions apply to this chapter? The following definitions are important to understand these rules:

"**Corrective action**" means the denial or suspension or revocation of certification, or the issuance of a written warning.

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

"**Participant**" or "**perpetrator**" means the client enrolled in the domestic violence perpetrator treatment program. This client may be court-ordered to attend treatment or someone who chooses to voluntarily attend treatment.

"**Program**" or "**treatment program**" means a domestic violence perpetrator treatment program.

PURPOSE

NEW SECTION

WAC 388-60-0025 What is the purpose of this chapter? (1) This chapter establishes minimum standards for programs that treat perpetrators of domestic violence.

(2) These standards apply to any program that:

- (a) Advertises that it provides domestic violence perpetrator treatment; or
- (b) Defines its services as meeting court orders that require enrollment in and/or completion of domestic violence perpetrator treatment.

(3) These programs provide treatment only to perpetrators of domestic violence, including clients who are self-referred or those who are court-ordered to attend treatment.

WSR 01-08-046

**PERMANENT RULES
 DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed March 30, 2001, 4:36 p.m.]

Date of Adoption: March 30, 2001.

Purpose: New chapter 388-60 WAC, Domestic violence perpetrator treatment program standards, clarify the language of the requirements for all programs providing domestic violence perpetrator treatment services, as well as add several new requirements. The rules also meet the intent of the Governor's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-60-005, 388-60-120, 388-60-130, 388-60-140, 388-60-150, 388-60-160, 388-60-170, 388-60-180, 388-60-190, 388-60-200, 388-60-210, 388-60-220, 388-60-230, 388-60-240, 388-60-250, and 388-60-260.

Statutory Authority for Adoption: RCW 26.50.150.

Adopted under notice filed as WSR 00-18-018 on November 6, 2000 and WSR 00-22-066 and November 15, 2000.

Changes Other than Editing from Proposed to Adopted Version: We added wording to WAC 388-60-0075 regarding development of policies regarding excused absences for program participants. We also changed the word "assessment" to "screening" in WAC 388-60-165 (2)(c) and added "consecutive" to WAC 388-60-255(2).

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.

PERMANENT

(4) An agency may administer other service programs in addition to domestic violence perpetrator treatment services; however, the domestic violence perpetrator treatment program must be considered a separate and distinct program from all other services the agency provides.

NEW SECTION

WAC 388-60-0035 Must domestic violence perpetrator treatment programs be certified? All programs providing domestic violence perpetrator treatment services must:

- (1) Be certified by the department; and
- (2) Comply with the standards outlined in this chapter.

NEW SECTION

WAC 388-60-0045 What must be the focus of a domestic violence perpetrator treatment program? (1) A domestic violence perpetrator treatment program must focus treatment primarily on ending the participant's physical, sexual, and psychological abuse.

(2) The program must hold the participant accountable for:

- (a) The abuse that occurred; and
- (b) Changing the participant's violent and abusive behaviors.

(3) The program must base all treatment on strategies and philosophies that do not blame the victim or imply that the victim shares any responsibility for the abuse which occurred.

NEW SECTION

WAC 388-60-0055 What must be a treatment program's primary goal? The primary goal of a domestic violence perpetrator treatment program must be to increase the victim's safety by:

- (1) Facilitating change in the participant's abusive behavior; and
- (2) Holding the participant accountable for changing the participant's patterns of behaviors, thinking, and beliefs.

REQUIRED PROGRAM POLICIES AND PROCEDURES

NEW SECTION

WAC 388-60-0065 What steps must a treatment program take to address victim safety? (1) Each treatment program must have written policies and procedures that adequately assess the safety of the victims of the perpetrators enrolled in the treatment program.

(2) The treatment program must take the following steps to protect victims:

- (a) Notify the victim of each program participant within fourteen days of the participant being accepted or denied entrance to the program that the participant has enrolled in or has been rejected for treatment services;

(b) Inform victims of specific outreach, advocacy, emergency and safety planning services offered by a domestic violence victim program in the victim's community;

(c) Encourage victims to make plans to protect themselves and their children;

(d) Give victims a brief description of the domestic violence perpetrator treatment program, including the fact that the victim is not expected to do anything to help the perpetrator complete any treatment program requirements; and

(e) Inform victims of the limitations of perpetrator treatment.

(3) The program must document in writing the program's efforts to notify the victim of the above requirements.

(4) The program cannot invite or require the victims of participants to attend perpetrator treatment program counseling sessions or education groups which the program requires participants to attend as a condition of their contracts.

NEW SECTION

WAC 388-60-0075 What must a treatment program require of its participants? (1) All participants must attend consecutive, weekly group treatment sessions. A program may develop policies which allow excused absences to be made up with the program director's approval.

Exception: Another type of intervention may be approved for certain documented clinical reasons, such as psychosis or other conditions that make the individual not amenable to treatment in a group setting.

(2) The program must assign each participant to a home group and the participant must be required to attend the same scheduled group each week. The program's director must authorize any exceptions to this requirement and document the reason for the exception.

(3) Each participant must sign all releases of information required by the treatment program, including those specified in WAC 388-60-0145.

(4) Each participant must sign a contract for services with the treatment program.

NEW SECTION

WAC 388-60-0085 What requirements apply to group treatment sessions? (1) The group sessions must be single gender.

(2) The group size is limited to a maximum of twelve participants, and a minimum of two participants.

(3) Group sessions must be at least ninety minutes in length.

(4) Group sessions must be closed to all persons other than participants, group facilitators, and others specifically invited by the group leaders. Others specifically invited by group leaders may include:

- (a) Professionals in related fields;
- (b) Persons offering interpretation services for the deaf and/or hearing impaired or language translation/interpretation; and
- (c) Others bringing specific information critical to the group.

NEW SECTION

WAC 388-60-0095 May a participant be involved in more than one type of treatment while enrolled in a domestic violence perpetrator treatment program? (1) A program may allow a client to participate in other types of therapy during the same period the client is participating in the required weekly group treatment sessions.

(2) Any other type of therapy must support the goal of victim safety by facilitating change in the participant's abusive behavior without blaming the victim for the perpetrator's abuse.

(3) The program must determine that the participant is stable in the participant's other treatments before allowing the participant to participate in treatment for domestic violence.

(4) Other therapies including the following list may not be substituted for the required domestic violence perpetrator treatment sessions:

- (a) Individual therapy;
- (b) Marital or couples' therapy;
- (c) Family therapy;
- (d) Substance abuse evaluations or treatment; or
- (e) Anger management.

(5) A program may recommend marital or couples' therapy only after:

(a) The participant has completed at least six months of domestic violence perpetrator treatment services; and

(b) The victim has reported that the participant has ceased engaging in violent and/or controlling behaviors. However, this therapy may not take the place of domestic violence perpetrator treatment session.

NEW SECTION

WAC 388-60-0105 What requirements does the department have for treatment programs regarding non-discrimination? (1) A domestic violence perpetrator treatment program may not discriminate against any participant based on:

- (a) Race;
- (b) Age;
- (c) Gender;
- (d) Disability;
- (e) Religion;
- (f) Marital status or living arrangements;
- (g) Political affiliation;
- (h) Educational attainment;
- (i) Socio-economic status;
- (j) Ethnicity;
- (k) National origin; or
- (l) Sexual orientation.

(2) Program materials, publications, and audio-visual materials must be culturally sensitive and nondiscriminatory.

NEW SECTION

WAC 388-60-0115 Does a program have the authority to screen referrals? (1) A treatment program has the authority to accept or reject any referral for its program.

(2) The program must base acceptance and rejection of a client on written criteria the program has developed to screen potential participants.

(3) A treatment program may impose any conditions on participants that the program deems appropriate for the success of treatment.

NEW SECTION

WAC 388-60-0125 What rights do participants in a treatment program have? (1) A treatment program must provide each participant with the highest quality of service.

(2) Treatment program staff must establish a climate where all relationships with colleagues and participants are respectful.

(3) Each participant enrolled in a program must have the assurance that the program staff will conduct themselves professionally, as specified in RCW 18.130.180.

(4) Staff, board members, and volunteers working for a treatment program must not engage in or tolerate sexual harassment or exploitation of an employee, a program participant, or a victim of any program participant.

(5) Each participant must have a written contract signed by the participant and the treatment program staff which specifies the participant's rights and responsibilities while enrolled in the program.

CONFIDENTIALITYNEW SECTION

WAC 388-60-0135 What information about the participant must the treatment program keep confidential?

(1) Treatment programs must follow the confidentiality requirements contained in chapter 18.19 RCW for registered counselors and certified professionals.

(2) All program participants and guests must agree in writing not to disclose the identity of group participants or personal information about the participants.

(3) A treatment program must keep all communications between the participant and direct treatment staff confidential unless:

- (a) The participant has signed a release of information; or
- (b) The program is legally required to release the information.

(4) The treatment program may audio or video tape group sessions only when all participants grant written consent that gives details about the specific uses for the tape. The program must obtain an additional consent statement from each participant to permit use of the tape for any purpose other than the purposes specified in the original consent.

NEW SECTION

WAC 388-60-0145 What releases must a program require a participant to sign? For a treatment program to conduct case monitoring and periodic safety checks, the program must require all participants to sign the following

releases which must remain in effect for the duration of the client's treatment:

(1) A release allowing the treatment program to notify the victim and/or the victim's community and/or legal advocates that the perpetrator has been accepted or rejected for treatment;

(2) A release allowing the program to provide the victim with periodic reports about the perpetrator's participation in the program;

(3) A release allowing the current domestic violence perpetrator treatment program access to information held by all prior and concurrent treatment agencies, including domestic violence perpetrator treatment programs, mental health agencies, and drug and alcohol treatment programs;

(4) A release allowing the treatment program to provide relevant information regarding the participant to each of the following entities:

- (a) Lawyers, including prosecutors;
- (b) Courts;
- (c) Parole officers;
- (d) Probation officers;
- (e) Child protective services, child welfare services, and other DSHS programs;
- (f) Court-appointed guardians ad litem;
- (g) DSHS certifying authorities; and
- (h) Former treatment programs that the participant has attended.

(5) A release for the program to notify any person whose safety appears to be at risk due to the participant's potential for violence and lethality. This includes, but is not limited to:

- (a) The victim;
- (b) Any children;
- (c) Significant others;
- (d) The victim's community and legal advocates; or
- (e) Police.

NEW SECTION

WAC 388-60-0155 Must a treatment program keep information provided by or about the victim confidential?

(1) A treatment program must treat all information the victim provides to the program as confidential unless the victim gives written permission for the program to release the information.

(2) Information must be kept separate from any files for perpetrators.

(3) If a victim tells the treatment program that the participant has committed a new offense, the treatment program must encourage the victim to contact:

- (a) Appropriate law enforcement agency; and
- (b) The local domestic violence victim's program.

NEW SECTION

WAC 388-60-0165 What information must the treatment program collect and discuss with the client during the intake process or assessment interview? (1) Treatment programs must conduct an individual, complete clinical intake and assessment interview with each perpetrator who

has been accepted into the treatment program. The program staff must meet face-to-face with the program participant to conduct this intake and interview.

(2) During the intake interview, program staff must obtain the following information, at a minimum:

- (a) Current and past violence history;
- (b) A complete diagnostic evaluation;
- (c) A substance abuse screening;
- (d) History of treatment from past domestic violence perpetrator treatment programs;
- (e) History of threats of homicide or suicide;
- (f) History of ideation of homicide or suicide;
- (g) History of stalking;
- (h) Data to develop a lethality risk assessment;
- (i) Possession of, access to, plans to obtain, or a history of use of weapons;
- (j) Degree of obsessiveness and dependency on the perpetrator's victim;
- (k) History of episodes of rage;
- (l) History of depression and other mental health problems;
- (m) History of having sexually abused the battered victim or others;
- (n) History of the perpetrator's domestic violence victimization and/or sexual abuse victimization;
- (o) Access to the battered victim;
- (p) Criminal history and law enforcement incident reports;
- (q) Reports of abuse of children, elderly persons, or animals;
- (r) Assessment of cultural issues;
- (s) Assessment of learning disabilities, literacy, and special language needs; and
- (t) Review of other diagnostic evaluations of the participant.

(3) If the program cannot obtain the above information, the program client file must include documentation of the program's reasonable efforts to obtain the information.

NEW SECTION

WAC 388-60-0175 Who may complete the intake process or conduct the assessment interview? (1) Only treatment staff who meet the minimum qualifications for direct treatment staff stated in chapter 388-60 WAC may complete the intake process or conduct the assessment interview.

(2) A trainee may not have sole responsibility for conducting an intake or assessment. If the staff conducting the intake/assessment is a trainee, the trainee must work in conjunction with additional staff in their program, and the trainee's program supervisor must review and sign off on the trainee's work.

NEW SECTION

WAC 388-60-0185 Must the program compile a written document based on information gathered in the intake/assessment process? The program must compile a

written document, which includes the information required to be gathered in the intake/assessment process.

NEW SECTION

WAC 388-60-0195 Must the treatment program develop an individual treatment plan for each participant? (1) The treatment program must develop a written treatment plan for each participant who is accepted into the domestic perpetrator treatment program.

(2) The treatment program must base the participant's treatment on the clinical intake/assessment which the program completed for the client.

(3) The treatment plan must adequately and appropriately address the needs of the individual participant.

NEW SECTION

WAC 388-60-0205 What must a treatment program consider when developing an individual treatment plan for a participant? (1) A treatment program must:

(a) Assess whether a participant should be required to engage in drug and alcohol, mental health, or other treatment services while they are participating in the treatment program;

(b) Decide which treatment gets priority for the participant if more than one treatment service is recommended;

(c) Determine the sequence of other services if concurrent treatment is not clinically appropriate; and

(d) Make appropriate referrals to outside agencies.

(2) A treatment program must consider issues relating to a participant's prior victimization when designing each treatment plan.

The program must consider the appropriateness of domestic violence victim services in lieu of perpetrator treatment for a participant who presents an extensive history of prior victimization.

NEW SECTION

WAC 388-60-0215 Must a program require a participant to sign a contract for services with the treatment program? A treatment program must require each participant to sign a formal contract for services.

NEW SECTION

WAC 388-60-0225 What must the treatment program include in the contract for each participant's treatment? The contract between each participant and the treatment program must include the following elements:

(1) A statement regarding the treatment program's philosophy that:

(a) The victim may not be blamed for the participant's abuse;

(b) The perpetrator must stop all forms of abuse;

(c) An abuser is to be held accountable for the abusers actions; and

(d) The program's primary concern is for the safety of victims.

(2) A statement requiring the participant to:

(a) Cooperate with all program rules;

(b) Stop violent and threatening behaviors;

(c) Be nonabusive and noncontrolling in relationships;

(d) Develop and adhere to a responsibility plan;

(e) Comply with all court orders;

(f) Cooperate with the rules for group participation; and

(g) Sign all required releases of information.

(3) A policy on attendance and consequences for inadequate attendance;

(4) A requirement that the perpetrator must actively participate in treatment, including sharing personal experiences, values, and attitudes, as well as completing all group activities and assignments;

(5) A policy regarding other program expectations, such as completion of written exams, concurrent treatment requirements, and possession of weapons as described under chapters 388-861 and 388-875 WAC;

(6) Written criteria for completion of treatment;

(7) A statement that group members must honor the confidentiality of all participants;

(8) A statement that the treatment program has the duty to warn and protect victims, law enforcement, and third parties of any risk of serious harm the program determines the participant poses to them;

(9) Requirements that the participant must either:

(a) Provide the program with the participant's arrest records, criminal history, and any information regarding treatment services previously received; or

(b) Identify the existence of and location of all service records, and authorize release of all such records to the domestic violence treatment program.

(10) The program's policy regarding the use of drugs and alcohol, including a provision that the participant must attend treatment sessions free of drugs and alcohol; and

(11) Fees and methods of payment for treatment.

NEW SECTION

WAC 388-60-0235 Must a treatment program follow an educational curriculum for each participant? A treatment program must follow a specific educational curriculum for all participants in the program.

NEW SECTION

WAC 388-60-0245 What topics must the treatment program include in the educational curriculum? The curriculum of the treatment program must include the following topics:

(1) Belief systems that allow and support violence against women;

(2) Belief systems that allow and/or support the use or threat of violence to establish power and control over an intimate partner;

(3) Definitions of abuse, battering, and domestic violence;

(4) Forms of abuse, including:

- (a) Physical abuse;
 - (b) Emotional and sexual abuse;
 - (c) Economic manipulation or domination;
 - (d) Physical force against property or pets;
 - (e) Stalking;
 - (f) Terrorizing someone or threatening him or her; and
 - (g) Acts that put the safety of battered partners, children, pets, other family members, or friends at risk.
- (5) The impact of abuse and battering on children and the incompatibility of domestic violence and abuse with responsible parenting;
- (6) The fact that a participant is solely responsible for the participant's violent behavior, and must acknowledge this fact;
- (7) The need to avoid blaming a victim for the participant's abusive behavior;
- (8) Techniques to be nonabusive and noncontrolling;
- (9) Negative legal and social consequences for someone who commits domestic violence;
- (10) Why it is necessary to meet financial and legal obligations to family members;
- (11) Opportunities for a participant to develop a responsibility plan:
- (a) The treatment program may assist the participant in developing the plan.
 - (b) In the plan, the participant must make a commitment to giving up power and control over the victim.
- (12) Education regarding individual cultural and family dynamics of domestic violence; and
- (13) Washington state laws and practices regarding domestic violence, as described in chapters 10.31, 10.99, and 26.50 RCW.

NEW SECTION

WAC 388-60-0255 What is the minimum treatment period for program participants? (1) The minimum treatment period is the time required for the participant to fulfill all conditions of treatment set by the treatment program. Satisfactory completion of treatment is not based solely on a perpetrator participating in the treatment program for a certain period of time or attending a certain number of sessions.

(2) The program must require participants to attend treatment and satisfy all treatment program requirements for at least twelve consecutive months.

(3) The program must require the participant to attend:

- (a) A minimum of twenty-six consecutive weekly same gender group sessions, followed by:
- (b) Monthly sessions with the treatment provider until the twelve-month period is complete. These sessions must be conducted face-to-face with the participant by program staff who meet the minimum qualifications set forth in this chapter.

NEW SECTION

WAC 388-60-0265 What criteria must be satisfied for completion of treatment? (1) A treatment program must have written criteria for satisfactory completion of treatment.

(2) A program must require a participant to meet all of the following conditions in order for the program to state that the participant has completed treatment:

- (a) Attend treatment sessions for the minimum treatment period;
- (b) Attend all other sessions required by the program;
- (c) Cooperate with all group rules and program requirements throughout the duration of treatment services;
- (d) Stop the use of all violent acts or threats of violence;
- (e) Stop using abusive and controlling behavior;
- (f) Adhere to the participant's responsibility plan;
- (g) Comply with court orders; and
- (h) Comply with other conditions of the contract for treatment services, such as chemical dependency treatment.

NEW SECTION

WAC 388-60-0275 What must the treatment program do when a participant satisfactorily completes treatment? (1) A treatment program must notify the following people when a participant satisfactorily completes treatment:

(a) The court having jurisdiction, if the participant has been court-mandated to attend treatment; and

(b) The victim, if feasible.

(2) The program must document in writing its efforts to contact the victim.

(3) The program may specify only that the perpetrator has completed treatment based on adequate compliance with the participant's contract with the treatment program and any court order.

NEW SECTION

WAC 388-60-0285 Must a treatment program have policies regarding any reoffenses during treatment? A treatment program must establish and implement written policies that include consequences if a perpetrator re-offends during treatment or does not comply with program requirements.

NEW SECTION

WAC 388-60-0295 Does a program need guidelines for discharging participants who do not complete treatment? (1) A treatment program must have guidelines for discharging participants who do not satisfactorily complete the program.

(a) Discharge decisions must be uniform and predictable.

(b) Discrimination may not occur against any participant.

(2) A program may terminate a participant from treatment prior to completion of the program if the participant has not complied with the requirements set forth in the participant's contract with the program.

(3) If a program discharges a participant who does not complete treatment, the treatment program must document in writing that the participant has not complied with:

- (a) The participant's contract with the treatment program;
- (b) A court order;
- (c) A probation agreement; or
- (d) Group rules.

(4) If a program chooses not to discharge a participant who has reoffended, committed other acts of violence or abuse, or has not complied with any of subsection (3)(a) through (d) of this section, the program must note the reoffense and/or noncompliance in the client's progress notes, reports to the court, and reports to the victim (if feasible).

(5) The program must state in the client's record the program's rationale for not terminating the participant, and state what corrective action was taken.

(6) A program may discharge a participant if the treatment program cannot provide adequate treatment services to the participant because of the treatment program's current development.

NEW SECTION

WAC 388-60-0305 Who must the program notify when the program discharges a participant because of failure to complete treatment? A treatment program must notify the following parties in writing when the program discharges a participant from the program because of failure to complete treatment:

- (1) The court having jurisdiction, if the participant has been court-mandated to attend treatment;
- (2) The participant's probation officer, if any;
- (3) The victim of the participant, if feasible; and
- (4) The program must notify the above parties within three days of terminating the client.

TREATMENT STAFF QUALIFICATIONS

NEW SECTION

WAC 388-60-0315 What are the minimum qualifications for all direct treatment staff? (1) All staff with direct treatment contact with participants must be:

- (a) Registered as counselors or certified as mental health professionals as required under chapter 18.19 RCW; and
- (b) Free of criminal convictions involving moral turpitude.

(2) Each staff person providing direct treatment services to a participant must have a bachelor's degree.

(a) The department will review requests for an exception to this requirement on a case-by-case basis.

(b) In order to qualify for an exception, the employee must possess year-for-year professional level experience equivalent to a bachelor's degree. The department determines this equivalency at the discretion of the DSHS program manager responsible for monitoring domestic violence perpetrator treatment programs.

(3) Prior to providing any direct treatment services to program participants, each direct treatment staff person must have completed:

(a) A minimum of thirty hours of training about domestic violence from an established domestic violence victim program; and

(b) A minimum of thirty hours of training from an established domestic violence perpetrator treatment services program.

(i) If located within Washington state, the domestic violence perpetrator treatment program must be certified and meet the standards as outlined in this chapter.

(ii) If located out-of-state, the domestic violence perpetrator treatment program must meet the standards outlined in this chapter as well as chapter 26.50 RCW.

(4) All employees must complete all sixty hours of required training before the employee may begin to provide any direct services to group participants. Any work experience accrued prior to completion of the sixty hours of training will not count toward any requirement for work experience.

NEW SECTION

WAC 388-60-0325 Must a program notify the department when new direct treatment staff are added?

(1) At the time that the program adds new direct treatment staff, the program must submit documentation to DSHS which proves that the staff meets the minimum qualifications for all treatment staff stated in WAC 388-60-0315.

(2) Direct treatment staff may not provide services to perpetrators until the treatment staff's qualifications have been reviewed and approved by the DSHS program manager responsible for certification of domestic violence perpetrator treatment programs.

NEW SECTION

WAC 388-60-0335 Who is considered a trainee for domestic violence perpetrator treatment programs? A trainee is a direct treatment staff person who has not accrued at least two hundred fifty hours of experience providing services to domestic violence perpetrators and domestic violence victims.

(1) At least one hundred twenty-five hours of this requirement must have been provision of supervised, direct treatment services to domestic violence perpetrators.

(2) The remainder of this requirement must have been provision of domestic violence victim advocacy services.

NEW SECTION

WAC 388-60-0345 May a trainee provide direct treatment services to participants? (1) A trainee may serve as a co-facilitator of groups, but may not have sole responsibility for the group at any time.

(2) A trainee may not have sole responsibility for conducting an intake or assessment, or for terminating a participant from treatment.

NEW SECTION

WAC 388-60-0355 Do treatment programs need a supervisor? Each treatment program must have at least one

person providing supervision to paid and volunteer direct treatment staff.

NEW SECTION

WAC 388-60-0365 Who may provide supervision of direct treatment staff in a domestic violence perpetrator treatment program? (1) In addition to possessing the basic qualifications required for all direct treatment staff, a program's supervisor must meet **all** of the following requirements:

(a) Have a minimum of three years of experience providing direct treatment services to perpetrators of domestic violence;

(b) Have a minimum of one year of experience providing victim advocacy services to domestic violence victims (this may be concurrent with (a) of this subsection);

(c) Have a minimum of one year of experience in facilitating domestic violence perpetrator treatment groups;

(d) Has completed at least five hundred hours of supervised direct treatment contact with both perpetrators and domestic violence victims:

(i) At least three hundred hours of this requirement must have been the provision of supervised, direct treatment services to domestic violence perpetrators.

(ii) The remainder of this requirement must have been the provision of domestic violence victim advocacy services.

(2) Each staff person providing supervision to direct treatment staff within a program must have a master's degree.

(a) The department's program manager will review requests for an exception to this requirement on a case-by-case basis.

(b) In order to qualify for an exception, the employee must possess year-for-year professional level experience equivalent to a master's degree. The department determines this equivalency at the discretion of the DSHS program manager responsible for monitoring domestic violence perpetrator treatment programs.

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 388-60-0375 Must a supervisor always be on the premises of the treatment program? A supervisor may be located either on or off-site unless direct treatment services are being provided only by employees who are considered trainees, as defined in these rules. If no other direct treatment staff besides the supervisor possesses at least two hundred fifty hours of experience providing direct treatment services to perpetrators, the supervisor must be present at all times that direct treatment services are being provided.

NEW SECTION

WAC 388-60-0385 Must the treatment program have staff supervision policies? A treatment program must develop and follow policies, procedures, and supervision

schedules that provide adequate supervision for all treatment staff.

NEW SECTION

WAC 388-60-0395 What are the requirements for staff orientation? (1) A treatment program must have an orientation for any new staff, whether the staff are paid or volunteer.

(2) The purpose of the orientation must be to provide the staff with the program's philosophy, organization, curriculum, policies, procedures, and goals.

NEW SECTION

WAC 388-60-0405 What are the continuing professional education requirements for all direct treatment program staff? (1) All staff having direct treatment contact with participants must complete a minimum of twenty hours of continuing professional education each year after the program is certified, or each year after the staff person is added to the staff list. No more than five of those hours may be obtained by attending "in-house" training.

(2) Each staff person's continuing professional education must include four or more hours of training per year on issues of sexism, racism, and homophobia and their relationship to domestic violence.

(3) Continuing education training may be in the fields of alcohol/drug abuse, mental health, or other issues but all training must be related to the treatment of domestic violence perpetrators.

(4) The treatment staff may obtain continuing professional education through classes, seminars, workshops, video or audiotapes, or other self-study programs when approved in writing by the program supervisor. No more than five hours of video, audiotapes, or self-study program may be used toward the requirement of twenty hours of continuing education requirement. This includes correspondence courses.

(5) The staff must document all continuing education hours on DSHS approved forms.

(a) The form must be accompanied by completion certificates, course/workshop outline, and supervisor signature.

(b) The program must submit the form and documentation to the department at the time the program applies for recertification.

NEW SECTION

WAC 388-60-0415 Is a treatment program required to cooperate with local domestic violence victim programs? A treatment program must establish and maintain cooperative relationships with domestic violence victim services programs located in their community.

NEW SECTION

WAC 388-60-0425 Does a treatment program need knowledge of the domestic violence laws and justice system practices? A treatment program must show evidence of

an understanding of the laws pertaining to domestic violence and the operation of the justice system. At a minimum, a program must be familiar with:

- (1) State laws regulating the response to domestic violence by the criminal justice system;
- (2) Relief available to victims of domestic violence offered by:
 - (a) Washington domestic violence law and civil protection orders;
 - (b) Criminal no-contact orders; and
 - (c) Civil restraining orders.
- (3) Local law enforcement, prosecution, and court and probation policies regarding domestic violence cases.

CERTIFICATION PROCESS

NEW SECTION

WAC 388-60-0435 What is the process to apply for certification of a treatment program? (1) Any program wishing to provide treatment to perpetrators of domestic violence must request certification by completing an application available from the department. To request an application by mail, write to:

Domestic Violence Perpetrator Treatment Program
Department of Social and Health Services (DSHS)
Children's Administration
P.O. Box 45710
Olympia, Washington 98504-5710.

- (2) The program must submit the application, application fee, and all documentation needed to prove that the program meets the requirements set forth in these standards.
- (3) A program may not provide direct treatment services to domestic violence perpetrators without being certified by the department.
- (4) If approved, the department grants certification for a two year period.
- (5) The department considers each geographical location of a program an individual program, and must certify each program separately.

NEW SECTION

WAC 388-60-0445 What is the application fee for certification? (1) Application fee for either initial certification or re-certification of a domestic violence perpetrator treatment program is one hundred dollars.

- (2) The department publishes the application fee for certification of domestic violence perpetrator treatment programs in the application packet.
- (3) If there is any change in the fee, the update will be done in July of each year.

NEW SECTION

WAC 388-60-0455 What documentation must a program submit before the department may certify the pro-

gram? The program's director must submit the following documentation with the program's application:

- (1) A written statement signed by the director that the program complies with the standards contained in this chapter;
- (2) Results of current criminal history background checks conducted by the Washington state patrol for all current direct treatment program staff;
- (3) A statement for each current paid or volunteer staff person whether or not the staff person has ever been a party to any civil proceedings involving domestic violence;
- (4) Proof that each direct treatment staff is registered as a counselor or certified as a mental health professional with the department of health;
- (5) Evidence that the program maintains cooperative relationships with agencies providing services related to domestic violence.

(a) This evidence must include, at a minimum:

(i) Three items of evidence that they have established and continue to maintain cooperative relationships with local domestic violence victim programs and other local agencies involved with domestic violence intervention.

(ii) Documentation that they have established a referral process between their program and the local domestic violence victim services programs.

(iii) Proof that they participate in a local domestic violence task force, intervention committee or workgroup if one exists in their community.

(b) The program may also submit evidence of the following:

(i) Participation in public awareness activities sponsored by the local domestic violence victim services agency.

(ii) Service agreements between the local domestic violence victim services agency(ies) and the treatment program.

(iii) Letters of support for the program from other agencies or parties involved in domestic violence intervention.

(6) Evidence that the program maintains cooperative relationships with agencies involved in domestic violence intervention.

NEW SECTION

WAC 388-60-0465 What happens after a program turns in an application to the department? (1) The department will review a certification application within thirty days after the application is received to decide if the domestic violence perpetrator program meets the program standards in this chapter.

(2) The department must notify the applicant whether or not the program meets these standards.

NEW SECTION

WAC 388-60-0475 Will a certificate be issued if the treatment program meets the standards? If a program meets the standards in this chapter, the department will issue the program a certificate of compliance.

NEW SECTION

WAC 388-60-0485 What happens if a treatment program does not meet the standards? (1) If a program does not meet the standards for certification or re-certification, the department will provide the program with:

- (a) A copy of the standards;
 - (b) A written notice containing the reasons for the determination of noncompliance; and
 - (c) The program standards relied upon for making the decision.
- (2) Treatment programs have the right to a hearing if the program is denied certification under this chapter (chapter 388-02 WAC).

NEW SECTION

WAC 388-60-0495 What records must the department keep regarding certified domestic violence perpetrator programs? The department must maintain the following information:

- (1) A current record of all certified domestic violence perpetrator programs.
- (2) A current record of programs that:
 - (a) Are in the process of applying for certification;
 - (b) Have been denied certification;
 - (c) Have been notified that the department is revoking or suspending certification;
 - (d) Have had their certification revoked; and
 - (e) Are being investigated.

RE-CERTIFICATIONNEW SECTION

WAC 388-60-0505 How often must a domestic violence perpetrator treatment program re-apply for certification? Each program certified under this chapter must re-apply for certification every two years.

NEW SECTION

WAC 388-60-0515 What must a program do to apply for re-certification of their domestic violence perpetrator treatment program? In order to be re-certified, a program must submit a completed application packet to the department at least forty-five days prior to the expiration date of the previous certification period.

NEW SECTION

WAC 388-60-0525 What must the application packet for renewal of the certification of a domestic violence perpetrator program include? The packet must include the following:

- (1) A completed application form signed by the program director;
- (2) Payment of the application fee;
- (3) A listing of all direct treatment staff;

(4) A statement of qualifications for any staff added since the last certification period;

(5) Current results of criminal history background checks conducted by the Washington state patrol, and a statement regarding any involvement in civil proceedings involving domestic violence for each employee providing direct treatment services;

(6) An update of continuing professional education hours for each direct treatment staff;

(7) Evidence that the program maintains cooperative relationships with agencies providing services related to domestic violence.

(a) This evidence must include, at a minimum:

(i) Three items of evidence that they have established and continue to maintain cooperative relationships with local domestic violence victim programs and other local agencies involved with domestic violence intervention.

(ii) Documentation that they have established a referral process between their program and the local domestic violence victim services programs.

(iii) Proof that they participate in a local domestic violence task force, intervention committee or workgroup if one exists in their community.

(b) The program may also submit evidence of the following:

(i) Participation in public awareness activities sponsored by the local domestic violence victim services agency.

(ii) Service agreements between the local domestic violence victim services agency(ies) and the treatment program.

(iii) Letters of support for the program from other agencies or parties involved in domestic violence intervention.

(8) Evidence that the program maintains cooperative relationships with agencies involved in domestic violence intervention; and

(9) All documentation needed to prove that the program continues to meet the standards for certification.

NEW SECTION

WAC 388-60-0535 How does the department decide that a program should continue to be certified? The department will continue to certify a program, or will review its certification, if:

(1) The department determines, based on the completed application, that the program continues to meet the standards and qualifications as outlined in this chapter; and

(2) The department determines that any complaint investigations from the previous certification period have been satisfactorily resolved.

NEW SECTION

WAC 388-60-0545 Is there a formal process if a treatment program wishes to appeal a denial of certification or re-certification? If the department denies certification or re-certification, the domestic violence perpetrator treatment program has a right to an administrative hearing under chapter 388-08 WAC.

ADVISORY COMMITTEENEW SECTION

WAC 388-60-0555 Does the department have an advisory committee for domestic violence perpetrator treatment? The department will establish and appoint a volunteer group to serve as the Washington domestic violence perpetrator treatment program standards advisory committee.

NEW SECTION

WAC 388-60-0565 What is the role of the advisory committee? The role of the advisory committee is to:

- (1) Advise the department regarding recommended changes to the program standards; and
- (2) Provide technical assistance on program standards, implementation, and certification and re-certification criteria.

NEW SECTION

WAC 388-60-0575 Who are the advisory committee members and how are they chosen? The advisory committee must include the following members:

- (1) Four persons representing the perspective of victims of domestic violence. They will be chosen with input from the Washington State Coalition Against Domestic Violence (WSCADV);
- (2) Four persons representing the perspective of state-certified domestic violence perpetrator treatment programs. They will be chosen with input from the Washington Association of Domestic Violence Intervention Professionals (WADVIP);
- (3) Four persons representing the perspective of adult misdemeanant probation and Washington state courts of limited jurisdiction. They will be chosen with input from the Misdemeanant Corrections Association and the Washington State District and Municipal Court Judges Association;
- (4) One person representing the department of corrections; and
- (5) One person representing the office of the administrator for the courts.

NEW SECTION

WAC 388-60-0585 How long is the appointed term for an advisory committee member? Advisory committee members are appointed for two-year terms.

NEW SECTION

WAC 388-60-0595 May advisory committee members be replaced before their term expires? The department may replace committee members if the member misses two consecutive committee meetings.

NEW SECTION

WAC 388-60-0605 Are expenses for advisory committee members reimbursed? (1) If funds are available, the department will reimburse advisory committee members for travel and meal expenses related to service on the committee.

(2) Advisory committee members may not receive any other compensation for service on the committee.

COMPLAINTS AND THE INVESTIGATION OF COMPLAINTSNEW SECTION

WAC 388-60-0615 Does the department investigate complaints about domestic violence perpetrator treatment programs? DSHS investigates complaints regarding domestic violence perpetrator treatment programs.

NEW SECTION

WAC 388-60-0625 Who may request an investigation of a certified domestic violence perpetrator treatment program? Any person may submit a written complaint to DSHS if the person has the following concerns about a certified program:

- (1) The program has acted in a way that places victims at risk; or
- (2) The program has failed to follow standards in this chapter.

NEW SECTION

WAC 388-60-0635 Does the department notify a treatment program that the department has received a complaint? Once it receives a complaint about a certified program, the department will:

- (1) Determine that the complaint includes sufficient information to be deemed valid;
- (2) Notify the program within fourteen days of the complaint being determined valid that the department has received a complaint about the program; and
- (3) Notify the program that an investigation has been initiated.

NEW SECTION

WAC 388-60-0645 May DSHS begin an investigation of a treatment program without receiving a complaint? DSHS may begin an investigation of a domestic violence perpetrator treatment program without a written complaint if the department believes that the program:

- (1) Has placed victims at risk; or
- (2) Failed to follow the standards outlined in this chapter.

NEW SECTION

WAC 388-60-0655 What is included in an investigation? The investigation of a complaint against a domestic violence perpetrator treatment program may include:

- (1) Contact with:
 - (a) The person making the complaint;
 - (b) Other persons involved in the complaint; or
 - (c) The treatment program.
- (2) A request for written documentation of evidence; and/or
- (3) An on-site visit to the program to interview program staff.

NEW SECTION

WAC 388-60-0665 Is there a time limit for the department to complete its investigation of a complaint? The department must complete its investigation within forty-five days of beginning the investigation, unless circumstances warrant a longer period of time.

RESULTS OF INVESTIGATIONSNEW SECTION

WAC 388-60-0675 Does the department put the results of the investigation in writing? (1) The department will prepare written results of the complaint investigation.

(2) If the department decides that the treatment program behaved in a way that placed victims at risk or failed to meet the standards outlined in this chapter, the written results must include a decision regarding the status of the program's certification.

NEW SECTION

WAC 388-60-0685 What action may the department take regarding a program's certification if a complaint is founded? If the department determines that a complaint against a domestic violence perpetrator treatment program is founded, the department may:

- (1) Revoke the treatment program's certification;
- (2) Suspend the treatment program's certification; or
- (3) Send a written warning to the treatment program.

NEW SECTION

WAC 388-60-0695 Does DSHS notify a treatment program of its decision to take corrective action? DSHS must send the written results of its investigation to the program by certified mail, return receipt requested, within twenty days after completing the investigation.

NEW SECTION

WAC 388-60-0705 What information must the department give a program if it takes action that affects the program's certification status? (1) If DSHS revokes a

program's certification, the department must provide the program with:

- (a) The specific reasons for the revocation;
 - (b) The WAC standards the revocation is based on; and
 - (c) The effective date of the revocation.
- (2) If DSHS suspends a treatment program's certification, DSHS must provide the treatment program with:
- (a) The specific reasons for the corrective action;
 - (b) The WAC standards that the suspension is based on;
 - (c) The effective date of the suspension;
 - (d) Any remedial steps which the program must complete to the satisfaction of the department before the department will reinstate the program's certification and lift the suspension; and
 - (e) The deadline for completion of any remedial steps.
- (3) If DSHS issues a written warning to a program, DSHS must provide the treatment program with:
- (a) The specific reasons for the written warning;
 - (b) The WAC standards that the written warning is based on; and
 - (c) Any remedial steps which the program must complete to the satisfaction of the department.

NEW SECTION

WAC 388-60-0715 What happens if a treatment program refuses to remedy the problems outlined in the complaint findings? If the treatment program refuses or fails to remedy the problems outlined in the written warning, DSHS may revoke or suspend the certification of the program.

NEW SECTION

WAC 388-60-0725 What if the director of a domestic violence perpetrator treatment program disagrees with the corrective action decision? (1) When DSHS revokes or suspends a program's certification, issues a written warning, or imposes corrective action, the department will notify the program director in writing of the program's right to request a hearing.

(2) The program director may request an administrative hearing from the office of administrative hearings pursuant to chapter 388-02 WAC.

NOTIFICATION OF RESULTS OF AN INVESTIGATIONNEW SECTION

WAC 388-60-0735 Does the department notify the person that made the complaint of the results of the investigation? DSHS will mail a copy of the written results of the investigation to the person who made the complaint against the domestic violence perpetrator treatment program.

NEW SECTION

WAC 388-60-0745 What must the treatment program do after notification that its certification has been

suspended or revoked? If DSHS revokes or suspends a program's certification, the program must:

(1) Take immediate steps to notify and refer current clients to other certified domestic violence perpetrator treatment programs;

Note: This must be done prior to the effective date of revocation or suspension.

(2) Cease accepting perpetrators of domestic violence into its treatment program;

(3) Notify victims, current partners of the participants, and any relevant agencies about the client referral; and

(4) Notify, in writing, the presiding judge and chief probation officer of each judicial district from which the treatment program receives court referrals.

NEW SECTION

WAC 388-60-0755 What happens if the program has other licenses or certificates? If a program also holds a license or certification from the state of Washington for other treatment modalities, DSHS may notify the appropriate licensing or certifying authority that the program's certification has been suspended or revoked.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-60-005	Scope.
WAC 388-60-120	Treatment focus.
WAC 388-60-130	Treatment modality.
WAC 388-60-140	Program policies and procedures.
WAC 388-60-150	Treatment staff qualifications.
WAC 388-60-160	Orientation and continuing professional education requirements.
WAC 388-60-170	Cooperation with domestic violence victim programs.
WAC 388-60-180	Knowledge of law and justice system practices.
WAC 388-60-190	Program certification process.
WAC 388-60-200	Certification maintenance.
WAC 388-60-210	Advisory committee.
WAC 388-60-220	Complaint.
WAC 388-60-230	Investigation.
WAC 388-60-240	Results of investigation.
WAC 388-60-250	Notification of results.
WAC 388-60-260	Appeal.

WSR 01-09-001
PERMANENT RULES
HEALTH CARE AUTHORITY
 (Basic Health Plan)
 [Order 00-08—Filed April 4, 2001, 12:31 p.m.]

Date of Adoption: April 4, 2001.

Purpose: Changes the definition of preexisting condition to follow the same general standards for preexisting condition limitations as adopted in the 2000 legislative session.

Citation of Existing Rules Affected by this Order: Amending WAC 182-25-010.

Statutory Authority for Adoption: RCW 70.47.050.

Adopted under notice filed as WSR 01-05-107 on February 21, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 3, 2001

Melodie H. Bankers
 Rules Coordinator

PERMANENT

AMENDATORY SECTION (Amending Order 00-04, filed 12/20/00, effective 1/20/01)

WAC 182-25-010 Definitions. The following definitions apply throughout these rules.

(1) "Administrator" means the administrator of the Washington state health care authority (HCA) or designee.

(2) "Appeal procedure" means a formal written procedure for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction.

(3) "Basic health plan" (or BHP) means the system of enrollment and payment for basic health care services administered by the administrator through managed health care systems.

(4) "BHP plus" means the program of expanded benefits available to children through coordination between the department of social and health services (DSHS) and basic health plan. Eligibility for BHP Plus is determined by the department of social and health services, based on Medicaid eligibility criteria. To be eligible for the program children must be under age nineteen, with a family income at or below two hundred percent of federal poverty level, as defined by the United States Department of Health and Human Services.

They must be Washington state residents, not eligible for Medicare, and may be required to meet additional DSHS eligibility requirements.

(5) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a health care provider or to the MHCS.

(6) "Covered services" means those services and benefits in the BHP schedule of benefits (as outlined in the member handbook issued to the enrollee, or to a subscriber on behalf of the enrollee), which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments.

(7) "Disenrollment" means the termination of covered services in BHP for a subscriber and dependents, if any.

(8) "Effective date of enrollment" means the first date, as established by BHP, on which an enrollee is entitled to receive covered services from the enrollee's respective managed health care system.

(9) "Dependent" means:

(a) The subscriber's lawful spouse, not legally separated, who resides with the subscriber; or

(b) The unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, legal guardianship, or placement pending adoption, who is:

(i) Younger than age nineteen, and who has not been relinquished for adoption by the subscriber or the subscriber's dependent spouse; or

(ii) Younger than age twenty-three, and a registered student at an accredited secondary school, college, university, technical college, or school of nursing, attending full time, other than during holidays, summer and scheduled breaks; or

(c) A person of any age who is under legal guardianship of the subscriber or the subscriber's dependent spouse, and who is incapable of self-support due to disability.

(10) "Eligible full-time employee" means an employee who meets all eligibility requirements in WAC 182-25-030 and who is regularly scheduled to work thirty or more hours per week for an employer. The term includes a self-employed individual (including a sole proprietor or a partner of a partnership, and may include an independent contractor) if the individual:

(a) Is regularly scheduled to work thirty hours or more per week; and

(b) Derives at least seventy-five percent of his or her income from a trade or business that is licensed to do business in Washington.

Persons covered under a health benefit plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements.

(11) "Eligible part-time employee" means an employee who meets all the criteria in subsection (10) of this section, but who is regularly scheduled to work fewer than thirty hours per week for an employer.

(12) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

(13) "Employer" means an enterprise licensed to do business in Washington state, as defined by RCW 50.04.080, with employees in addition to the employer, whose wages or salaries are paid by the employer.

(14) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in BHP, and for whom applicable premium payments have been made.

(15) "Family" means an individual or an individual and spouse, if not legally separated, and dependents. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(16) "Financial sponsor" means a person, organization or other entity, approved by the administrator, that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any dependents.

(17) "Gross family income" means total cash receipts, as defined in (a) of this subsection, before taxes, from all sources, for subscriber and dependents whether or not they are enrolled in BHP, with the exceptions noted in (b) of this subsection.

(a) Income includes:

(i) Money wages, tips and salaries before any deductions;

(ii) Net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses);

(iii) Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);

(iv) Regular payments from Social Security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance, alimony, child support, military family allotments, private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments;

(v) Work study or training stipends;

(vi) Dividends and interest accessible to the enrollee without a penalty;

(vii) Net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

(b) Income does not include the following types of money received:

(i) Capital gains;

(ii) Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;

(iii) Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation);

(iv) Noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance;

(v) Income earned by dependent children;

(vi) Income of a family member who resides in another household when such income is not available to the subscriber or dependents seeking enrollment in BHP;

(vii) College or university scholarships, grants, fellowships and assistantships;

(viii) Payments from the department of social and health services adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145;

(ix) Documented child care expenses for the care of a dependent child of a subscriber may be deducted (at a rate set by the administrator and consistent with Internal Revenue Service requirements) when calculating gross family income. To qualify for this deduction, the subscriber must be employed during the time the child care expenses were paid, and payment may not be paid to a parent or step parent of the child or to a dependent child of the subscriber or his/her spouse.

(18) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence, and is licensed by the department of social and health services (DSHS) as a home care agency. In order to qualify, the agency must be under contract with one of the following DSHS programs: Chore, Medicaid Personal Care, Community Options Program Entry System (COPES) or Respite Care (up to level three).

(19) "Institution" means a federal, state, county, city or other government correctional or detention facility or government-funded facility where health care historically has been provided and funded through the budget of the operating agency, and includes, but is not limited to: Washington state department of corrections institutions; federal, county and municipal government jail and detention institutions; Washington state department of veterans affairs soldiers' and veterans' homes; department of social and health services state hospitals and facilities and juvenile rehabilitation institutions and group homes. An institution does not include: Educational institutions; government-funded acute health care or mental health facilities except as provided above; chemical dependency facilities; and nursing homes.

(20) "Institutionalized" means to be confined, voluntarily or involuntarily, by court order or health status, in an institution, as defined in subsection (19) of this section. This does not include persons on work release or who are residents of higher education institutions, acute health care facilities, alcohol and chemical dependency facilities, or nursing homes.

(21) "Insurance broker" or "agent" means a person who is currently licensed as a disability insurance broker or agent, according to the laws administered by the office of the insurance commissioner under chapter 48.17 RCW.

(22) "Managed health care system" (or "MHCS") means:

(a) Any health care organization (including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof) which has entered into a contract with the HCA to provide basic health care services; or

(b) A self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(23) "Maternity benefits through medical assistance," also known as S-Medical, means the coordinated program between BHP and DSHS for eligible pregnant women. This

program includes all Medicaid benefits, including maternity coverage. Eligible members must be at or below one hundred eighty-five percent of the federal poverty level. Eligibility for this program is determined by DSHS, based on Medicaid eligibility criteria.

(24) "Medicaid" means the Title XIX Medicaid program administered by the department of social and health services, and includes the medical care programs provided to the "categorically needy" and the "medically needy" as defined in chapter 388-503 WAC.

(25) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(26) "Nonsubsidized enrollee" or "full premium enrollee" means an individual who enrolls in BHP, as the subscriber or dependent, and who pays or on whose behalf is paid the full costs for participation in BHP, without subsidy from the HCA.

(27) "Open enrollment" means a time period designated by the administrator during which enrollees may enroll additional dependents or apply to transfer their enrollment from one managed health care system to another.

(28) "Participating employee" means an employee of a participating employer or home care agency who has met all the eligibility requirements and has been enrolled for coverage under BHP.

(29) "Participating employer" means an employer who has been approved for enrollment in BHP as an employer group.

(30) "Preexisting condition" means any illness, injury or condition for which, in the ~~((three))~~ six months immediately preceding an enrollee's effective date of enrollment in BHP:

(a) Treatment, consultation or a diagnostic test was recommended for or received by the enrollee; or

(b) Medication was prescribed or recommended for the enrollee ~~((was prescribed or recommended medication))~~; or

(c) Symptoms existed which would ordinarily cause a reasonably prudent individual to seek medical diagnosis, care or treatment.

(31) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an individual, their employer or a financial sponsor makes to BHP for subsidized or nonsubsidized enrollment in BHP.

(32) "Program" means subsidized BHP, nonsubsidized BHP, BHP Plus, or maternity benefits through medical assistance.

(33) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.

(34) "Rate" means the amount, including administrative charges and any applicable premium and prepayment tax imposed under RCW 48.14.020, negotiated by the administrator with and paid to a managed health care system, to provide BHP health care benefits to enrollees.

(35) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which an enrollee shall be entitled to receive from a managed health care system in exchange for payment

of premium and applicable co-payments, as described in the member handbook.

(36) "Service area" means the geographic area served by a managed health care system as defined in its contract with HCA.

(37) "Subscriber" is a person who applies to BHP on his/her own behalf and/or on behalf of his/her dependents, if any, who meets all applicable eligibility requirements, is enrolled in BHP, and for whom the monthly premium has been paid. Notices to a subscriber and, if applicable, a financial sponsor or employer shall be considered notice to the subscriber and his/her enrolled dependents.

(38) "Subsidized enrollee" or "reduced premium enrollee" means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA. To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, "subsidized enrollee" also means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA.

(39) "Subsidy" means the difference between the amount of periodic payment the HCA makes to a managed health care system on behalf of a subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

WSR 01-09-002
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. U-991301, General Order No. R-481—Filed April 4, 2001,
 2:11 p.m.]

In the matter of amending/adopting/repealing chapter 480-80 WAC, relating to Commission general—Tariffs.

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 01-02-102, filed with the code reviser on January 3, 2001. The commission brings this proceeding pursuant to RCW 80.04.160 and 80.01.040.

2 STATEMENT OF COMPLIANCE: 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 of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule on the date that this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: The purpose of the proposed repeal of certain sections

of chapter 480-80 WAC and the adoption of those sections in the various industry rules is to achieve better organization and to facilitate the use of these rules by regulated companies, the commission, and the public. The only proposed change in language is a new section added to WAC 480-80-010 Application of rules, to assure previously granted exemptions from chapter 480-80 WAC do not apply to price lists and contracts. The change of title of chapter 480-80 WAC to Utilities general—Tariffs, price lists, and contracts, better reflects the content of the chapter.

5 RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments.

6 The commission often includes a discussion of those matters in its rule adoption order. In addition, most rule-making proceedings involve extensive work by commission staff that includes summaries in memoranda of stakeholder comments, commission decisions, and staff recommendations in each of those areas.

7 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the commission considered whether to begin a rule making and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

8 REFERENCE TO AFFECTED RULES: This rule amends the following section of the Washington Administrative Code:
 WAC 480-80-010 Application of rules.

REFERENCE TO REPEALED RULES: This rule repeals the following sections of the Washington Administrative Code:
 WAC 480-80-047 Access charges.
 WAC 480-80-048 Collective consideration of Washington intrastate rate, tariff, or service proposals.
 WAC 480-80-049 Caller identification service.
 WAC 480-80-120 Notice to the public of tariff changes.
 WAC 480-80-390 Mandatory cost changes for telecommunications companies.
 WAC 480-120-027 Price lists.
 WAC 480-120-066 Contract for service.
 WAC 480-90-061 Contract for service.
 WAC 480-100-061 Contract for service.
 WAC 480-120-022 Classification proceedings.
 WAC 480-120-023 Content of petition for classification of competitive telecommunications services and companies.
 WAC 480-120-024 Waiver of regulatory requirements for competitive telecommunications companies.
 WAC 480-120-025 Investigations.

PERMANENT

REFERENCE TO ADOPTED RULES: This rule adopts the following sections of the Washington Administrative Code:

- WAC 480-120-541 Access charges.
 WAC 480-120-542 Collective consideration of Washington intrastate rate, tariff, or service proposals.
 WAC 480-120-543 Caller identification service.
 WAC 480-90-193 Notice to the public of tariff changes.
 WAC 480-100-193 Notice to the public of tariff changes.
 WAC 480-120-043 Notice to the public to tariff changes.
 WAC 480-120-544 Mandatory cost changes for telecommunications companies.
 WAC 480-80-035 Price lists.
 WAC 480-80-325 Contract for service.
 WAC 480-80-326 Contract for gas and electric service.
 WAC 480-121-061 Classification proceedings.
 WAC 480-121-062 Content of petition for classification of competitive telecommunications services and companies.
 WAC 480-121-063 Waiver of regulatory requirements for competitive telecommunications companies.
 WAC 480-121-064 Investigations.

9 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: The commission filed a preproposal statement of inquiry (CR-101) on September 17, 1999, at WSR 99-19-086.

10 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The statement advised interested persons that the commission was considering entering a rule-making on rules related to tariffs. The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all affected companies. In addition to information about the rule making, the notice requested written responses from interested persons on the rules that are currently in chapter 480-80 WAC that they believe should be in the regulated industry chapters, and on those rules that are in the regulated industry chapters that should be in chapter 480-80 WAC. The commission accepted written comment regarding the CR-101 through October 18, 1999. Pursuant to notice, the commission engaged in three workshops with interested persons/stakeholders and solicited written comments on five additional occasions.

11 NOTICE OF PROPOSED RULE MAKING: The commission filed a notice of Proposed Rule Making (CR-102) on January 3, 2001, at WSR 01-02-102. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 01-02-102 at 9:30 a.m., Wednesday, March 14, 2001, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

12 COMMENTERS (WRITTEN COMMENTS): The commission received written or verbal comments from The Association of Communications Enterprises (ASCENT), Avista Utilities, Cascade Natural Gas Corporation, Northwest Natural Gas, Public Counsel, Puget Sound Energy, Qwest, Verizon, and the Washington Independent Telephone Association (WITA). Comments ranged from indifference to support of the proposal.

13 RULE-MAKING HEARING: The rule proposal was considered for adoption, pursuant to the notice, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on March 14, 2001, before Chairwoman Marilyn Showalter and Commissioner Richard Hemstad. The commission heard oral comments from Fred Ottavelli, representing commission staff. No other interested persons made oral comments.

14 COMMISSION ACTION: After considering all of the information regarding this proposal, the commission repealed, amended, and adopted the rules as proposed in the CR-102 at WSR 01-02-102.

15 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: In reviewing the entire record, the commission determines that the title of chapter 480-80 WAC should be changed to Utilities general—Tariffs, price lists, and contracts, WAC 480-80-047, 480-80-048, 480-80-049, 480-80-120, 480-80-390, 480-120-022, 480-120-023, 480-120-024, 480-120-025, 480-120-027, 480-120-066, 480-90-061, and 480-100-061 should be repealed; WAC 480-120-043, 480-120-541, 480-120-542, 480-120-543, 480-120-544, 480-90-193, 480-100-193, 480-121-061, 480-121-062, 480-121-063, 480-121-064, 480-80-035, 480-80-325, and 480-80-326 should be adopted; and that WAC 480-80-010 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

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 14, Amended 1, Repealed 13.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 14, Amended 1, 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 0, Amended 0, Repealed 0.

ORDER

16 THE COMMISSION ORDERS:

17 The title of chapter 480-80 WAC is changed to read Utilities general—Tariffs, price lists, and contracts, WAC 480-80-047, 480-80-048, 480-80-049, 480-80-120, 480-40-390, 480-120-022, 480-120-023, 480-120-024, 480-120-025,

480-120-027, 480-120-066, 480-90-061, and 480-100-061 are repealed; WAC 480-120-043, 480-120-541, 480-120-542, 480-120-543, 480-120-544, 480-90-193, 480-100-193, 480-121-061, 480-121-062, 480-121-063, 480-121-064, 480-80-035, 480-80-325 and 480-80-326 are adopted; and WAC 480-80-010 is amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2).

18 This order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 4th day of April, 2001.

Washington Utilities and Transportation Commission
Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner

AMENDATORY SECTION (Amending Order R-238, Cause No. U-85-44, filed 9/19/85)

WAC 480-80-010 Application of rules. (1) These rules shall apply to any public service company, defined as such by the laws of the state of Washington, as amended, operating a gas, electric, telecommunications, water or irrigation plant which is subject to the jurisdiction of the Washington utilities and transportation commission as to rates and service.

(2) Upon acceptable showing by any utility, the commission may waive or modify, as to that utility, the provisions of any rule herein contained, except when such provisions are fixed by statute.

(3) In no case shall any utility deviate from these rules unless authorized in writing by the commission.

(4) Competitively classified telecommunications companies previously granted exemptions from chapter 480-80 WAC Utilities general—Tariff are not exempt from WAC 480-80-035 Price lists and WAC 480-80-325 Contract for service. Exemptions from the provisions of chapter 480-80 WAC include only the provisions in effect at the time the exemption was granted.

NEW SECTION

WAC 480-80-035 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, library, or rural health care provider, as part of the federal universal service program, the telecommunications company must file the contract if the rates, terms, or conditions of the prediscouted contract service depart from the price list. The contract must be filed immediately upon acceptance by the administrator of the federal universal ser-

vice program. The filing must include the same documentation required for approval by subsection (3)(b) of this section. The contract shall become effective immediately upon filing with the commission, or at such later time as is specified in the contract.

NEW SECTION

WAC 480-80-325 Contract for service. Whenever the classification of service under which the customer is to be served requires that such service shall be taken for a specified minimum period, a contract may be executed. A sample copy of each typical contract form currently in use by the utility shall be submitted to the commission and the commission shall be notified when any change other than a minor deviation is made in these forms.

Any contract with an information provider shall require that the information provider, in any institutional advertising or promotion, state prominently in such advertising the cost to the customer.

NEW SECTION

WAC 480-80-326 Contract for gas and electric service. Whenever the classification of service under which the customer or applicant is to be served requires that such service shall be taken for a specified minimum period, a contract may be executed. A sample copy of each typical contract form currently used by the utility shall be submitted to the commission.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-80-047	Access charges.
WAC 480-80-048	Collective consideration of Washington intrastate rate, tariff, or service proposals.
WAC 480-80-049	Caller identification service.
WAC 480-80-120	Notice to the public of tariff changes.
WAC 480-80-390	Mandatory cost changes for telecommunications companies.

NEW SECTION

WAC 480-90-193 Notice to the public of tariff changes. (1) Except as to variations between the prescribed maximum and minimum rates in banded tariffs previously authorized by the commission, every utility desiring to change, modify, cancel or annul any rate, must place on file the tariff containing such modification or change at its listed business offices in the territory affected thereby for a period of at least thirty days prior to the expiration of statutory notice in connection therewith. A notice, coincident with or

immediately prior to the date of such filing, that such tariff is on file at said offices shall be posted at the cashier's windows or other places where the customers pay their bills at the aforesaid offices. Said posted notice shall give anyone viewing same a brief summary as to the content of the tariff; state that the tariff is being submitted to the Washington utilities and transportation commission at Olympia; indicate the inserted effective date thereof; and relate that a copy of the tariff is available for inspection.

(2) If there is no listed business office in the territory to be affected by a tariff proposal subject to this notification but there is a payment agency therein, posted notice with the same content and timing as set forth above shall be employed at each such agency which notice, in addition thereto, shall give the name, address and telephone number of the nearest listed business office responsible for that service area at which such tariff may be examined in person without assigning any reason therefor.

(3) In lieu of the above posted notice, insofar as payment agencies are concerned, the utility may stamp or print on each bill or envelope in which such bill is mailed, enclose therewith or separately mail, with the same content as set forth above with respect to the posted notice in payment agencies and at the earliest practicable date subsequent to filing, a notice to each subscriber to be affected by the tariff proposal. Commencing ninety days or earlier from July 31, 1959, the latter procedure must be followed in those instances where a utility does not have a listed business office or a payment agency in the service area where notice, as set forth above, could otherwise be employed in a service area subject to a tariff proposal falling within this notification procedure.

(4) Whenever the alternative provision is chosen or must be used, the utility shall use such other adequate and appropriate means of notification, on or by the filing date, that will reasonably insure notice to the public of tariff revisions proposed and the effect on the public in the service area or areas involved. Such other notification may include personal contacts, letters or mailing pieces, newspaper articles or advertisements and radio and television announcements.

(5) The commission may require such other notification to the public as may be necessary in any particular case of tariff filing: Provided, That where a tariff or a part of a tariff is filed involving no increase in charges to its patrons; where the users to be affected by a tariff change are so few in number the utility chooses to advise each by direct mail or contact; or where there is no one to be affected by the tariff proposal, the utility may forego posting of notice relative thereto and will not be required to have a copy of the proposed tariff available for inspection.

(6) The inserted effective date, unless otherwise directed, shall be a date not less than thirty days after the date the commission receives the tariff. Also, if the commission permits the tariff to become effective without statutory notice, the period of notice to the public shall still be for at least thirty days after the date the commission receives the tariff.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-90-061 Contract for service.

NEW SECTION

WAC 480-100-193 Notice to the public of tariff changes. (1) Except as to variations between the prescribed maximum and minimum rates in banded tariffs previously authorized by the commission, every utility desiring to change, modify, cancel or annul any rate, must place on file the tariff containing such modification or change at its listed business offices in the territory affected thereby for a period of at least thirty days prior to the expiration of statutory notice in connection therewith. A notice, coincident with or immediately prior to the date of such filing, that such tariff is on file at said offices shall be posted at the cashier's windows or other places where the customers pay their bills at the aforesaid offices. Said posted notice shall give anyone viewing same a brief summary as to the content of the tariff; state that the tariff is being submitted to the Washington utilities and transportation commission at Olympia; indicate the inserted effective date thereof; and relate that a copy of the tariff is available for inspection.

(2) If there is no listed business office in the territory to be affected by a tariff proposal subject to this notification but there is a payment agency therein, posted notice with the same content and timing as set forth above shall be employed at each such agency which notice, in addition thereto, shall give the name, address and telephone number of the nearest listed business office responsible for that service area at which such tariff may be examined in person without assigning any reason therefor.

(3) In lieu of the above posted notice, insofar as payment agencies are concerned, the utility may stamp or print on each bill or envelope in which such bill is mailed, enclose therewith or separately mail, with the same content as set forth above with respect to the posted notice in payment agencies and at the earliest practicable date subsequent to filing, a notice to each subscriber to be affected by the tariff proposal. Commencing ninety days or earlier from July 31, 1959, the latter procedure must be followed in those instances where a utility does not have a listed business office or a payment agency in the service area where notice, as set forth above, could otherwise be employed in a service area subject to a tariff proposal falling within this notification procedure.

(4) Whenever the alternative provision is chosen or must be used, the utility shall use such other adequate and appropriate means of notification, on or by the filing date, that will reasonably insure notice to the public of tariff revisions proposed and the effect on the public in the service area or areas involved. Such other notification may include personal contacts, letters or mailing pieces, newspaper articles or advertisements and radio and television announcements.

(5) The commission may require such other notification to the public as may be necessary in any particular case of tariff filing: Provided, That where a tariff or a part of a tariff is

filed involving no increase in charges to its patrons; where the users to be affected by a tariff change are so few in number the utility chooses to advise each by direct mail or contact; or where there is no one to be affected by the tariff proposal, the utility may forego posting of notice relative thereto and will not be required to have a copy of the proposed tariff available for inspection.

(6) The inserted effective date, unless otherwise directed, shall be a date not less than thirty days after the date the commission receives the tariff. Also, if the commission permits the tariff to become effective without statutory notice, the period of notice to the public shall still be for at least thirty days after the date the commission receives the tariff.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-100-061 Contract for service.

NEW SECTION

WAC 480-120-541 Access charges. (1) Review of tariffed access charges required. All local exchange telecommunications companies in the state of Washington shall annually review and if necessary update the traffic sensitive and nontraffic sensitive carrier common line switched access tariffs and billing and collection tariffs on file with the commission. The review shall be conducted in the manner prescribed in the Eighteenth and Nineteenth Supplemental Orders in Cause No. U-85-23 et al., including the transition to a twenty-five percent allocation factor, or as may be otherwise prescribed by commission order or rule, and each company's access charge revenue requirement shall be adjusted for changes in extended area service routes that have occurred since the previous update.

(2) Filing dates. The review shall be conducted and a report of results filed by July 1st of each year beginning October 1, 1991. Each company shall at the same time file such revised tariffs as it may deem to be required by its report. The tariffs shall be effective September 1st of the same year. The tariffs shall reflect usage and cost data of the previous year.

(3) Data filing requirement. With each annual report, each company shall also file complete workpapers and data sufficient for the staff of the commission to review the correctness of the report and related tariff filing, if any.

(4) A company with special circumstances may petition for exemption from this rule. A company with less than five thousand access lines may seek and obtain a waiver of this rule for a given year: Provided, That the rule may not be waived in two consecutive calendar years.

NEW SECTION

WAC 480-120-542 Collective consideration of Washington intrastate rate, tariff, or service proposals. (1) Upon approval by the commission of its rules of procedure,

the Washington Exchange Carrier Association (WECA) may file with the commission petitions and publish and file with the commission tariffs and may represent before the commission those of its members that authorize it to do so. WECA's rules of procedure may provide for joint or collective consideration of proposals for changes in intrastate toll, interexchange and/or access rates, tariffs or conditions of service.

(2) All initial WECA tariffs and all changes to such tariffs shall be submitted to the commission subject to all the procedural requirements and protections associated with telecommunications company filings before the commission.

(3) Nothing contained in this rule shall prevent any member of WECA from independently submitting to, or filing with, the commission directly any tariff, revenue requirement computation, report, or proposal.

(4) The commission has the authority to supervise the activities of WECA. However, such supervision shall not compromise the independent evaluation by the commission of any filing or proposal which must be submitted to the commission for final approval.

(5) To the extent that WECA is involved in the collection and redistribution of funds pursuant to commission orders authorizing certain revenue sharing arrangements under common tariff, it shall maintain and provide to the commission monthly and annual financial reports relating to such arrangements. These reports shall include actual fund collections and distributions to each member local exchange company and the basis upon which the collection and distribution is made.

(6) Each local exchange telecommunications company serving less than one million access lines in the state of Washington has the option of utilizing the Washington Exchange Carrier Association as its filing agent/tariff bureau. Companies utilizing WECA may file collectively nontraffic sensitive, traffic sensitive, special access and/or billing and collection revenue and revenue requirement computations and/or tariffs.

(7) Nothing in this section shall be construed as amending or modifying WECA's current methods of administering the NTS/USF pools or the community calling fund under WAC 480-120-400, et seq.

NEW SECTION

WAC 480-120-543 Caller identification service. Any caller identification service provided by a telecommunications company shall include the option for calling parties to block the delivery of their numbers, names, or locations. This option shall be available on a per call or per line basis without any recurring charges. This section does not apply to the delivery of caller numbers, names, or locations to a 911 or enhanced 911 service, or other emergency service, or a customer originated trace.

NEW SECTION

WAC 480-120-544 Mandatory cost changes for telecommunications companies. (1) This section establishes streamlined procedures to be applied to rate filings by local exchange telecommunications companies which seek to

reflect in rate increases jurisdictional separations changes and mandatory accounting and tax changes imposed by a governmental authority which are accepted for intrastate rate-making purposes by the commission.

(2) In order to qualify for jurisdictional separations or mandatory accounting and tax change treatment, a filing seeking to increase rates shall meet the following requirements at a minimum:

(a) It shall be accompanied by a recital that the company has or will within forty-five days of the filing complete distribution in the manner specified in WAC 480-80-125 of a notice to customers containing information as to the rate increase consistent with that required in that portion of the rule denominated "summary of requested rate increases," and further containing the name and mailing address of the commission and public counsel, and advising the customers that they may contact the same with respect to the proposed rate change. Proof of compliance with the foregoing shall be on file with the commission at least thirty days before any rates sought under this procedure shall be made effective.

(b) The filing shall be accompanied by supporting documentation demonstrating the calculation of the proposed increase and the authority for the change.

(c)(i) A company seeking this treatment for a proposed increase shall submit a rate of return statement, on a commission basis, which demonstrates that the company is not presently exceeding a reasonable level of earnings. If the company is exceeding a reasonable level of earnings, the proposed increase shall be reduced accordingly. All supporting documentation used to develop the rate of return statement shall be provided with the filing. For the purposes of this rule, "reasonable level of earnings" is the company's authorized overall rate of return or the rate of return developed pursuant to (e) of this subsection, whichever is more current. Companies with revenues exceeding five hundred million dollars annually may use their authorized rate of return if established within the prior two years. If no return has been established within two years, such companies may not be accorded the procedures designated by this rule, unless in the judgment of the commission, such authorized return is not unreasonable for purposes of a filing under this rule. If a company cannot depict Washington intrastate results of operations with reasonable accuracy, the total Washington realized return may be used for this test.

(ii) The rate of return statement shall not be a fully pro forma results of operations statement, but must depict the results of operations on a commission basis. For purposes of this rule, "commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a rate-making basis and also includes an appropriate pro forma debt adjustment. These restating adjustments should be made to account for jurisdictional differences where they depart from FCC Part 32. Accounting rules set forth in WAC 480-120-031 may be used as a guide to satisfy most adjustments required to restate per books results of operations. Nonoperating, non-recurring, or extraordinary items, and unregulated operating items, or any other item that materially distorts test period

earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. For purposes of this rule, "commission basis" does not include new theories or approaches which have not been previously addressed to and resolved by the commission.

(d) The supporting documentation specified in (b) and (c) of this subsection shall be submitted at the time of the tariff filing or the first notice to customers, whichever occurs first.

(e) The qualifying overall rate of return will be either not greater than 9.73 percent or based upon a 10.45 percent return on equity. The 9.73 percent overall rate of return will be adjusted according to the following table:

90% DEBT COMPANIES USE 40.00% OF TARGET RATE OF RETURN
80% DEBT COMPANIES USE 48.00% OF TARGET RATE OF RETURN
70% DEBT COMPANIES USE 57.60% OF TARGET RATE OF RETURN
60% DEBT COMPANIES USE 69.12% OF TARGET RATE OF RETURN

Using the 10.45 percent return on equity, the overall fair rate of return will be determined on an individual company basis giving consideration to the company's cost of debt and preferred equity, each adjusted for any known and measurable effects, and utilizing an appropriate capital structure.

For the purposes of this rule only, "appropriate capital structure" shall be defined as a minimum of forty percent equity and a maximum of sixty percent equity. Capital structures outside these parameters will be adjusted to the minimum or maximum, whichever is closer.

The rates shall be reviewed during the third quarter of each calendar year, and such action taken as may be necessary and appropriate to reflect the current capital market conditions: Provided, That nothing herein shall foreclose more frequent review and adjustment of the overall rate of return or return on equity as circumstances may indicate. Nothing in this rule shall foreclose a utility from seeking a different return on equity, nor shall the returns or the methodologies stated in this section be considered as precedent for any other commission proceedings.

(3) Except for costs identified with a particular customer class, any revenue requirement change sought to be reflected by this treatment shall be spread on a uniform revenue percentage basis by customer class, defined as residential, business, and interexchange, whether or not classified as competitive.

Costs identified with interexchange services shall be spread to access charges using approved commission methodology. Costs identified with any other specific class or service shall be spread to that class or service on a uniform percentage basis. In exceptional circumstances, a company may propose an alternative rate design or rate spread.

(4) If the commission has reason to believe that the quality of the company's service is not consistent with its public service obligations, or if the commission has reason to believe that the company's results of operations, proposed

rate design or proposed rate spread, or proposed alternative rate design or rate spread require a more extensive review, the commission may decline to apply the procedures contemplated by this rule.

(5) If jurisdictional separations or mandatory accounting and tax change treatment is found to be appropriate, the commission will ordinarily take final action within ninety days of the date of filing.

(6) Nothing in this section shall be construed to prevent any company, the commission, or any customer from utilizing any other procedures which are otherwise permitted by law.

NEW SECTION

WAC 480-120-043 Notice to the public of tariff changes. (1) Except as to variations between the prescribed maximum and minimum rates in banded tariffs previously authorized by the commission, every utility desiring to change, modify, cancel or annul any rate, must place on file the tariff containing such modification or change at its listed business offices in the territory affected thereby for a period of at least thirty days prior to the expiration of statutory notice in connection therewith. A notice, coincident with or immediately prior to the date of such filing, that such tariff is on file at said offices shall be posted at the cashier's windows or other places where the customers pay their bills at the aforesaid offices. Said posted notice shall give anyone viewing same a brief summary as to the content of the tariff; state that the tariff is being submitted to the Washington utilities and transportation commission at Olympia; indicate the inserted effective date thereof; and relate that a copy of the tariff is available for inspection.

(2) If there is no listed business office in the territory to be affected by a tariff proposal subject to this notification but there is a payment agency therein, posted notice with the same content and timing as set forth above shall be employed at each such agency which notice, in addition thereto, shall give the name, address and telephone number of the nearest listed business office responsible for that service area at which such tariff may be examined in person without assigning any reason therefor.

(3) In lieu of the above posted notice, insofar as payment agencies are concerned, the utility may stamp or print on each bill or envelope in which such bill is mailed, enclose therewith or separately mail, with the same content as set forth above with respect to the posted notice in payment agencies and at the earliest practicable date subsequent to filing, a notice to each subscriber to be affected by the tariff proposal. Commencing ninety days or earlier from July 31, 1959, the latter procedure must be followed in those instances where a utility does not have a listed business office or a payment agency in the service area where notice, as set forth above, could otherwise be employed in a service area subject to a tariff proposal falling within this notification procedure.

(4) Whenever the alternative provision is chosen or must be used, the utility shall use such other adequate and appropriate means of notification, on or by the filing date, that will reasonably insure notice to the public of tariff revisions proposed and the effect on the public in the service area or areas

involved. Such other notification may include personal contacts, letters or mailing pieces, newspaper articles or advertisements and radio and television announcements.

(5) The commission may require such other notification to the public as may be necessary in any particular case of tariff filing: Provided, That where a tariff or a part of a tariff is filed involving no increase in charges to its patrons; where the users to be affected by a tariff change are so few in number the utility chooses to advise each by direct mail or contact; or where there is no one to be affected by the tariff proposal, the utility may forego posting of notice relative thereto and will not be required to have a copy of the proposed tariff available for inspection.

(6) The inserted effective date, unless otherwise directed, shall be a date not less than thirty days after the date the commission receives the tariff. Also, if the commission permits the tariff to become effective without statutory notice, the period of notice to the public shall still be for at least thirty days after the date the commission receives the tariff.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-120-022	Classification proceedings.
WAC 480-120-023	Content of petition for classification of competitive telecommunications services and companies.
WAC 480-120-024	Waiver of regulatory requirements for competitive telecommunications companies.
WAC 480-120-025	Investigations.
WAC 480-120-027	Price lists.
WAC 480-120-066	Contract for service.

NEW SECTION

WAC 480-121-061 Classification proceedings. (1) Rules of practice and procedure applicable. The rules of practice and procedure before the commission, chapter 480-08 WAC, shall apply generally to proceedings to classify a telecommunications company as a competitive telecommunications company or a service as a competitive telecommunications service.

(2) Initiation of classification proceedings. A telecommunications company shall initiate a classification proceeding by filing a petition with the commission. The commission may initiate a classification proceeding on its own motion by order instituting investigation.

(3) Notice to affected companies and public counsel. The commission shall serve a copy of the petition or its order upon all telecommunications companies which may be affected by the proceeding, and upon the public counsel section of the office of the attorney general. Service by the com-

mission shall be made as provided in WAC 480-08-060(4). Alternatively, the commission may direct petitioner to serve a copy of the petition upon such parties as the commission directs. Service by petitioner shall be made in accordance with WAC 480-08-060(3).

(4) Notice to customers of classification proceeding. The commission may require a telecommunications company to give notice of the pendency of the classification proceeding. The commission shall determine the manner and distribution of notice.

(5) Appearances and intervention. Any person desiring to participate in a classification proceeding may petition to intervene as provided in WAC 480-08-070.

(6) Commission may require appearance. In any classification proceeding the commission may require all regulated telecommunications companies potentially affected by the proceeding to appear as parties to determine their classification.

(7) Burden of proof. In any classification proceeding, the telecommunications company shall have the burden of demonstrating that the company or services at issue are subject to effective competition. Effective competition means that customers of the service have reasonably available alternatives and that the service is not provided to a significant captive customer base. In determining whether a service is competitive, factors the commission shall consider include, but are not limited to:

- (a) The number and size of alternative providers of services;
- (b) The extent to which services are available from alternative providers in the relevant market;
- (c) The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions; and
- (d) Other indicators of market power, which may include market share, growth in market share, ease of entry, and the affiliation of providers of services.

A telecommunications company will not be classified as competitive unless it demonstrates that the telecommunications services it offers are subject to effective competition.

NEW SECTION

WAC 480-121-062 Content of petition for classification of competitive telecommunications services and companies. In addition to the requirements of WAC 480-08-050(13), a petition for classification of a competitive telecommunications service or a competitive telecommunications company shall, at a minimum, be accompanied with the following:

- (1) Name and address of the petitioner;
- (2) A description of the services it offers;
- (3) Names and addresses of any entities which would be classified as "affiliated interests" of the petitioner pursuant to RCW 80.16.010;
- (4) A statement of the services the petitioner contends are subject to effective competition, and with respect to each such service the following information shall be provided:

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- (a) Descriptions of all services in the petitioner's definition of the relevant market for the service;
- (b) Names and addresses of all providers of such services known or reasonably knowable to the petitioner;
- (c) Prices, terms, and conditions under which such services are offered to the extent known or reasonably knowable to the petitioner;
- (d) A geographical delineation of the relevant market;
- (e) An estimate of petitioner's market share and any past or projected change in market share;
- (f) A description of ease of entry into the market;
- (g) A statement of whether petitioner has a significant captive customer base and the basis for any contention that it does not;
- (h) A verifiable cost of service study supporting the contention that the price or rate charged for the service covers its cost. A petition which contends that all of a company's services are competitive and does not seek classification for some services if others are denied classification is exempted from this requirement;
- (i) The manner by which notice of price list changes will be provided to customers and the commission.

NEW SECTION

WAC 480-121-063 Waiver of regulatory requirements for competitive telecommunications companies. (1) The commission may waive in writing regulatory requirements for competitive telecommunications companies if it is determined that competition will serve the same purposes as public interest regulation.

(2) Any telecommunications company seeking competitive classification shall include as part of its petition for classification any requests for waivers of regulatory requirements. Requests for waiver not included in a classification petition shall be granted or denied in writing. The commission reserves the right to set any such request for hearing at its discretion. Any request for waiver of regulatory requirements must include a statement as to how competition will serve the same purposes as public interest regulation.

(3) The commission may revoke waivers of regulatory requirements in the same manner in which they were granted if such revocation would protect the public interest.

NEW SECTION

WAC 480-121-064 Investigations. (1) Information to the commission. The commission may require competitive telecommunications companies or telecommunications companies providing competitive services to submit periodically information relating to the factors set forth in WAC 480-120-027(7).

(2) Reclassification. After notice and hearing, the commission may reclassify any competitive telecommunications company or service if such reclassification would protect the public interest. In any such hearing the burden shall rest on the telecommunications company to demonstrate that the existing classification is proper and consistent with the public interest.

- (3) Refunds. If the commission finds after notice and hearing that any class of subscribers to a noncompetitive telecommunications service has paid excessive rates because of below cost pricing of competitive telecommunications services, the commission may order refunds or credits.

WSR 01-09-004

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed April 5, 2001, 8:40 a.m.]

Date of Adoption: March 30, 2001.

Purpose: These amendments allow for the possession of a valid certificate issued by the National Board for Professional Teaching Standards (NBPTS) to qualify an individual for maintaining or renewing the continuing/professional teacher's certificate. In addition, rules for admission to the professional certificate program are clarified. Other amendments are editorial.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-535, 180-79A-145, 180-79A-250, and 180-85-075.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 01-04-019 on January 29, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, 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.

April 4, 2001

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 00-18-062, filed 9/1/00, effective 10/2/00)

WAC 180-78A-535 Approval standard—Program design. The following requirements shall govern the design of the professional certificate program:

- (1) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as a teacher in a public or a state board of education approved private school and shall have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school: Provided, That a can-

didate for the professional teacher's certificate may enroll in and complete the preassessment seminar described in subsection (4)(a) of this section prior to admission to a professional certificate program.

(2) The professional certificate program must be available to all qualified candidates.

(3) Using the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(4) Each program shall consist of:

(a) A preassessment seminar which considers input from the candidate's "professional growth team" (WAC 180-78A-505), the candidate's past experience, the context in which he/she teaches, information from past annual evaluations if the individual chooses, the candidate's personal and professional goals, his/her self-evaluation, and evidences of the candidate's impact on student learning.

The seminar will culminate in preparation and approval of the candidate's individual professional growth plan designed to provide the candidate with the knowledge and skills needed to demonstrate successfully the standards and criteria required by WAC 180-78A-540.

A representative of the college/university and the candidate shall develop the professional growth plan to be reviewed and agreed upon after input from and consultation and "collaboration" (WAC 180-78A-010(9)) with his/her "professional growth team" (WAC 180-78A-010(10)).

The individual professional growth plan shall be based on:

(i) An analysis of the instructional context and teaching assignment(s) to determine strategies which the teacher should use to achieve a positive impact on student learning.

(ii) An assessment of the candidate's ability to demonstrate successfully the professional certificate standards and criteria.

(iii) Specifications of assistance and instructional components needed and any required course work.

(b) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required state-wide as essential to "effective teaching" as defined in WAC 180-78A-540(1).

(c) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required state-wide as essential to "professional development" as defined in WAC 180-78A-540(2).

(d) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required state-wide as essential to "leadership" as defined in WAC 180-78A-540(3).

(e) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; identification of future goals and professional/career interests; and specification of areas for continuing education and development. The candidate must provide multiple forms of evidence which shall include, but are not limited to, the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction.

(5) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for appropriate assistance and instruction.

(6) No limits shall be placed on the number of times a candidate with a valid residency certificate may participate in the culminating seminar.

AMENDATORY SECTION (Amending WSR 00-03-048, filed 1/14/00, effective 2/14/00)

WAC 180-79A-145 Levels of certificates, initial/residency and continuing/professional. Two levels of certification may be issued.

(1) Through August 31, 2000, for teachers, and through August 31, 2004, for administrators and educational staff associates, the following levels of certificates will be issued: Provided, That after August 31, 2000, initial and continuing teachers' certificates will be issued only to previous Washington certificate holders, pursuant to WAC 180-79A-123:

(a) Initial certificate. The initial teacher certificate is valid for four years and the initial administrator and educational staff associate certificates are valid for seven years. Initial teacher certificates shall be subject to renewal pursuant to WAC 180-79A-250 and 180-79A-123. Initial administrator and educational staff associate certificates shall not be subject to renewal.

(b) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 180-79A-250(3).

(2) The following levels of certificates will be issued to teachers, administrators, and educational staff associates commencing with the dates indicated below:

(a) Residency certificate. The residency certificate will be issued beginning September 1, 2000, to teachers and beginning no later than September 1, 2004, to administrators and educational staff associates. The residency certificate is valid for five years and shall be subject to renewal pursuant to WAC 180-79A-250.

(b) Professional certificate. The professional certificate will be issued beginning September 1, 2001, to teachers and beginning no later than September 1, 2004, to administrators and educational staff associates. The professional certificate is valid for five years and shall be subject to renewal pursuant to WAC 180-79A-250. Provided, That a professional teacher's certificate based on the possession of a valid teacher's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 180-79A-257 (3)(b) or 180-79A-206 (3)(a)

shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(3) Notwithstanding anything in subsections (1) and (2) of this section to the contrary, a professional teachers' certificate may be issued prior to August 31, 2000, pursuant to WAC 180-78A-555.

AMENDATORY SECTION (Amending WSR 00-03-048, filed 1/14/00, effective 2/14/00)

WAC 180-79A-250 Initial/residency and continuing/professional certificates—Renewal, reinstatement, and continuing education requirements. The following shall apply to initial/residency and continuing/professional certificates issued pursuant to this chapter:

(1) Initial certificate.

An initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work requirements from a regionally accredited institution of higher education as defined in WAC 180-78A-010(6) for continuing certification or has completed at least fifteen quarter credit hours (ten semester credit hours) since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 180-79A-123 will apply.

(2) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Individuals who hold, or have held, a residency certificate and (~~are enrolled in a professional certificate program~~) who qualify for admission to a professional certificate program pursuant to WAC 180-78A-535(1) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in and is making satisfactory progress in a state approved professional certificate program.

(b) Individuals who hold, or have held, residency certificates who (~~have not completed provisional status with a school district or equivalent service with an approved private school in Washington~~) do not qualify for admission to a professional certificate program pursuant to WAC 180-78A-535(1) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work (normally one hundred level or higher) from a regionally accredited institution of higher education taken since the issuance of the residency certificate.

(c) All other individuals who hold, or have held, residency certificates may have their certificates renewed only by appeal to the state board of education, or its designated appeals committee. The following conditions apply to such appeals:

(i) Teachers who appeal shall present a rationale and evidence to support their request to have their residency certificates renewed.

(ii) The state board of education, or its designated appeals committee, in making its decision shall determine the length of the renewal and may establish specific conditions (such as course work requirements) as prerequisites for the reissuance of the residency certificate.

(3) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987, and who applied for such certificates prior to July 1, 1988, or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 180-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement specified in chapter 180-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 180-85 WAC and must meet the conditions stated in WAC 180-79A-253.

(4) Professional certificate. A professional certificate may be renewed for additional five year periods (~~pursuant to meeting continuing education requirements outlined in chapter 180-85 WAC~~) by the completion of one hundred fifty continuing education credit hours as defined in chapter 180-85 WAC since the certificate was issued. All continuing education credit hours shall relate to either (a) or (b) of this subsection: Provided, That both categories (a) and (b) must be represented in the one hundred fifty continuing education credit hours required for renewal:

(a) One or more of the following three standards outlined in WAC 180-78A-540:

(i) Effective instruction.

(ii) Leadership.

(iii) Professional development.

(b) One of the salary criteria specified in RCW 28A.415.023.

(i) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.320.205, the annual school performance report, for the school in which the individual is assigned;

(ii) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(iii) Is necessary to obtain an endorsement as prescribed by the state board of education;

(iv) Is specifically required to obtain advanced levels of certification; or

(v) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

(5) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

AMENDATORY SECTION (Amending WSR 99-14-010, filed 6/24/99, effective 7/25/99)

WAC 180-85-075 Continuing education requirement. Continuing education requirements are as follows:

(1) Each holder of a continuing or a standard certificate affected by this chapter shall be required to complete during a five-year period one hundred fifty continuing education credit hours, as defined in WAC 180-85-030, prior to his or her first lapse date and during each five-year period between subsequent lapse dates as calculated in WAC 180-85-100.

~~(2) ((Each holder of a valid professional certificate shall be required to complete one hundred fifty continuing education credit hours, as defined in WAC 180-85-030, since the certificate was issued in order to renew. All continuing education credit hours shall relate to either (a) or (b) of this subsection: Provided, That both categories (a) and (b) must be represented in the one hundred fifty continuing education credit hours required for renewal:~~

~~(a) One or more of the following three standards outlined in WAC 180-78A-540:~~

~~(i) Effective instruction;~~

~~(ii) Leadership;~~

~~(iii) Professional development;~~

~~(b) One of the salary criteria specified in RCW 28A.415.023.~~

~~(i) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.320.205, the annual school performance report, for the school in which the individual is assigned;~~

~~(ii) Pertains to the individual's current assignment or expected assignment for the subsequent school year;~~

~~(iii) Is necessary to obtain an endorsement as prescribed by the state board of education;~~

~~(iv) Is specifically required to obtain advanced levels of certification; or~~

~~(v) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.)) Provided, That each holder of a continuing or a standard certificate affected by this chapter may present a copy of a valid certificate issued by the National Board for Professional Teaching standards in lieu of the completion of the continuing education credit hours required by subsection (1) of this section.~~

WSR 01-09-005

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed April 5, 2001, 8:41 a.m.]

Date of Adoption: March 30, 2001.

Purpose: The amendment established fees for the professional certificate which are equitable to fees for other educator certificates.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-130.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 01-09-093 [01-05-093] on February 20, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 4, 2001

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 00-03-048, filed 1/14/00, effective 2/14/00)

WAC 180-79A-130 Fee for certification. (1) In accordance with provisions of RCW 28A.410.060 and 28A.415.010, the fee for certificates which are valid for more than one year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

(a) The continuing ~~((and professional))~~ certificate(s), seventy dollars;

(b) The reinstatement, additional endorsement on the teaching certificate, duplicate certificates, substitute certificates, ~~((renewal of the residency certificate,))~~ and certificates issued for the purpose of showing a name change, fifteen dollars; and

(c) Any other certificate or credential or any renewal thereof, five dollars for each year of validity;

(d) Provided, That the fee for all vocational certificates shall be one dollar.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, or their designees. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.410.060. The fee shall not be refunded unless the application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issu-

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ance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as credit toward certificate fees if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

(a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute, all such moneys shall be placed to the credit of the educational service district.

(b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to state-wide recertification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional in-service training programs and evaluations thereof.

WSR 01-09-006

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed April 5, 2001, 8:42 a.m.]

Date of Adoption: March 30, 2001.

Purpose: The amendment states the Superintendent of Public Instruction will determine the status of certificates held by applicants from other states, but does not specify the exact method to be used for this determination.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-155.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 01-04-022 on January 29, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 4, 2001

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 99-23-023, filed 11/9/99, effective 12/10/99)

WAC 180-79A-155 Good moral character and personal fitness—Necessary supporting evidence by applicants. All applicants for certification shall submit the following:

(1) An affidavit from the applicant indicating that he or she has not been convicted of any crime or a complete disclosure of all arrests and subsequent dispositions of such arrests. In the event of a conviction for any arrest, the applicant shall state reasons why such conviction does not reflect adversely on the requirement to possess good moral character and be personally fit.

(2) An affidavit from the applicant that he or she has no history of serious behavioral problems or a complete disclosure of the nature and status of all such problems, including the names and addresses of health practitioners who have treated the applicant within the past ten years and an executed consent form permitting the superintendent of public instruction to contact and consult with such health practitioners and for such health practitioners to fully disclose medical information related to such behavioral problems.

(3) An affidavit from the dean of the college or school of education or one or more officials designated by such dean, or, if none, by the college or university president, where the applicant completed his or her approved preparation program, that indicates that a designated college or university official has contacted several faculty members who personally know or knew the applicant and has no knowledge of any relevant information related to the applicant's character or fitness that would adversely affect the applicant's ability to serve in a certificated role or a statement from such affiant of the reasons why it is not possible to make such an affidavit.

(4) If the affidavit described in subsection (3) of this section is impossible or impractical to obtain, the applicant shall submit to the superintendent of public instruction the following:

(a) A statement as to why it is impossible or impractical to secure the affidavit required by subsection (3) of this section;

(b) A complete employment history, including the names, addresses, and phone numbers of the immediate supervisor of such applicant when an employee; and

(c) The names, addresses, and phone numbers of three character references who are not related to the applicant.

(5) If the applicant holds or has held a certificate in any other state, such applicant shall prepare one of the following affidavits for each such state:

(a) An affidavit that such certificate has not been suspended, surrendered, or revoked. (~~Such affidavit shall be forwarded to the licensing agency in such state with a request that such affidavit be verified and forwarded directly to the superintendent of public instruction.~~) The superintendent of public instruction shall determine the status of certificates held by applicants in any other state to find if such certificates have been suspended, surrendered or revoked.

(b) An affidavit which shall fully disclose the reasons for the suspension, surrender, or revocation of the certificate.

Such affidavit shall be submitted directly to the superintendent of public instruction.

WSR 01-09-011
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed April 6, 2001, 10:32 a.m.]

Date of Adoption: March 30, 2001.

Purpose: Delete the requirement for prorating architectural and engineering fees in two steps based on the size of the projects. Fees would instead be assigned to projects based on the fee schedule for projects in size ranges. This change will simplify the procedure by scheduling a range of square footage for which a percentage applies. Then the square footage for any project will fall into a range, and the appropriate percentage will be used for the entire square footage: A simple, one step multiplication.

Citation of Existing Rules Affected by this Order: Amending WAC 180-27-070.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 01-05-089 on February 20, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February [April] 4, 2001

Larry Davis
 Executive Director

AMENDATORY SECTION (Amending WSR 98-19-143, filed 9/23/98, effective 10/24/98)

WAC 180-27-070 Architectural and engineering services. School districts shall select their architectural and engineering consultants in accordance with chapter 39.80 RCW. As required by RCW 39.80.050, the district shall negotiate a contract with the most qualified consultants at a price which the school district determines is fair and reasonable. In making its determination, the district shall take into account the estimated value of the services to be rendered based upon the scope and complexity of the project.

The allocation of state moneys for matching purposes for a school facility project shall be based on architectural and

engineering services as defined by the latest edition of the *American Institute of Architects Handbook of Professional Practice* and calculated by the percentage(s) in relation to the square foot area of construction as calculated in WAC 180-27-040 and project type, as set forth below:

(1) **New construction projects:**

Architectural and Engineering Team Fee Matching Limitations

Square Feet of Construction	Percent of Construction Cost
((Under 3,700)) 0	10.0
3,700	9.0
7,350	8.75
11,000	8.5
14,650	8.25
18,300	8.0
25,700	7.75
36,700	7.5
55,000	7.25
73,400	7.0
101,000	6.75
128,450	6.5
156,000	6.25
183,500 & above	6.0

((Note: Compensation for projects with square foot area of construction between the values shown shall be established for matching purposes by the process as indicated in the example below.

Example:

Assume: Area of construction = 75,000 sq. ft.
 Area cost allowance = \$90/sq. ft.

73,400 sq. ft. x \$90/sq. ft. x 7.0%	=	\$462,420.00
1,600 sq. ft. x \$90/sq. ft. x 6.75%	=	9,720.00
75,000 sq. ft.		\$472,140.00

State share = \$472,140.00 x state matching percentage))

(2) **Modernization projects:**

For modernization projects, the limits of state participation shall be one and one-half times the amount calculated for new construction.

(3) **Combination projects:**

For those projects which include a combination of new construction and modernization, the limits of state participation shall be prorated as set forth in subsection (1) and (2) of this section.

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WSR 01-09-012
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed April 6, 2001, 10:42 a.m.]

Date of Adoption: March 30, 2001.

Purpose: Provide clarifying language to ensure that the provisions of the section apply only to facilities that meet the provisions of the section. Provide specific information that defines the accounting codes for general and capital funds that must be charged to post - 1992 buildings in order to qualify for state assistance for modernization.

Citation of Existing Rules Affected by this Order: Amending WAC 180-33-023.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 01-05-088 on February 20, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February [April] 5, 2001

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 91-12-058, filed 6/5/91, effective 7/6/91)

WAC 180-33-023 State assistance in post 1992 facilities. State assistance for modernization of school facilities accepted by the school district board of directors after January 1, 1993, shall be limited according to the following conditions:

(1) A school facility shall be ineligible for state assistance if the total expenditures for maintenance of plant and equipment for that facility during the fifteen-year period immediately preceding the project application was below one-half of one percent of the total of the annually determined building replacement values during the same period;

(2) The allowable cost per square foot used to determine the amount of state assistance in any modernization project where the total expenditures for maintenance of plant and equipment for that facility during the fifteen-year period immediately preceding the project application was at least one-half but less than two percent of the total of the annually determined building replacement values during the same period shall be reduced as follows:

(a) The allowable cost per square foot shall be reduced by twenty-two and one-half percent where the above expenditure is at least one-half but less than one percent;

(b) The allowable cost per square foot shall be reduced by fifteen percent where the above expenditure is at least one but less than one and one-half percent;

(c) The allowable cost per square foot shall be reduced by seven and one-half percent where the above expenditure is at least one and one-half but less than two percent;

(3) No reduction in the allowable cost per square foot shall be applied to any modernization project where the total expenditures for maintenance of plant and equipment for that facility during the fifteen-year period immediately preceding the project application was two percent, or greater, of the total of the annually determined building replacement values during the same period;

(4) A district shall not be allowed to replace a school facility through new construction in lieu of modernization under WAC 180-33-042 where the total expenditures for maintenance of plant and equipment for that facility during the fifteen-year period immediately preceding the project application was below two percent of the total of the annually determined building replacement values during the same period.

(5) For the purpose of this section "maintenance of plant and equipment" shall be general fund expenditures charged to maintenance and operations activities 61-supervision and 64-maintenance and capital projects fund expenditures charged to type code 22-remodeling and 42-capital improvements as defined in the Accounting Manual for Public School Districts.

WSR 01-09-013
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed April 6, 2001, 10:46 a.m.]

Date of Adoption: March 30, 2001.

Purpose: Make clarifying amendments to the State Board of Education rule relating to the standardized transcript to align with the new state minimum high school graduation requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 180-57-070 Mandatory high school transcript contents—Items.

Statutory Authority for Adoption: RCW 28A.305.220.

Adopted under notice filed as WSR 01-05-090 on February 20, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February [April] 5, 2001

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 00-19-107, filed 9/20/00, effective 10/21/00)

WAC 180-57-070 Mandatory high school transcript contents—Items. The standardized high school transcript shall contain only the following information:

(1) The student's legal name (last name, first name, and middle name(s) or middle initial(s));

(2) The student's current address, address at graduation, or address at withdrawal from school (street, city, state, zip code);

(3) The name and address of parent(s) or guardian(s) (street, city, state, zip code) if such information is available;

(4) The student's birth date and sex;

(5) The student's identification number (if applicable);

(6) The school's name;

(7) The school's address (street, city, state, zip code, and telephone number);

(8) The dates of the student's entry, reentry, withdrawal, and graduation (if applicable) related to the school issuing the transcript;

(9) A list of previous high schools attended (school name, ~~(address,))~~ city, state, and month and year of entrance and exit);

(10) The student's attendance record (total unexcused absences. "Unexcused absence" shall mean the same as defined under RCW 28A.225.020(2)) by year;

(11) The student's academic history for high school (grade level and date of course completion, course titles, including the high school department code and course number, marks/grades earned as defined in WAC 180-57-050, credits attempted as defined in WAC 180-57-040, and grade point average as defined in WAC 180-57-055).

(12) The following courses shall be designated on the transcript as dual credit (d/c) courses with the coding indicated. Courses completed and credits earned through running start shall be noted with an "RS" designation. Courses completed and credits earned through advanced placement shall be noted with an "AP" designation. Courses completed and credits earned through college in the high school shall be noted with a "CHS" designation. Courses completed and credits earned through an international baccalaureate program shall be noted with an "IB" designation. Courses completed which earn college credit through tech-prep and/or the corresponding credits or certification earned shall be noted with a ~~("T-P")~~ "TP" designation;

~~((12))~~ (13) The transcript shall include notation that the student has met the standard on the secondary Washington assessment of student learning and/or earned the state certificate of mastery; and

~~((13))~~ (14) The signature and/or seal of the authorized school official (name, title, and date).

WSR 01-09-014

PERMANENT RULES

PUBLIC WORKS BOARD

[Filed April 6, 2001, 10:54 a.m.]

Date of Adoption: April 3, 2001.

Purpose: Update public information access; clarify eligible costs; clarify board's intent to consider past management practices (two sections); and eliminate outmoded language in the board's ethics code.

Citation of Existing Rules Affected by this Order: Amending WAC 399-10-010, 399-30-030, 399-30-042, 399-30-050, and 399-50-040.

Statutory Authority for Adoption: RCW 43.155.040(5).

Adopted under notice filed as WSR 01-03-143 on January 24, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 6, 2001

Pete A. Butkus

Executive Director

Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-24-010, filed 11/19/98, effective 12/20/98)

WAC 399-10-010 Organization and operation of the public works board. (1) The public works board is a thirteen-member board appointed by the governor under RCW 43.155.030.

(2) The governor appoints one of the general public members as chair. The board may elect other officers for terms deemed necessary.

(3) The department of community, trade, and economic development provides staff support and office space to the

board at P.O. Box 48319, Olympia, Washington 98504-8319; phone (360) ((753-2200)) 725-5000.

((The board's Internet site is: ~~WWW.CRAB.WA.GOV/PWTF~~))

AMENDATORY SECTION (Amending WSR 98-24-010, filed 11/19/98, effective 12/20/98)

WAC 399-30-030 Loan and financing guarantee applications. (1) Any local government in the state of Washington may apply for a loan or financing guarantee to assist in financing critical public works projects.

(2) All applicants must meet the following conditions:

(a) Applicant cities and counties must be imposing a real estate excise tax under RCW 82.46.010(2) at a rate of at least one-quarter of one percent;

(b) Applicant local governments must have developed a long-term plan for financing public works needs as further described in the loan application package under "capital facilities planning."

(3) Direct costs eligible for public works loans are those costs directly attributable to a specific project and include:

(a) Work done by employees of the applicant, or by other government employees under an inter-local agreement or contract limited to: Engineering, environmental review, design activities, acquisition of rights of way or property, construction inspection activities, roadway seal coating (if bids from private sector contractors have been solicited and compared with the inter-local agreement proposal), and the cleaning, sterilization, or bacteriological testing of water system components prior to public use.

(i) Salaries and wages (at actual or average rates) covering productive labor hours of the local government employees (excluding the administrative organization of the operating unit involved). The cost of services rendered by employees generally classified as administrative are considered a direct cost only when such employees are assigned for short periods of time to perform on a full-time basis the types of services described above and when similar procedures are followed;

(ii) Employee benefits relating to direct labor are considered a direct cost of construction projects. The following items may be included as employee benefits:

- (A) F.I.C.A. (Social Security) - employer's share;
- (B) Retirement benefits;
- (C) Hospital, health, dental, and other welfare insurance;
- (D) Life insurance;
- (E) Industrial and medical insurance;
- (F) Vacation;
- (G) Holiday;
- (H) Sick leave; and
- (I) Military leave and jury duty.

Employee benefits must be calculated as a percentage of direct labor dollars. The computation of predetermined percentage rates to be applied to current labor costs must be based on the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.

(b) Contract engineering, planning, legal, and financial planning services. The board reserves the right to declare

ineligible legal costs that are unreasonable and disproportionate to the project.

(c) Right-of-way acquisition costs including:

(i) Purchase of land and easements acquired for and devoted to the project;

(ii) Purchase of improvements;

(iii) Adjustment or reestablishment of improvements;

(iv) Salaries, expenses or fees of appraisers, negotiators or attorneys;

(v) Removal or demolition of improvement;

(vi) Other direct costs in connection with the acquisition.

Amounts received from the sale of excess real property or improvements and from any rentals will be reduced from the direct cost.

(d) Contract construction work.

(e) Direct vehicle and equipment charges at the actual rental cost paid for the equipment or, in the case of city or county-owned equipment, at the rental rates established by the local government's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations. However, such costs must be charged on a uniform basis to equipment used for all projects regardless of the source of funding. Cities with a population of eight thousand or less not using type of fund are allowed the same rates as used by the department of transportation.

(f) Direct materials and supplies.

(i) An overhead rate or "loading factor" is not considered an appropriate additive to the actual cost of materials and supplies used on construction projects unless the factor is readily and properly supportable by the governmental unit's accounting records.

(ii) The cost, or reasonable estimate thereof, of materials paid for as contract estimate items, but not used, will be considered a reduction of direct costs. Any material that is salvaged in connection with a project will be assigned a reasonable value and considered a reduction of direct costs.

(iii) Wetland plants and other materials used for wetland planting, wildlife habitat, or fish habitat may be provided to a public or nonprofit organization without a reduction of direct costs.

(g) Interdepartmental charges for work performed by the local government for the benefit of specific construction projects is limited to direct costs plus an allocation of indirect costs based on ten percent of direct labor dollars, excluding employee benefits.

(h) Other direct costs incurred for materials or services acquired for a specific project are eligible for participation by public works loan funds and may include, but are not limited to such items as:

(i) Public communication plans and activities;

(ii) Telephone charges;

~~((+))~~ (iii) Reproduction and photogrammetry costs;

~~((+))~~ (iv) Video and photography for project documentation;

~~((+))~~ (v) Computer usage; ~~(and~~

~~+))~~ (vi) Printing and advertising; and

(vii) Value engineering and performance audits.

(4) Other than work identified in subsection (3)(a) of this section, no government employee labor related costs, includ-

ing force account work, are eligible for financing assistance or to be considered as local match under this chapter.

(5) Applications must be submitted in writing, on forms provided by the board for the current funding cycle.

(6) A responsible official of the applicant jurisdiction must sign and verify each application for financial assistance. The official must also provide the board with additional materials or information in support of the application when requested by the board or its staff.

AMENDATORY SECTION (Amending WSR 98-24-010, filed 11/19/98, effective 12/20/98)

WAC 399-30-040 Application evaluation procedure and board deliberations. (1) The board will consider and prioritize, or disapprove, all applications for loans or financing guarantees at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.

(2) Applications will be evaluated and prioritized in accordance with the following procedures:

(a) Staff will log in all applications as received.

(b) Staff will review all applications for compliance with the minimum qualification requirements of WAC 399-30-030(2). Jurisdictions whose applications do not meet the minimum qualification requirements will be notified in writing of the disqualification.

(c) Staff will perform an evaluation of all applications which meet the requirements of WAC 399-30-030(2). Applications will be scored according to the number of points awarded for responses provided in the statements of local management efforts and project need.

(i) Not less than sixty points, of a one hundred point total, will be assigned to responses to questions identified in the application as relating to local management effort.

(ii) The remaining forty points will be assigned to responses to questions identified in the application as relating to project need.

(d) Staff will provide the board with evaluation and scoring of the applications. All application materials will be available to the board for their deliberations. The board will approve a ranked list of projects based on the information provided to them by the staff and the applications.

(e) The board may adjust the ranked list in consideration of the following factors:

(i) Geographical balance;

(ii) Economic distress;

(iii) Type of projects;

(iv) Type of jurisdiction;

(v) Past management practices of the applicant, including, but not limited to, late loan payments, loan defaults, audit findings, or inability to complete projects within the time allowed by loan agreement;

(vi) Other criteria that the board considers advisable.

(f) Staff will verify critical information on each project as required by the board.

(g) In order to ensure fairness to all jurisdictions with applications pending before the board, the board will not accept oral or written testimony from any applicant while deliberating loan priorities, other than specific responses to

information requests initiated by the board as provided in (h) of this subsection.

(h) The board may consult with officials of jurisdictions having projects submitted for funding on any issue it wishes to address.

(3) Applicants will be notified in writing of board decisions.

AMENDATORY SECTION (Amending WSR 98-24-010, filed 11/19/98, effective 12/20/98)

WAC 399-30-042 Application evaluation procedure and board deliberations—Capital planning support. (1)

The board will consider and approve, or disapprove, all applications for capital planning support loans at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.

(2) All applications will be evaluated in accordance with the following procedures:

(a) Staff will log in all applications as received.

(b) Staff will review all applications for compliance with the minimum qualification requirements of WAC 399-30-030(2). Jurisdictions whose applications do not meet the minimum requirements will be notified in writing of the disqualification.

(c) Staff will perform an evaluation of applications which meet the requirements of WAC 399-30-030(2) to determine if the application is consistent with the policies contained in the capital planning support loan application.

(d) Those applications found to be consistent with board policies may be recommended to the board for funding. All application materials will be available to the board for its deliberations. The board will approve a list of projects based on the information provided to it by the staff and the applications.

(e) The board may then adjust the list in consideration of the following factors:

(i) Geographical balance;

(ii) Economic distress;

(iii) Past management practices of the applicant, including, but not limited to, late loan payments, loan defaults, audit findings, or inability to complete projects within the time allowed by loan agreement;

(iv) Other criteria that the board considers advisable.

(f) Staff will verify critical information on each project as required by the board.

(g) The board may consult on any issue it wishes to address, with officials of jurisdictions having projects submitted for funding.

(3) Applicants will be notified in writing of board decisions.

AMENDATORY SECTION (Amending WSR 00-11-021, filed 5/9/00, effective 6/9/00)

WAC 399-50-040 Disclosure of recusal. A board member shall disclose to the public the reasons for his or her recusal from any board action at the time of the recusal. A board member shall disclose to the public the nature of any interest the member has in a project on the annual construc-

tion roster or other aggregated list or roster of ~~((ten or more))~~ contracts, projects, or loans at the time the roster or list is considered by the board. Board staff shall record each such recusal or disclosure and the basis therefor.

WSR 01-09-016
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed April 6, 2001, 2:52 p.m.]

Date of Adoption: March 22, 2001.

Purpose: Implement WAC 196-12-035 to put engineering examination candidates on notice of changes to the examination review and score appeal processes. This rule informs engineer examination candidates that if they fail an engineering examination that is written in a multiple-choice question format, they will not be able to review their examination. Instead, the examinee will be sent a candidate diagnostics report that shows how they performed on the various subject areas tested on the exam. Candidates not passing an essay examination will be able to review their exam and, except for Structural II exams, will be able to appeal the score if they meet certain criteria.

Citation of Existing Rules Affected by this Order: Amending WAC 196-12-030.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 01-04-094 on February 7, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 5, 2001

George A. Twiss
Executive Director

NEW SECTION

WAC 196-12-035 Examination review and request for rescore of examination questions. (1) Examinees who achieve a passing score will not be permitted to review their examination. Examinees who fail to achieve a passing score will be permitted to review, and request a rescore on, only those examinations that have essay (free response) questions. Reviewing and rescoring professional engineering examina-

tions that have multiple choice questions will not be permitted. The board will provide examinees that have not passed a multiple choice exam a scoring breakdown of how they performed on the various subjects tested on the examination.

(2) For those examinations which the board has identified as permissible for review, examinees may review their examination (test booklet, solution pamphlet and answer key) during a period and location prescribed by the board. Examinees who fail to review their examination during the prescribed time will not be rescheduled for a review of that examination. The examination review guidelines are as follows:

(a) An examinee can review his or her examination one time only. An appointment for this review must be scheduled in advance with board staff.

(b) All examination reviews shall be conducted in the presence of a designated proctor. No one may accompany the examinee during the examination review except where persons with disability require assistance, and that need is conveyed to board staff when the exam review appointment is made.

(c) Each examinee will be given a review sheet that they can take with them following the review. This review sheet will only include the problem number, problem subject matter, the score achieved for each problem and total score.

(d) Scratch paper and writing instruments will be provided during the examination review. No scratch paper may be removed from the review area.

(e) Examinees may request to have their examination rescored only at the time they review their exam. Essay (free response) questions may be rescored if the total exam score falls within the range allowed for rescore established by the National Council of Examiners for Engineering and Surveying (NCEES), and, the examinee can demonstrate, in writing, sufficient technical justification that their solution deserves reconsideration. The required fee must be paid at the time the appeal is prepared. The rescore results are final.

AMENDATORY SECTION (Amending WSR 98-12-052, filed 5/29/98, effective 7/1/98)

WAC 196-12-030 Examinations. (1) Except as provided in WAC 196-12-050, to become licensed as a professional engineer the candidate must pass two stages of examination. The first stage is the fundamentals-of-engineering examination. The second stage examination consists of multiple parts including the principles and practice (branch) examination and law and ethics examination. The law and ethics exam is a take-home examination covering chapter 18.43 RCW and Title 196 WAC. The fundamentals-of-engineering examination must be passed, or waived in accordance with WAC 196-12-050, before taking the second stage examination.

Examinations are given at times and places designated by the board. The schedule of future examinations and examination syllabi may be obtained from the board office. Examinees will not be allowed to view any examination material prior to taking the examination other than syllabi available to the public or sample examination booklets published by the National Council of Examiners for Engineering and Survey-

WSR 01-09-017

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 6, 2001, 2:53 p.m.]

Date of Adoption: March 22, 2001.

Purpose: To implement WAC 196-23-070 which defines signature as both a handwritten identification and a digital identification. The rule clarifies what a handwritten identification is in order to reduce confusion that has existed on this issued in the past. By including digital identification as a form of signature, licensed engineers and land surveyors will be able to incorporate digital identification technology into their electronic documents such as maps, plans, specifications, reports, records-of-survey, etc. This will allow them [to] send such documents electronically and still meet the requirement to sign work done by them or under their direct supervision.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 01-04-050 on February 2, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 5, 2001

George A. Twiss
Executive Director

NEW SECTION

WAC 196-23-070 Signature. The terms "signature or signed", as used in chapter 18.43 RCW and/or Title 196 WAC, shall mean the following:

(1) A handwritten identification that represents the act of putting one's name on a document to attest to its validity. The handwritten identification must be:

- (a) Original and written by hand;
- (b) Permanently affixed to the document(s) being certified;

(c) Applied to the document by the identified registrant.

(2) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification must be:

- (a) Unique to the registrant using it;
- (b) Capable of independent verification;
- (c) Under the exclusive control of the registrant using it;

ing. If one examination part is failed, only that examination part must be retaken.

(2) If a professional engineer holding a current registration in the state of Washington wants to become licensed in multiple branches of engineering, an additional principle and practice examination must be taken in each branch.

(3) The branch of structural engineering requires a more exhaustive principle and practice examination to protect the public safety. In addition to the stage 1 fundamentals-of-engineering examination, to become licensed as a professional engineer in the branch of structural engineering, the candidate must pass the stage 2 examination comprised of all parts of the principles and practice of structural engineering examination, including a demonstration of competency in structural engineering issues important to Washington state, and the law and ethics examination.

~~((4) Except for the law and ethics examination, an exam part may be reviewed if it is failed. Examinees who achieve a passing score will not be permitted to review their examination. The purpose of examination review is to permit the examinee an opportunity to review his or her exam in order to identify areas of poor performance. This is not an opportunity to take notes for future reference.~~

~~Failing examinees may review their examination (test booklet, answer sheet and/or solution pamphlet and answer key) during a period of time prescribed by the board. Examinees who fail to review their exam during the prescribed time will not be scheduled for an examination review. The examination review guidelines are as follows:~~

~~(a) An examinee can review his or her examination one time only. An appointment for this review must be arranged in advance with board staff.~~

~~(b) All examination reviews will be in the presence of a member of board staff. No one may accompany the examinee during the examination review, except where persons with disability require assistance. In that case, the need for assistance must be conveyed to staff when the review appointment is made.~~

~~(c) For examinations having machine scored answer sheets, the examinee will be allowed to review a copy of his or her answer sheet, not the original.~~

~~(d) Each reviewer will be given a review sheet that they can take with them following the review. This review sheet will include the problem number, problem subject matter, score achieved for each problem and total score. Reviewers will not be permitted to add further information to the review sheet.~~

~~(e) Scratch paper and writing instruments will be provided during the examination review. However, scratch paper may not be removed from the review area.~~

~~(5) Individuals may appeal to have their examination rescored only at the time they review their exam. Multiple choice questions are not appealable. Essay (free response) type questions may be appealed if the reviewer can demonstrate, in writing, sufficient technical justification that their solution deserves reconsideration.~~

~~The required fee for rescoring must be paid at the time the rescore request is made. The results of the rescore are final and no additional administrative appeals are available.)~~

(d) Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed;

(e) In conformance with the definition of "digital signature" as it appears in chapter 19.34 RCW, Washington Electronic Authentication Act.

WSR 01-09-022
PERMANENT RULES
GAMBLING COMMISSION

[Order 397-A—Filed April 9, 2001, 2:21 p.m.]

Date of Adoption: April 6, 2001.

Purpose: The term defined in WAC 230-02-138, "positive cash flow from bingo operation" was referenced in WAC 230-20-059. An amended version of WAC 230-20-059 was adopted at the February 9, 2001, commission meeting. The amended version of WAC 230-20-059 deleted this term and replaced it with "adjusted cash flow." Adjusted cash flow is defined within WAC 230-20-059. Because the definition of "positive cash flow" in WAC 230-02-138 is no longer referred to any rule, this rule is recommended for repeal.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-02-138.

Statutory Authority for Adoption: RCW 9.46.070 and 34.05.354.

Adopted under preproposal statement of inquiry filed as WSR 01-05-119, with a publication date of March 7, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

April 6, 2001
Susan Arland
Rules Coordinator

WSR 01-09-023
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed April 9, 2001, 3:45 p.m., effective June 1, 2001]

Date of Adoption: April 9, 2001.

Purpose: Repeal chapter 388-31 WAC, Washington telephone assistance program.

This revision is being done to meet the requirements of the WAC migration of Title 388 WAC. Chapter 388-31 WAC will be repealed. The chapter was rewritten to meet the standards of Executive Order No. 97.02 [97-02], and was rewritten as chapter 388-273 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-31-010, 388-31-015, 388-31-020, 388-31-025, 388-31-030, and 388-31-035.

Statutory Authority for Adoption: RCW 74.08.090, 80.36.440.

Adopted under notice filed as WSR 01-04-070 on February 5, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-273-0025(5) was added to provide clarification of WTAP benefits.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 0, Repealed 6.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 0, Repealed 6.

Effective Date of Rule: June 1, 2001.

April 5, 2001
Susan Bush
for Bonita Jacques, Chief
Office of Legal Affairs

Chapter 388-273 WAC

WASHINGTON TELEPHONE ASSISTANCE PROGRAM

NEW SECTION

WAC 388-273-0010 Purpose of the Washington telephone assistance program. The Washington telephone assistance program (WTAP) is designed to help low-income households afford access to local telephone service. For the purposes of this chapter, "we" and "us" mean the depart-

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ment of social and health services (DSHS). "You" means the person who is applying and eligible for WTAP.

NEW SECTION

WAC 388-273-0020 Who may receive WTAP. To receive WTAP benefits, you must:

- (1) Be receiving from us:
 - (a) Temporary assistance for needy families (TANF);
 - (b) State family assistance (SFA);
 - (c) General assistance;
 - (d) Refugee assistance;
 - (e) Food assistance;
 - (f) Supplemental Security Income (SSI);
 - (g) Medical assistance, including Medicare cost sharing programs;
 - (h) Community options program entry system (COPES);
 or
 - (i) Chore services.
- (2) Be age eighteen or older or, if under eighteen, be the responsible head of household;
- (3) Apply to the local exchange company that provides your local flat rate telephone service. In exchange areas where wireline service is not available without service extension, you may apply to an eligible wireless carrier;
 - (a) "Local exchange company" means an eligible telecommunication carrier providing local service, i.e., the telephone company.
 - (b) "Flat rate service" is telephone service with a single monthly payment that allows unlimited local calling for a specified length of time. The local exchange flat rate includes any federal end user access charges and other charges necessary to obtain the service.
- (4) Have the lowest available flat rate service; and
- (5) Have the local telephone service billed in your name.

NEW SECTION

WAC 388-273-0025 Benefits you receive as a WTAP participant. (1) WTAP participants receive a:

- (a) Discount on local telephone flat rate services, when the flat rate is more than the WTAP assistance rate;
 - (b) Waiver of deposit requirements on local telephone service; and
 - (c) Fifty percent discount on service connection fees. Any connection fee discounts available from other programs are added to the WTAP discount, to pay part or all of the remaining fifty percent.
- (2) WTAP benefits are limited to one residential line per household.
- (3) The deposit waiver and the discount on connection fees are available once per service year. "Service year" means the period beginning July 1 and ending June 30 of the following calendar year.
- (4) Your benefits begin the date you are approved for WTAP assistance and continue through the next June 30.
- (5) WTAP benefits do not include charges for line extension, optional extended area service, optional mileage, cus-

tommer premises equipment, applicable taxes or delinquent balances owed to the telephone company.

NEW SECTION

WAC 388-273-0030 How you can apply for WTAP.

- (1) You can apply for WTAP by contacting the local telephone company.
- (2) The telephone company contacts us to verify that you are eligible for benefits under WAC 388-273-0020 before they add WTAP to your telephone account.
- (3) You will know you are receiving WTAP benefits when you have a WTAP credit on your telephone bill.

NEW SECTION

WAC 388-273-0035 What we reimburse the local telephone company. (1) Within available funding limits, we reimburse local telephone companies for fully documented administrative and program expenses associated with WTAP. The reimbursable expenses are limited to:

- (a) Program services provided after eligibility for WTAP is verified;
- (b) Correct, verifiable billing items;
- (c) Invoices submitted within ninety days following the month the expense occurred;
- (d) Items charged in error that have been corrected within sixty days from the date we return the report of invoicing error to the local phone company;
- (e) Salaries and benefits for time required to implement and maintain WTAP, with the exception that time required for the correction of case number and client identification errors is not an allowable expense;
- (f) Travel expenses for attending hearings, meetings, or training pertaining to WTAP;
- (g) Expenses for supplies and materials for implementing and maintaining WTAP;
- (h) Postage and handling for delivery of WTAP material;
- (i) Administrative charge for change of service orders specified by tariffs; and
- (j) Documented indirect costs associated with implementing and maintaining WTAP.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-31-010	Purpose of program.
WAC 388-31-015	Definitions.
WAC 388-31-020	Conditions of eligibility.
WAC 388-31-025	WTAP benefits.
WAC 388-31-030	Notification and eligibility periods.
WAC 388-31-035	WTAP fund.

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**WSR 01-09-028
PERMANENT RULES
POTATO COMMISSION**

[Filed April 10, 2001, 4:30 p.m.]

Date of Adoption: March 28, 2001.

Purpose: The proposed rules implement provisions of RCW 15.04.200 governing promotional hosting expenditures by Agricultural Commodity Commission employees.

Statutory Authority for Adoption: Chapter 15.66 RCW.

Other Authority: RCW 15.04.200.

Adopted under notice filed as WSR 01-04-088 on February 7, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 28, 2001

Pat Boss

Executive Director

**RULES OF THE WASHINGTON STATE POTATO
COMMISSION**

NEW SECTION

WAC 16-516-100 Definitions. The following definitions apply to rules in this chapter adopted by the Washington Potato Commission unless otherwise provided:

"**Hosting**" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

"**Promotional hosting**" means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of Washington State potatoes and potato products.

NEW SECTION

WAC 16-516-170 Rules for implementation of promotional hosting by the Washington State Potato Commission. The laws of section 1, chapter 26, Laws of 1985 (RCW 15.04.200) provide that agricultural commodity commission shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners. The rules governing

promotional hosting expenditures for the Washington State Potato Commission shall be as follows:

(1) Budget approval: Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget items as approved by the commission at annual public hearings on the commission budget.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules:

Commissioner/Commission employees—Individual commissioners and commission staff shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be as identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

(a) Name and position of each person hosted, provided that in case of a group of twenty-five or more persons, then only the name of the group hosting shall be required;

(b) General purpose of the hosting;

(c) Date of hosting;

(d) To whom payment was or will be made;

(e) Signature of person seeking payment or reimbursement;

(4) The chairman of the commission and/or the Executive Director or Assistant Executive Director are authorized to approve direct payment or reimbursements submitted in accordance with these rules.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations and promote sales of Washington State potatoes and potato products, provided that such hosting shall not violate federal or state conflict of interest laws:

(a) Individuals from private business and accompanying interpreter or interpreters;

(b) Foreign government officials and accompanying interpreter or interpreters;

(c) Federal, state, and local officials, provided lodging, meals, and transportation will not be provided when such officials may obtain reimbursement for these expenses from their government employer;

(d) The general public, at meetings and gatherings open to the general public;

(e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (d) of this subsection are being hosted will cultivate and promote sales of Washington State potatoes and potato products.

PERMANENT

WSR 01-09-031
PERMANENT RULES
BOARD OF INDUSTRIAL
INSURANCE APPEALS

[Filed April 11, 2001, 10:40 a.m.]

Date of Adoption: April 11, 2001.

Purpose: To revise the board's rules of practice and procedure by amending WAC 263-12-050.

Citation of Existing Rules Affected by this Order: Amending WAC 263-12-050.

Statutory Authority for Adoption: RCW 51.52.020.

Adopted under notice filed as WSR 01-06-058 on March 7, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 11, 2001

Thomas E. Egan

Chairperson

AMENDATORY SECTION (Amending WSR 00-23-021, filed 11/7/00, effective 12/8/00)

WAC 263-12-050 Contents of notice of appeal. The board's jurisdiction shall be invoked by filing a written notice of appeal.

(1) **General Rule.** In all appeals, the notice of appeal shall contain where applicable:

(a) The name and address of the appealing party and of the party's representative, if any;

(b) A statement identifying the date and content of the department order, decision or award being appealed. This requirement may be satisfied by attaching a copy of the order, decision or award;

(c) The reason why the appealing party considers such order, decision or award to be unjust or unlawful;

(d) A statement of facts in full detail in support of each stated reason;

(e) The specific nature and extent of the relief sought;

(f) The place, most convenient to the appealing party and that party's witnesses, where board proceedings are requested to be held;

(g) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge the contents are true.

(h) The signature of the appealing party or the party's representative.

(2) **Industrial Insurance Appeals.** In appeals arising under the Industrial Insurance Act (Title 51 RCW), the notice of appeal shall also contain:

(a) The name and address of the injured worker;

(b) The name and address of the worker's employer at the time the injury occurred;

(c) In the case of occupational disease, the name and address of all employers in whose employment the worker was allegedly exposed to conditions that gave rise to the occupational disease;

(d) The nature of the injury or occupational disease.

(e) The time when and the place where the injury occurred or the occupational disease arose;

(3) **Crime Victims' Compensation Act.** In appeals arising under the Crime Victims' Compensation Act (chapter 7.68 RCW), the notice of appeal shall also contain:

(a) The time when and the place where the criminal act occurred;

(b) The name and address of the alleged perpetrator of the crime; and

(c) The nature of the injury.

(4) **Assessment Appeals.** In appeals from a notice of assessment arising under chapter 51.48 RCW or in cases arising from an assessment under the Worker and Community Right to Know Act (chapter 49.70 RCW), the notice of appeal shall also contain:

(a) A statement setting forth with particularity the reason for the appeal; and

(b) The amounts, if any, that the party admits are due;

(5) **LEOFF Appeals.** In appeals arising under the special death benefit provision of the Law Enforcement Officers' and Fire Fighters' Retirement System (chapter 41.26 RCW), the notice of appeal shall also contain:

(a) The time when and the place where the death occurred; and

(b) The name and address of the decedent's employer at the time the injury occurred;

(6) **Asbestos Certification Appeals.** In appeals arising under chapter 49.26 RCW concerning the denial, suspension or revocation of certificates involving asbestos projects, the notice of appeal shall also contain:

(a) A statement identifying the certification decision appealed from;

(b) The reason why the appealing party considers such certification decision to be incorrect.

(7) **WISHA Appeals.** In appeals arising under the Washington Industrial Safety and Health Act (chapter 49.17 RCW), the appeal shall also contain:

(a) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;

(b) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation(s);

(c) A statement certifying compliance with (~~WAC 263-12-057~~) WAC 263-12-059;

(8) **Other Safety Appeals.** In appeals arising under chapter 49.22 RCW concerning alleged violations of safety

procedures in late night retail establishments, chapter 70.74 RCW concerning alleged violations of the Washington State Explosives Act, or chapter 88.04 RCW concerning alleged violations of the Charter Boat Safety Act, the notice of appeal shall also contain:

- (a) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;
- (b) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation or violations;
- (c) A statement certifying compliance with (~~WAC 263-12-057~~) WAC 263-12-059.

WSR 01-09-032
PERMANENT RULES
BOARD OF INDUSTRIAL
INSURANCE APPEALS
 [Filed April 11, 2001, 10:42 a.m.]

Date of Adoption: April 11, 2001.

Purpose: RCW 49.17.130 requires that the Board of Industrial Insurance Appeals ensure that employees be given the opportunity to participate in appeals filed by the employer. This rule effectuates that requirement.

Statutory Authority for Adoption: RCW 51.52.020.

Adopted under notice filed as WSR 01-06-059 on March 7, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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: Thirty-one days after filing.

April 11, 2001
 Thomas E. Egan
 Chairperson

NEW SECTION

WAC 263-12-059 Appeals arising under the Washington Industrial Safety and Health Act—Notice to interested employees. In the case of any appeal by an employer concerning an alleged violation of the Washington Industrial Safety and Health Act, the employer shall give notice of such appeal to its employees by either: (1) providing copies of the appeal to each employee member of the employer's safety committee; or (2) by posting a copy of the appeal in a con-

spicuous place at the work site at which the alleged violation occurred. Any posting shall remain during the pendency of the appeal.

The employer shall also provide notice advising interested employees that an appeal has been filed with the board and that any employee or group of employees who wish to participate in the appeal may do so by contacting the board. Such notice shall include the address of the board.

The employer shall file with the board a certificate of proof of compliance with this section within fourteen days of receipt of the board's notice acknowledging receipt of the appeal. If notice as required by this section is not possible the employer shall advise the board or its designee of the reasons why notice cannot be accomplished. If the board accepts the impossibility of the required notice it will prescribe the terms and conditions of a substitute notice procedure reasonably calculated to give notice to affected employees.

WSR 01-09-045
PERMANENT RULES
MILITARY DEPARTMENT
 [Filed April 13, 2001, 9:45 a.m.]

Date of Adoption: 31 days after filing [April 10, 2001].

Purpose: This rule is to adopt standards for the protection of life through assuring that telephone systems provide adequate location information through enhanced 911 systems.

Statutory Authority for Adoption: RCW 38.52.505.

Adopted under notice filed as WSR 00.10.056 [00-24-067] on April 28 [December 1], 2000.

Changes Other than Editing from Proposed to Adopted Version: Under WAC 118-68-050 Inspection. Subsection (2)(f) was changed from a general statement that implied a regulation on all systems to a specific capability to permit certification of compliance for those phone system owners who are not specifically required in statute to provide compatibility with E911 systems.

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 9, 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.

PERMANENT

Effective Date of Rule: Thirty-one days after filing.

April 10, 2001

Timothy J. Lowenberg

Major General

The Adjutant General

Chapter 118-68 WAC

REQUIRED FOR AUTOMATIC LOCATION IDENTIFICATION

NEW SECTION

WAC 118-68-010 Purpose. The purpose of chapter 118-68 WAC is to adopt standards for the protection of life through assuring that telephone systems provide adequate location information through enhanced 911 systems pursuant to RCW 38.52.505.

NEW SECTION

WAC 118-68-020 Definitions. The following definitions shall apply when used in chapter 118-68 WAC:

(1) The "authority having jurisdiction" is defined as the fire chief for municipal corporations, or the county fire marshal or designee as appointed by the governing body for unincorporated areas.

(2) "Building unit identifier" means room number or equivalent designation of a specific portion of a structure, or an apartment number in multifamily residences.

(3) "Call back telephone number" means a phone number which can be called from the public switched network to be used by the public safety answering point to recontact the location from which the 911 call was placed. The number may or may not be the number of the station used to originate the 911 call.

(4) "Determination of noncompliance" means written notification that a system is not in compliance with this regulation. Information contained therein shall include, but not be limited to, system deficiencies requiring correction to bring the system into compliance and a date by which noted corrections shall be made.

(5) "Director of fire protection" means the state fire marshal or his/her designee.

(6) "Emergency location identification number (ELIN)" means a valid North American Numbering Plan format telephone number assigned to the MLTS operator by the appropriate authority that is used to route the call to a PSAP and is used to retrieve the ALI for the PSAP. The ELIN may be the same number as the ANI. The North American Numbering Plan number may in some cases not be a dialable number.

(7) "Emergency response location" means a location to which a 911 emergency response team may be dispatched. The location should be specific enough to provide a reasonable opportunity for the emergency response team to quickly locate a caller anywhere within it.

(8) "Fire official" means the person or his/her designee appointed by the city, town or county for the administration and enforcement of the Uniform Fire Code. Adopted by ref-

erence in the State Building Code, chapter 19.27 RCW and energy related building standards, chapter 19.27A RCW.

(9) "MLTS" means a multiline telephone system comprised of common control units, telephones and control hardware and software. This includes network and premises based systems and includes systems owned or leased by governmental agencies and nonprofit entities, as well as for profit businesses.

(10) "On-site notification" means a system capability whereby a call to 911 is directed through the 911 network to a public safety answering point and simultaneously to a display unit collocated with the fire alarm annunciator panel for the building which will display the caller's location to a minimum of the building unit identifier.

(11) "Public safety answering point (PSAP)" means a facility equipped and staffed to receive 911 calls.

NEW SECTION

WAC 118-68-030 Applicability. This regulation applies to all facilities for which a "certification of occupancy" is to be or has been approved by the authority having jurisdiction. This regulation provides for the implementation of RCW 38.52.505, 28A.335.320, 43.43.934, 80.36.555, and 80.36.560 pertaining to private telephone systems.

NEW SECTION

WAC 118-68-040 Compliance. All facilities covered by this regulation shall comply with its provisions by May 1, 2001.

NEW SECTION

WAC 118-68-050 Inspection. (1) For the purpose of directing emergency response, the authority having jurisdiction is authorized to approve the adequacy of automatic location information displayed on the enhanced 911 equipment serving its jurisdiction, when 911 calls are made. Such authority shall issue a determination of noncompliance to the telephone system owner when an automation location information display is not in compliance. For systems which are in compliance the testing authority shall issue a notice of compliance noting the date of inspection and test circumstances.

(2) The authority having jurisdiction shall ensure that the telecommunications system is connected to the public switched network such that calls to 911 result in automatic location information displays as herein defined:

(a) For the 1994 Uniform Building Code Occupancy Group Classification R-1 except congregate residences, hotels and motels, the minimum information requirements are:

- 2.a.1 Customer name
- 2.a.2 Street address and city
- 2.a.3 Building unit identifier
- 2.a.4 Call back telephone number

(b) For congregate residences, hotels and motels as defined in the 1994 Uniform Building Code Group Classifi-

cation R-1 the minimum information requirements as in (a) above or:

2.b.1 Customer name

2.b.2 Street address and city

2.b.3 Building unit identifier, or additional information supplied by automatic simultaneous connection of the caller, the PSAP and a knowledgeable designated individual(s) who will be able to supplement the ALI record with specific location information by effectively communicating with the PSAP

(c) For multiple unaffiliated business users as defined in chapter 80.36 RCW, the minimum information requirements are:

2.c.1 Business name

2.c.2 Street address and city

2.c.3 Building unit identifier (or more specific location information)

2.c.4 Call back telephone number

(d) For common and public schools, as defined in RCW 28A.150.010 and 28A.150.020, the minimum information requirements for any school district having a private telecommunications system acquired after January 1, 1997, that allows connection to the public switched network:

2.d.1 Individual school name

2.d.2 Street address and city

2.d.3 Building unit identifier

2.d.4 Call back telephone number

(e) For schools with phone systems installed prior to January 1, 1997, at any time the facility is occupied, it shall provide direct access to telephones that are connected to the public switched network, such that calls to 911 result in automatic location information.

(f) For certification of voluntary compliance for uses not defined above, the minimum information requirements are:

2.f.1 Business or agency name

2.f.2 Street address and city

2.f.3 Building unit identifier (or more specific location information)

2.f.4 Call back telephone number

NEW SECTION

WAC 118-68-060 Enforcement. Fines or penalties for noncompliance are within the authority of the local governing body, but are recommended to be one hundred dollars per day per telephone system until compliance is met.

NEW SECTION

WAC 118-68-070 Right of review. (1) The authority having jurisdiction shall promulgate procedures through which a facility may seek review of initial decisions. Such procedures shall conform to the Administrative Procedure Act, chapter 34.05 RCW, to the extent that act is applicable, and shall be pursuant to brief adjudicative procedures, RCW 34.05.482 through 34.05.485.

(2) At a minimum, such procedures shall provide that a facility aggrieved by an initial order of the authority having jurisdiction or his/her designee may petition for review, in writing, stating why the initial order is in error, to the design-

ated agency head within ten days of the initial order. If no petition is made within ten days, the initial order becomes final. In any event, the decision of the designated agency head shall be deemed the final decision of the agency.

NEW SECTION

WAC 118-68-080 Local codes. The enforcement of local fire and building codes is the responsibility of the chief of a local fire department or a chief fire protection officer or such other person as may be designated by the local governing body having jurisdiction.

NEW SECTION

WAC 118-68-090 Separability. If any provision of this regulation or its application to any person or circumstance is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances shall not be affected.

WSR 01-09-052

PERMANENT RULES

WESTERN WASHINGTON UNIVERSITY

[Filed April 13, 2001, 11:55 a.m.]

Date of Adoption: April 5, 2001.

Purpose: Expand general conduct to include persons other than students; place external affairs in new chapter 516-25 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 516-24-050, 516-24-060 and 516-24-115; amending WAC 516-24-001, 516-24-110 and 516-24-130; and new chapter 516-25 WAC.

Statutory Authority for Adoption: RCW 28B.35-120(12).

Adopted under notice filed as WSR 01-05-086 on February 20, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 3, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 3, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 12, 2001

Gloria A. McDonald
Rules Coordinator

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

WAC 516-24-001 Conduct of campus guests and visitors. (1) The rules and regulations prescribed in this Title 516 WAC shall be observed by guests and visitors while on the campus, or other university property.

(2) Guests and visitors on campus or other university property who willfully refuse to obey an order of a ~~((uniformed campus security))~~ university police officer or other law enforcement officer to desist from conduct prohibited by such rules and regulations may be ejected from the premises. Refusal to obey such an order will subject the person to arrest under the provisions of the Criminal Trespass Act, in addition to such other sanctions as may be applicable.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-110 Vendor solicitation. Door-to-door on-campus solicitation by vendors is prohibited. All unsolicited sales contacts shall be restricted to the purchasing office ~~((of the division of purchases))~~. Unauthorized solicitation or selling in the residence halls should be immediately reported to a member of the residence hall staff.

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

WAC 516-24-130 Demonstrations. The value of active participation in political and social issues is recognized by Western Washington University as enhancing the education of the individual and contributing to the betterment of American society. The rights of free speech, petition and assembly are fundamental to the democratic process guaranteed under the Constitution of the United States and will be promoted and respected at all times.

The university further recognizes that it has an obligation to maintain on campus an atmosphere that allows the institution to perform the fundamental task of providing an opportunity for all members of the community to pursue knowledge through accepted academic processes.

To achieve these objectives it is essential that demonstrations be orderly and conducted in a manner that allows the ~~((college to function toward its established goals))~~ orderly function of the university. Any ~~((student or group of students))~~ person or group of persons shall not, by their conduct, disrupt, disturb or interfere with:

- (1) Classroom activities and other educational pursuits;
- (2) Recognized university activities including, but not limited to, ceremonies, meetings, office functions or residence hall activities;
- (3) Pedestrian and vehicular traffic;
- (4) Preservation and protection of university property and personal property of individuals.

Any person persisting in such conduct after being requested to cease by university authorities, shall be subject, as appropriate, to disciplinary proceedings or arrest and prosecution. ~~((Such disciplinary proceedings shall be by the appropriate campus justice committee, subject to final~~

~~review, hearing, and decision by the president and the board of trustees:~~

~~Where necessary for the preservation of order and to enforce the law, the president of the university or his or her designee is authorized to call upon law enforcement officers for assistance.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 516-24-050 Community relations.
- WAC 516-24-060 Alumni relations.
- WAC 516-24-115 Business office—Cashier.

Chapter 516-25 WAC

EXTERNAL AFFAIRS

NEW SECTION

WAC 516-25-001 External affairs. The office of external affairs shall be the principal office responsible for maintenance of current files concerning alumni information. Alumni mailing lists maintained by the university shall be confidential property of the university and shall not generally be provided to any other agency. Requests for lists for purposes of conducting legitimate educational research shall be subject to the review and approval of the office of external affairs and the office of the president.

WSR 01-09-062

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 16, 2001, 2:47 p.m.]

Date of Adoption: April 16, 2001.

Purpose: Amends the department's criteria for determining the need to enter into an agreement with third parties to test applicants for commercial driver's licenses.

Citation of Existing Rules Affected by this Order: Amending WAC 308-100-140.

Statutory Authority for Adoption: RCW 46.01.110 and 46.25.060.

Adopted under notice filed as WSR 01-04-075 on February 6, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

PERMANENT

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.

April 16, 2001

Denise M. Movius
Assistant Director

AMENDATORY SECTION (Amending WSR 00-18-068, filed 9/1/00, effective 10/2/00)

WAC 308-100-140 Third party tester. The department may enter into an agreement with third party testers to conduct the commercial driver's license classified skill examination. An agreement will only be made where the department has determined that a need for a third party tester exists in the location covered by the third party tester, and that the third party tester is otherwise qualified. In counties where there are no third party testers, the department will not base the determination of need solely on the expected number of applicants for a commercial driver's license in those locations. The department may suspend an agreement with a third party tester for any length of time upon a showing of good cause. An agreement between the department and a third party tester will be valid for no more than two years, provided that the department may extend an agreement for up to an additional two years at its discretion. The department may renew an agreement if it has determined that a need for a third party tester still exists in the location covered by the third party tester.

WSR 01-09-066

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed April 16, 2001, 3:44 p.m.]

Date of Adoption: April 16, 2001.

Purpose: This rule informs nonprofit organizations about their tax responsibilities under Washington's tax system. The tax-reporting instructions were reorganized and revised for statutory changes, particularly for fund-raising activities and donations.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-169 Religious, charitable, benevolent, nonprofit services organizations and sheltered workshops.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 01-03-091 on January 18, 2001.

Changes Other than Editing from Proposed to Adopted Version: Subsection (1), the introduction was revised to explain that a nonprofit organization may have other business tax liabilities not described in the rule. A referral to WAC 458-20-167 for more information regarding educational insti-

tutions was added. Two separate referrals to WAC 458-20-183 were combined into a single referral.

Subsection (4)(b), in the discussion of general tax reporting responsibilities for retail sales tax, instructions were added for use of the resale certificate by a nonprofit organization holding an exempt fund-raiser.

Subsection (5), this subsection describes the exemptions from B&O taxes. In response to comments, clarification of several exemptions and examples for the fund-raising exemption were added to the final rule. The order of the exemptions was also changed to alphabetical order.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 16, 2001

Claire Hesselholt, Rules Manager
Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 91-21-001, filed 10/3/91, effective 11/3/91)

WAC 458-20-169 (~~Religious, charitable, benevolent,~~) **Nonprofit** (~~service~~) **organizations** (~~and sheltered workshops~~). (1) **Introduction.** (~~Religious, charitable, benevolent, and nonprofit service organizations are subject to business and occupation tax, retail sales tax, and use tax, unless otherwise provided by this section.~~

(2) **Definitions.**

(a) ~~"Sheltered workshops" is defined by the law to mean the performance of business activities of any kind on or off the premises of such nonprofit organizations which are performed for the primary purpose of:~~

(i) ~~Providing gainful employment or rehabilitation services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or~~

(ii) ~~Providing evaluation and work adjustment services for handicapped individuals.~~

(b) ~~"Health or social welfare organization" means an organization which renders health or social welfare services as defined below, which is a not-for-profit corporation under chapter 24.03 RCW and which is managed by a governing board of not less than eight individuals none of whom is a~~

paid-employee of the organization or which is a corporation solely under chapter 24.12 RCW. In addition, in order to be exempt of business and occupation tax under RCW 82.04.4297, a corporation shall satisfy the following conditions:

(i) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(ii) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public service of the state;

(iii) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(iv) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;

(v) The amounts received qualifying for exemption must be used for the activities for which the exemption is granted;

(vi) Services must be available regardless of race, color, national origin, or ancestry; and

(vii) The director of revenue shall have access to its books in order to determine whether the corporation is entitled to this exemption.

(e) "Health or social welfare services" include and are limited to:

(i) Mental health, drug, or alcoholism counseling or treatment;

(ii) Family counseling;

(iii) Health care services;

(iv) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically disabled; developmentally disabled, or emotionally disabled individuals;

(v) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;

(vi) Care of orphans or foster children;

(vii) Day care of children;

(viii) Employment development, training, and placement; and

(ix) Legal services to the indigent;

(x) Weatherization assistance or minor home repairs for low-income homeowners or renters;

(xi) Assistance to low-income homeowners and renters to offset the cost of home heating energy, through direct benefits to eligible households or to fuel vendors on behalf of eligible households; and

(xii) Community services to low-income individuals, families and groups which are designed to have a measurable and potentially major impact on the poverty in the communities of the state.

(d) A "public benefit organization" means an organization exempt from federal income tax under section 501(c)(3)

of the Internal Revenue Code of 1986 as in effect on January 1, 1991.

(i) An organization qualifies as a public benefit organization when the organization has received from the Internal Revenue Service a ruling of tax exemption under section 501(c)(3) of the Internal Revenue Code.

(ii) An organization qualifies as a public benefit organization if the organization is one chapter or unit in a larger organization, like a church or the boy scouts, and the larger organization has been issued a group section 501(c)(3) exemption ruling by the Internal Revenue Service.

(iii) An organization qualifies as a public benefit organization if, prior to the auction, the organization has made application to the Internal Revenue Service for section 501(c)(3) exemption and the effective date of the exemption, when granted, is prior to the auction.

(e) An "auction" means the sale of property and/or services to the highest bidder.

(f) The phrase "more than one auction per year" means more than one auction in any calendar year.

(g) The phrase "conduct or participate in" means actively holding a fund-raising auction. The mere attendance, purchase of items, or the donation of articles to be sold at an auction conducted by others, is not active participation in an auction.

(h) The phrase "not extend over a period of more than two days" means that an auction is not conducted on more than two consecutive or nonconsecutive calendar days in any seven calendar day period.

(3) Fund-raising. The following applies to the fund-raising activities of religious, charitable, benevolent, and nonprofit service organizations:

(a) Public benefit organization auctions. Chapter 51, Laws of 1991, effective April 26, 1991, provides to public benefit organizations an exemption from B&O tax and retail sales tax when conducting or participating in an auction.

(i) **B&O tax.** Amounts received from sales by a public benefit organization conducting or participating in an auction are exempt from B&O tax, if:

(A) The organization does not conduct or participate in more than one auction per year; and

(B) The auction does not extend over a period of more than two days.

(ii) **Retail sales tax.** Retail sales tax does not apply to sales by a public benefit organization conducting or participating in an auction, if:

(A) The organization does not conduct or participate in more than one auction per year; and

(B) The auction does not extend over a period of more than two days.

(iii) **Use tax.** An article sold at an auction conducted or participated in by a public benefit organization is subject to use tax. The use tax on the article purchased at the auction is paid by the buyer. The use tax due from the buyer is collected at time of registration or licensing in the case of an auto, boats, etc., purchased at the auction. The use tax due on other items purchased at an auction is remitted by the buyer to the department. Because the use tax is a complementary tax to the retail sales tax and the legislature intended to exempt an

auctioning organization from the collection responsibilities of retail sales tax, the auctioning organization also need not collect the use tax. See: WAC 458-20-178.

(iv) **Examples.**

(A) An organization which has been ruled tax exempt under section 501 (c)(3) by the Internal Revenue Service conducts an auction for fund raising. This is the only auction conducted by the organization in the calendar year and it is conducted over a two-day period. The proceeds of the auction are exempt from B&O tax and the sales at the auction are exempt from retail sales tax.

(B) At the auction in example (a)(iv)(A) of this subsection, an automobile has been donated to the organization and is sold. The buyer of the automobile is liable for use tax on the vehicle purchased.

(C) At the auction in example (a)(iv)(A) of this subsection, tickets for a dinner before the auction and a dance after the auction are sold by the organization. The exemption from tax only applies to the auction activities. The dinner dance activities are taxable when the proceeds, as measured by the lesser of the selling price or the fair market value, exceeds one thousand dollars. See (d) of this subsection.

(D) A public benefit organization has as part of its structure various suborganizations that have no separate identity or purpose, like a hospital guild. Both the larger organization and the suborganizations might conduct various fund-raising activities, including auctions. When the Internal Revenue Service does not consider the suborganizations as separate entities in a single 501 (c)(3) exemption, both the larger organization and the suborganizations are collectively entitled to one exempt auction. If a second auction is conducted within a calendar year by either the larger organization or suborganizations both auctions are taxable as provided in (d) of this subsection. However, if a suborganization is considered a separate 501 (c)(3) entity, as evidenced by a group exemption issued by the Internal Revenue Service, then the larger organization and each suborganization included as part of a group section 501 (c)(3) exemption are each entitled to conduct one exempt auction per calendar year.

(b) **Meals.** Organizations serving meals for fund-raising purposes are not engaged in the business of making sales at retail and are not required to collect the retail sales tax upon such sales, nor pay the business and occupation tax, if such meals are served no more frequently than once every two weeks and the gross receipts are one thousand dollars or less.

(c) **Bazaars/rummage sales.** Organizations conducting bazaars or rummage sales who are not generally engaged in the business of making sales at retail are not required to collect the retail sales tax nor pay the business and occupation tax if such bazaars or rummage sales are conducted no more than twice per year and do not extend over a period of more than two days each, and if the gross receipts from each such bazaar or rummage sale are one thousand dollars or less.

(d) **Fund-raising drives/concessions.** When organizations make retail sales in the course of annual fund-raising drives, other than a public benefit organization auction as provided above, or make such sales through concessions operated no more than twice a year which do not extend over a period of more than two days each, for the support of vari-

ous benevolent, athletic, recreational, or cultural programs, the retail sales tax and business and occupation tax need not be accounted for if the gross receipts from each such annual fund-raising drive or concession are one thousand dollars or less.

(i) Persons who serve fund-raising meals, conduct bazaars/rummage sales, or fund-raising drives/concessions more frequently than provided in (a), (b), or (c) of this subsection, or receive more than the amounts allowed therein, are required to report and pay tax upon their gross receipts from all such activities.

(ii) When an organization conducts a taxable fund-raising event, the measure of the tax for all purposes is the lesser of the selling price or the fair market value of the item sold. The excess of the selling price over the fair market value is a nontaxable donation. The department will accept an organization's reasonable allocation of the fair market value and donation portions of the sales proceeds. When a merchant or professional donates an item to be sold, the fair market value is its ordinary retail selling price. Donors of items to be sold are not liable for use tax on the items donated. The fair market value of homemade items, items which are not commercially sold (e.g., art work or pottery) is the value of materials used. Some items may have no fair market value. For example, the right to conduct a school band at a concert, the right to serve as honorary mayor for a day, or the right to be the dinner guest at someone's home each has no fair market value. Receipts from items sold which have no fair market value are considered nontaxable donations to the organization. An organization may advertise that the selling price includes retail sales tax. An organization may "advertise" by posting a sign that applicable retail sales tax is included in the listed price, or, the organization may add a statement in its written advertising that applicable sales tax will be included in the price.

Fund-raising—Proceeds from a nonauction sale

Item	Donor	FMV	Sales Price	Donation	Retail	Service B&O
Golf clubs	ABC Golf	\$300	\$250	0	\$250	0
Dinner for 6 Browns'	Mrs. Brown	0	\$60	\$60	0	0
Simple will	Jane Smith	\$75	\$50	0	0	\$50
Principal for the day	School	0	\$100	\$100	0	0
Boat & Motor	Gee Estate	\$750	\$825	\$75	\$750	0
Pottery	Art Student	\$5	\$25	\$20	\$5	0
Weekend use of cabin	Mr. Jones	\$200	\$250	\$50	\$200	0
TOTAL		\$1,330	\$1,560	\$305	\$1,205	\$50

In this example, retail sales tax is due on \$1,205. If the selling price had included sales tax and the sales tax rate is 7.8%, sales tax due of \$87.19 is computed as follows: \$1,205 divided by 1.078=\$1,117.81, the new tax measure. \$1,117.81 x .078=\$87.19. Retailing and service B&O receipts in the amounts of \$1,205 and \$50 respectively, must be reported. If the organization's total gross receipts, other than dues and donations, exceeds \$12,000 in the calendar year, B&O tax is due.

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~~(4) Prepared meals for certain persons. Neither the retail sales tax nor the use tax applies to prepared meals provided to senior citizens, disabled persons, or low-income persons by not-for-profit organizations organized under chapter 24.03 or 24.12 RCW.~~

~~(5) Sheltered workshops. The gross income received by nonprofit organizations from the business activities of "sheltered workshops" is exempt from the business and occupation tax.~~

~~(6) Health or social welfare services. In computing business tax there may be deducted amounts received from the United States or any instrumentality thereof or from the state of Washington or any municipal corporation or political subdivision thereof as compensation for, or to support, health or social welfare services rendered by a health or social welfare organization or by a municipal corporation or political subdivision, except deductions are not allowed for amounts that are received under an employee benefit plan.~~

~~(7) Other activities. In every case where such organizations conduct business activities other than as outlined above, the retail sales tax and business and occupation tax are fully applicable to the gross sales made and merchandise may be purchased for resale without paying the retail sales tax by furnishing vendors with resale certificates as prescribed in WAC 458-20-102.) Unlike most states' and the federal tax systems, Washington's tax system, specifically its business tax, applies to nonprofit organizations. Washington's business tax is imposed upon all entities that generate gross receipts or proceeds, unless there is a specific statutory exemption or deduction. This rule reviews how the business and occupation (B&O), retail sales, and use taxes apply to activities often performed by nonprofit organizations. Although some nonprofit organizations may be subject to other taxes (e.g., public utility or insurance premium taxes on income from utility or insurance activities), these taxes are not discussed in this rule. The rule describes the most common exemptions and deductions for the B&O, retail and use taxes specifically provided to nonprofit organizations by state law. Other exemptions and/or deductions not specific to nonprofit organizations may also apply.~~

~~Other rules that may be relevant to specific activities of nonprofit organizations include the following:~~

- ~~(a) Artistic or cultural organizations, WAC 458-20-249;~~
- ~~(b) Educational institutions, school districts, student organizations, and private schools, WAC 458-20-167;~~
- ~~(c) Hospitals, nursing homes, and adult family homes, WAC 458-20-168;~~
- ~~(d) Membership organizations, nonprofit groups and clubs providing amusement, recreation, or physical fitness services, WAC 458-20-183; and~~
- ~~(e) Organizations holding trade shows, conventions, or seminars, WAC 458-20-256.~~

~~(2) Registration requirements. Nonprofit organizations with \$12,000 or more per year in gross receipts from sales, and/or gross income from services subject to the B&O tax or who are required to collect or pay to the department of revenue (department) retail sales tax or any other tax or fee which the department administers (regardless of the level of annual gross receipts) must register with the department.~~

Nonprofit organizations that have gross receipts of less than \$12,000 per year and who are not required to collect retail sales tax or any other tax or fee administered by the department are not required to register with the department.

For more details on registration requirements see WAC 458-20-101 (Tax registration and tax reporting).

(3) Filing tax returns. Nonprofit organizations making retail sales that require the collection of the retail sales tax must file a tax return, regardless of the annual level of gross receipts or gross income and whether or not any B&O tax is due. (See also WAC 458-20-104 (Small business tax relief based on volume of business).) The combined excise tax return with payment is generally filed on a monthly basis. However, under certain conditions the department may authorize taxpayers to file and remit payment on either a quarterly or annual basis. Refer to WAC 458-20-22801 for more information regarding how reporting frequencies are assigned.

Nonprofit organizations that do not have retail sales tax to remit, but are required to register, do not have to file a tax return if they meet certain statutory requirements (e.g., annual gross income of less than \$28,000) and are placed on an "active nonreporting" status by the department. Refer to WAC 458-20-101 for more information regarding the "active nonreporting" status.

(4) General tax reporting responsibilities. While Washington state law provides some tax exemptions and deductions specifically targeted toward nonprofit organizations, these organizations otherwise have the same tax-reporting responsibilities as those of for-profit organizations.

(a) Business and occupation tax. Chapter 82.04 RCW imposes a B&O tax upon all persons engaged in business activities within this state, unless the income is specifically exempt or deductible under state law. The B&O tax applies to the value of products, gross proceeds of sales, or gross income of the business, as the case may be. RCW 82.04.220.

(i) Common B&O tax classifications. Chapter 82.04 RCW provides a number of classifications that apply to specific activities. The most common B&O tax classifications that apply to income received by nonprofit organizations are the service and other activities, retailing, and wholesaling classifications. If an organization engages in more than one kind of business activity, the gross income from each activity must be reported under the appropriate tax classification.

(ii) Measure of tax. The most common measures of the B&O tax are "gross proceeds of sales" and "gross income of the business." RCW 82.04.070 and 82.04.080, respectively. These measures include the value proceeding or accruing from the sale of tangible personal property or services rendered without any deduction for the cost of property sold, cost of materials used, labor costs, discounts paid, delivery costs, taxes, losses or any other expenses.

(b) Retail sales tax. A nonprofit organization must collect and remit retail sales tax on all retail sales, unless the sale is specifically exempt by statute. Examples of retail sales tax exemptions that commonly apply to nonprofit organizations are those for sales of certain food products (see WAC 458-20-244 for more information regarding sales of food products), construction materials purchased by a health or social

welfare organization for new construction of alternative housing for youth in crisis, to be licensed as a family foster home (RCW 82.08.02915), and fund-raising activities (see subsection (5)(e) of this rule). New construction includes renovating an existing structure to provide new housing for youth in crisis.

A nonprofit organization must pay retail sales tax when it purchases goods or retail services for its own use as a consumer, unless the purchase is specifically exempt by statute. Items purchased for resale without intervening use are purchases at wholesale and are not subject to the retail sales tax. The purchaser should provide the seller with a resale certificate. (See WAC 458-20-102 for information regarding resale certificates.) Organizations not required to register should indicate on the resale certificate that the group is a qualifying nonprofit organization and the items will be resold at a tax exempt nonprofit fund-raiser.

(c) Use tax. The use tax is imposed on every person, including nonprofit organizations, using tangible personal property within this state as a consumer, unless such use is specifically exempt by statute. The use tax applies only if retail sales tax has not previously been paid on the item. The rate of tax is the same as the sales tax rate that applies at the location where the property is first used.

A common application of the use tax occurs when items are purchased from an out-of-state seller who has no presence in Washington. Because the out-of-state seller is under no obligation to collect Washington's retail sales or use tax, the buyer is statutorily required to remit use tax directly to the department. (See also WAC 458-20-178 for more information regarding the use tax.)

Except for fund-raising, exemptions from use tax generally correspond to the retail sales tax exemptions. For example, a use tax exemption for construction materials acquired by a health or social welfare organization for new construction of alternative housing for youth in crisis, to be licensed as a family foster home, RCW 82.12.02915, corresponds with the retail sales tax exemption described in subsection (4)(b) above for purchasing these construction materials.

(i) Use tax exemption for donated items. RCW 82.12.02595 provides a use tax exemption for property donated to a nonprofit charitable organization. This exemption is available for the nonprofit charitable organization, and the donor if the donor did not previously use the item as a consumer. It also applies to the use of property by a donor who is incorporating the property into a nonprofit organization's real or personal property for no charge.

The exemption also applies to another person using property originally donated to a charitable nonprofit organization that is subsequently donated or bailed to that person by the charitable nonprofit organization, provided that person uses the property in furtherance of the charitable purpose for which the property was originally donated to the charitable nonprofit organization. For example, a hardware store donates an industrial pressure washer to a nonprofit community center for neighborhood cleanup, the community center bails this washer to people enrolled in its neighborhood improvement group for neighborhood clean-up projects. No use tax is due from any of the participants in these transac-

tions. An example of a gift that would not qualify is when a car is donated to a church for its staff and the church gives that car to its pastor. The pastor must pay use tax on the car because it serves multiple purposes. It serves the church's charitable purpose, but it also acts as compensation to the pastor and is available for the pastor's personal use. The subsequent donation of property from the charity to another person must be solely for a charitable purpose. If the property is donated or bailed to the third party for a charitable purpose in line with the nonprofit organization's charitable activities, generally, no additional proof is required that this was the charitable purpose for which the property was originally donated.

(ii) Use tax implications with respect to fund-raising activities. Subsection (5)(e) below explains that a retail sales tax exemption is available for certain fund-raising sales. However, there is no comparable use tax exemption provided to the buyer/user of property purchased at these fund-raising sales. While the nonprofit organization is under no obligation to collect use tax from the buyer, the organization is encouraged to inform the buyer of the buyer's possible use tax obligation.

(5) Exemptions. The following sources of income are specifically exempt from tax. As such they should not be included or reported as gross income if the organization is required to file a combined excise tax return.

(a) Adult family homes. The B&O tax does not apply to income earned by a licensed adult family home or an adult family home exempt from licensing. RCW 82.04.327.

(b) Camp or conference centers. RCW 82.04.363 and 82.08.830 respectively provide B&O and retail sales exemptions to amounts received by a nonprofit organization from the sale or furnishing of certain items or services at a camp or conference center conducted on property exempt from the property tax under RCW 84.36.030 (1), (2), or (3).

Income derived from the sale of the following items and services is exempt:

(i) Lodging, conference and meeting rooms, camping facilities, parking, and similar licenses to use real property;

(ii) Food and meals;

(iii) Books, tapes, and other products that are available exclusively to the participants at the camp, conference, or meeting and are not available to the public at large.

The property tax exemptions are further discussed at WAC 458-16-210 (Church camps), WAC 458-16-220 (Nonprofit organizations or associations organized and conducted for nonsectarian purposes), and WAC 458-16-230 (Character building organizations).

(c) Child care resource and referral services. The B&O tax does not apply to nonprofit organizations with respect to amounts received for child care resource and referral services. Child care resource and referral services do not include child care services provided directly to children. RCW 82.04.3395.

(d) Credit and debt services. RCW 82.04.368 provides a B&O tax exemption for amounts received by nonprofit organizations for providing specialized credit and debt services. These services include:

(i) Presenting individual and community credit education programs including credit and debt counseling;

(ii) Obtaining creditor cooperation allowing a debtor to repay debt in an orderly manner;

(iii) Establishing and administering negotiated repayment programs for debtors; and

(iv) Providing advice or assistance to a debtor with regard to (i), (ii), or (iii) of this subsection.

(e) **Day care provided by churches.** The B&O tax does not apply to income derived by a church for the care of children of any age for periods of less than twenty-four hours, provided the church is exempt from property tax under RCW 84.36.020, RCW 82.04.339.

(f) **Fund-raising.** RCW 82.04.3651 provides a B&O tax exemption for amounts received from certain fund-raising activities. RCW 82.08.02573 provides a comparable retail sales tax exemption.

It is important to note that these exemptions apply only to the fund-raising income received by the nonprofit organization. For example, the commission income received by a nonprofit organization selling books owned by a for-profit entity on a consignment basis is exempt of tax if the statutory requirements are satisfied. The nonprofit organization is generally responsible for collecting and remitting retail sales tax upon the gross proceeds of sales when selling items for another person (see WAC 458-20-159).

(i) **What nonprofit organizations qualify?** Nonprofit organizations that qualify for this exemption are those that are: (A) A tax-exempt nonprofit organization described by section 501 (c)(3) (educational and charitable), (4) (social welfare), or (10) (fraternal societies operating as lodges) of the Internal Revenue Code;

(B) A nonprofit organization that would qualify for tax exemption under these codes except that it is not organized as a nonprofit corporation; or

(C) A nonprofit organization that does not pay its members, stockholders, officers, directors, or trustees any amounts from its gross income, except as payment for services rendered, does not pay more than reasonable compensation to any person for services rendered, and does not engage in a substantial amount of political activity. Political activity includes, but is not limited to, influencing legislation and participating in any campaign on behalf of any candidate for political office.

A nonprofit organization may meet (A), (B), or (C) above.

(ii) **Qualifying fund-raising activities.** For the purpose of this exemption, "fund-raising activity" means soliciting or accepting contributions of money or other property, or activities involving the anticipated exchange of goods or services for money between the soliciting organization and the organization or person solicited, for the purpose of furthering the goals of the nonprofit organization.

(A) Money raised by a nonprofit charitable group from its annual telephone fund drive to fund its homeless shelters where nothing is promised in return for a donor's pledge is exempt as fund-raising contributions of money to further the goals of the nonprofit organization.

(B) A nonprofit group organized as a community playhouse has an annual telephone fund drive. The group gives the caller a mug, jacket, dinner, or vacation trip depending on the amount of pledge made over the phone. The community playhouse does not sell or exchange the mugs, jackets, dinners or trips for cash or property, except during this pledge drive. The money is used to produce the next season's plays. The money earned from the pledges is exempt from both retail sales tax and business and occupation tax to the extent these amounts represent an exchange for goods and services for money to further the goals of the nonprofit group. The money earned from the pledges above the value of the goods and services exchanged is exempt as a fund-raising contribution of money to further the goals of the nonprofit organization.

(C) A nonprofit group sells ice cream bars at booths leased during the two-week runs of three county fairs, for a total of six weeks during the year, to fund youth camps maintained by the nonprofit group. The money earned from the booths is exempt from both retail sales tax and business and occupation tax as a fund-raising exchange of goods for money to further the goals of the nonprofit group.

(iii) **Contributions of money or other property.** The term contributions includes grants, donations, endowments, scholarships, gifts, awards, and any other transfer of money or other property by a donor, provided the donor receives no significant goods, services, or benefits in return for making the gift. For example, an amount received by a nonprofit educational broadcaster from a group that conditions receipt upon the nonprofit broadcaster airing its seminars is not a contribution regardless of how the amount paid was titled by the two organizations.

It is not unusual for the person making a gift to require some accountability for how the gift is used as a condition for receiving the gift or future gifts. Such gifts remain exempt, provided the "accountability" required does not result in a direct benefit to the donor (examples of direct benefits to a donor are: Money given for a report on the soil contamination levels of land owned by the donor, medical services provided to the donor or the donor's family, or market research benefitting the donor directly). This "accountability" can take the form of conditions or restrictions on the use of the gift for specific charitable purposes or can take the form of written reports accounting for the use of the gift. Public acknowledgment of a donor for the gift does not result in a significant service or benefit simply because the gift is publicly acknowledged.

(iv) **Nonqualifying activities.** Fund-raising activity does not include the operation of a regular place of business in which services are provided or sales are made during regular hours such as a bookstore, thrift shop, restaurant, legal or health clinic, or similar business. It also does not include the operation of a regular place of business from which services are provided or performed during regular hours such as the provision of retail, personal, or professional services. A regular place of business and the regular hours of that business depend on the type of business being conducted.

(A) In the example demonstrating that an amount received by a nonprofit broadcaster was not a contribution

because services were given in return for the funds, this activity must also be examined to see whether the exchange was for services as part of a fund-raising activity. The broadcaster was in the business of broadcasting programs. It had a regular site for broadcasting programs and ran broadcasts for 24 hours every day. Broadcasting was a part of its business activity performed from a regular place of business during regular hours. The money received from the group with the requirement that its seminars be broadcast would not qualify as money received from a fund-raising activity even though the parties viewed the money as a "donation."

(B) A nonprofit organization that makes catalog sales throughout the year with a 24-hour telephone line for taking orders has a regular place of business at the location where the sales orders are processed and regular hours of 24 hours a day. Catalog sales are not exempt as fund-raising amounts even though the funds are raised for a nonprofit purpose.

(C) A nonprofit group organized as a community playhouse has three plays during the year at a leased theatre. The plays run for a total of six weeks and the group provides concessions at each of the performances. The playhouse has a regular place of business with regular hours for that type of business. The concessions are done at that regular place of business during regular hours. The concessions are not exempt as fund-raising activities even though amounts raised from the concessions may be used to further the nonprofit purpose of that group.

(D) A nonprofit student group, that raises money for scholarships and other educational needs, sets up an espresso stand that is open for two hours every morning during the school year. The espresso stand is a regular place of business with regular hours for that type of business. The money earned from the espresso stand is not exempt, even though the amounts are raised to further the student group's nonprofit purpose.

(v) **Fund-raising sales by libraries.** RCW 82.04.3651 specifically provides that the sale of used books, used videos, used sound recording, or similar used information products in a library is not the operation of a regular place of business, if the proceeds are used to support the library. The library must be a free public library supported in whole or in part with money derived from taxes. RCW 27.12.010.

(g) **Group training homes.** RCW 82.04.385 provides a B&O tax exemption for amounts received from the department of social and health services for operating a nonprofit group training home. The amounts excluded from gross income must be used for the cost of care, maintenance, support, and training of developmentally disabled individuals. A nonprofit group training home is an approved nonsectarian facility equipped, supervised, managed, and operated on a full-time nonprofit basis for the full-time care, treatment, training, and maintenance of individuals with developmental disabilities.

(h) **Sheltered workshops.** RCW 82.04.385 provides a B&O tax exemption for amounts received by a nonprofit organization for operating a sheltered workshop.

(i) **What is a sheltered workshop?** A sheltered workshop is that part of the nonprofit organization engaged in business activities that are performed primarily to provide

evaluation and work adjusted services for a handicapped person or to provide gainful employment or rehabilitation services to a handicapped person. The sheltered workshop can be maintained on or off the premises of the nonprofit organization.

(ii) **What is meant by "gainful employment or rehabilitation services to a handicapped person"?** Gainful employment or rehabilitation services must be an interim step in the rehabilitation process which is provided because the person cannot be readily absorbed into the competitive labor market or because employment opportunities for the person do not exist during that time in the competitive labor market.

"Handicapped," for the purposes of this exemption, means a physical or mental disability that restricts normal achievement, including medically recognized addictions and learning disabilities. However, this term does not include social or economic disadvantages that restrict normal achievement (e.g., prior criminal history or low-income status).

(i) **Student loan services.** RCW 82.04.367 provides a B&O tax exemption for the gross income of nonprofit organizations that are exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code that:

(i) Are guarantee agencies under the federal guaranteed student loan program or that issue debt to provide or acquire student loans; or

(ii) Provide guarantees for student loans made through programs other than the federal guaranteed student loan program.

(6) **B&O tax deduction of government payments made to health or social welfare organizations.** RCW 82.04.4297 provides a B&O tax deduction to health or social welfare organizations for amounts received from the United States, any instrumentality of the United States, the state of Washington, or any municipal corporation or political subdivision of the state of Washington as compensation for health or social welfare services. A deduction is not allowed, however, for amounts that are received under an employee benefit plan. These deductible amounts should be included in the gross income reported on the return, and then deducted on the return when determining the amount of the organization's taxable income.

(a) **What is a health or social welfare organization?** A health or social welfare organization is a nonprofit organization providing health or social welfare services that is also:

(i) A corporation sole under chapter 24.12 RCW or a not-for-profit corporation under chapter 24.03 RCW. It does not include a corporation providing professional services authorized under chapter 18.100 RCW;

(ii) Governed by a board of not less than eight individuals who are not paid corporate employees when the organization is a not-for-profit corporation;

(iii) Not paying any part of its corporate income directly or indirectly to its members, stockholders, officers, directors, or trustees except as executive or officer compensation or as services rendered by the corporation in accordance with its purposes and bylaws to a member, stockholder, officer, or director or as an individual;

(iv) Only paying compensation to corporate officers and executives for actual services rendered. This compensation must be at a level comparable to like public service positions within Washington;

(v) Irrevocably dedicating its corporate assets to health or social welfare activities. Upon corporate liquidation, dissolution, or abandonment, any distribution or transfer of corporate assets may not inure directly or indirectly to the benefit of any member or individual, except for another health or social welfare organization;

(vi) Duly licensed or certified as required by law or regulation;

(vii) Using government payments to provide health or social welfare services;

(viii) Making its services available regardless of race, color, national origin, or ancestry; and

(ix) Provides access to the corporation's books and records to the department's authorized agents upon request.

(b) Qualifying health or welfare services. Health or social welfare services are limited exclusively to the following services:

(i) Mental health, drug, or alcoholism counseling or treatment;

(ii) Family counseling;

(iii) Health care services;

(iv) Therapeutic, diagnostic, rehabilitative or restorative services for the care of the sick, aged, physically-disabled, developmentally-disabled, or emotionally-disabled individuals;

(v) Activities, including recreational activities, intended to prevent or ameliorate juvenile delinquency or child abuse;

(vi) Care of orphans or foster children;

(vii) Day care of children;

(viii) Employment development, training, and placement;

(ix) Legal services to the indigent;

(x) Weatherization assistance or minor home repairs for low-income homeowners or renters;

(xi) Assistance to low-income homeowners and renters to offset the cost of home heating energy, through direct benefits to eligible households or to fuel vendors on behalf of eligible households; and

(xii) Community services to low-income individuals, families and groups that are designed to have a measurable and potentially major impact on the poverty in Washington.

WSR 01-09-077
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed April 17, 2001, 2:24 p.m.]

Date of Adoption: April 12, 2001.

Purpose: Amends WAC 136-167-040 Lapsing of RATA allocations for approved projects. Amendments to WAC 136-130-040 are grammatical.

Citation of Existing Rules Affected by this Order: Amending Title 136 WAC.

Statutory Authority for Adoption: Chapter 36.79 RCW.
Adopted under notice filed as WSR 01-06-017 on February 27, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 13, 2001

Jay P. Weber

Executive Director

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-167-040 Lapsing of RATA allocation for approved projects. To encourage timely development and construction of approved projects, all projects for which RATA funds have been allocated must meet certain project development milestones. Failure to meet the milestones will result in action by the county road administration board to withdraw RATA funds from the project. This provision will only apply to those projects for which RATA funds have been allocated after July 1, 1995.

(1) For the purposes of this section, a project will be subject to lapsing and withdrawal of its RATA allocation if:

(a) The project has not begun the preliminary engineering phase within four years of project approval by the county road administration board; or

(b) The project has not begun construction within six years of the date of project approval by the county road administration board.

(2) A project shall be considered in preliminary engineering if authorization to expend funds for preliminary engineering has been granted by the county legislative authority as provided for in RCW 36.75.050. A project shall be considered in construction if:

(a) The construction contract for the work has been advertised for bids as provided for in RCW 36.77.020;

(b) A contract has been awarded under the provisions of the small works roster contract award process; or

(c) If done by day labor, the work has commenced.

(3) If an approved project does not meet a required project development milestone, the county road administration board will, at its next regular meeting, withdraw RATA funds from the project.

(4) At any time up to ten days before such meeting, the county may, in writing, request an extension of the lapse date. The county road administration board executive director may grant such an extension if ~~((#))~~ the director finds that the delay in project development was for reasons that were both unanticipated and beyond the control of the county, and subject to the following:

(a) A project extension will be granted one time only and will be no more than two years in length; and

(b) The request for an extension is based on unforeseeable circumstances that the county could not have anticipated at the time the project was submitted for RATA funding; and

(c) An approved time extension will not be grounds for the county to request an increase in the RATA funding of the project; and

(d) The executive director will determine a new lapse date, and all of the requirements listed above under subsections (1) and (2) of this section will apply except that further extensions will not be granted.

(5) The CRA Board may at any time place a moratorium on lapsing of projects that are delayed due to CRAB initiated rescheduling and establish a new lapsing date to fit the CRA Board's programming needs. For those projects given a lapsing moratorium, section four shall be held in abeyance until the new lapsing date.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-130-040 Project prioritization in northwest region (NWR). Each county in the NWR may submit projects requesting RATA funds not to exceed five hundred thousand dollars per project and fifty percent of the forecasted regional ~~((allocation total))~~ apportionment. No bridge replacement projects will be funded. Each project shall be rated in accordance with the NWR RAP rating procedures. NWR RAP rating points shall be assigned on the basis of forty points for structural condition, forty points for geometrics, ten points for traffic volume, ten points for traffic accidents, five points for any project on a major collector (07), and ten points for any project on a rural principal arterial (02) or a rural minor arterial (06). Prioritization of NWR projects shall be on the basis of total NWR RAP rating points shown on the project worksheet and the prospectus form of the project application.

WSR 01-09-079

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 17, 2001, 3:42 p.m.]

Date of Adoption: April 16, 2001.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending 1 [WAC 308-96A-295].

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: RCW 46.16.135, 46.16.225.

Adopted under notice filed as WSR 01-04-062 on February 5, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 16, 2001

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 98-19-075, filed 9/21/98, effective 10/22/98)

WAC 308-96A-295 Display of tabs. (1) What ~~((is a))~~ are tabs?

~~((A tab is a decal that is))~~ Tabs are decals affixed to the rear license plate ~~((s and identifies))~~ as indicated on the license plate to identify the registration expiration ~~((date))~~ month or year for a specific vehicle.

(2) Which tabs are valid to be displayed on the vehicle license plate? ~~((Only the))~~ Tabs depicting the current registration ~~((may))~~ expiration month and year must be displayed on the rear vehicle license plate ~~((s))~~ in the area designated on the license plate. Expired month and year tabs may be displayed on the front vehicle license plate for vehicles that are required to display a front license plate.

(3) Does this rule apply to all vehicles? No, vehicles registered under the provisions of the International Registration Plan must display tabs depicting current registration expiration month and year on both the front and rear vehicle license plates of the power unit.

(4) When is the requirement for rear license plate tabs effective? The requirement for rear license plate tabs is effective for vehicle registration expiration periods after December 31, 2001.

WSR 01-09-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-47—Filed April 4, 2001, 4:33 p.m., effective April 19, 2001, 12:01 a.m.]

Date of Adoption: April 3, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-285.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is intended to keep the recreational harvest of sturgeon from The Dalles Reservoir and its tributaries within the established harvest guidelines. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 9, 2001, 12:01 a.m.

April 3, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-28500Z Sturgeon—Areas and seasons. Notwithstanding the provisions of WAC 220-56-285, effective 12:01 a.m. April 9, 2001 until further notice, it is unlawful to retain sturgeon from the Columbia River and its tributaries from The Dalles Dam to John Day Dam.

WSR 01-09-010
EMERGENCY RULES
STATE BOARD OF EDUCATION

[Filed April 6, 2001, 10:29 a.m.]

Date of Adoption: March 30, 2001.

Purpose: Students earning degrees or credits through colleges and universities can apply such credits for recognition on the state salary allocation schedule if the institution is regionally accredited. Current SBE policy limits recognition of fully accredited institutions. The Western Governor's University is seeking from the SBE a rule change that would recognize WGU's status as a "candidate for accreditation" as being sufficient so the students who are ready to graduate will not be penalized.

Citation of Existing Rules Affected by this Order:
 Amending WAC 180-78A-010(6).

Statutory Authority for Adoption: RCW 28A.410.010 and 28A.305.130 (1) and (2).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Expanding the definition of "regionally accredited institution" will include colleges and universities that have attained "candidate for accreditation" status with one of the six regional accrediting organizations recognized by the State Board of Education. Expansion of the definition will allow students who are about to receive a degree from such university to apply their credits for recognition on the state salary allocation schedule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 5, 2001

Larry Davis

Executive Director

AMENDATORY SECTION [(Amending WSR 00-03-049, filed 1/14/00)]

WAC 180-78A-010 Definition of terms. The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops programs of preparation in education which are submitted to the state board of education for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the state board of education of an educator preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

(6) "Regionally accredited institution of higher education" means a community college, college, or university which is a candidate for accreditation or is ((fully)) accredited by one of the following regional accrediting bodies:

- (a) Middle States, Association of Colleges and Schools;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Colleges and Schools;
- (d) Northwest Association of Schools and Colleges;
- (e) Southern Association of Colleges and Schools;
- (f) Western Association of Schools and Colleges:

Accrediting Commission for Junior and Senior Colleges.

(7) "An approved performance-based educator preparation program" means a program that requires the candidate to demonstrate in multiple ways, over time, specific state board of education required standards, criteria, knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

(8) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements: Provided, That teachers employed by private schools who are candidates for the professional teaching certificate shall document students' increased knowledge and/or demonstration of a skill or skills related to either:

(a) The state goals or essential academic learning requirements; or

(b) Such alternative learning goals as the private school has established.

(9) "Collaboration" (as used in WAC 180-78A-500 through 180-78A-540) means ongoing communication among the professional growth team members using a variety of formats (e.g., conferences, electronic mail, conference calls, etc.) to reach consensus regarding the content - course work, experiences, competencies, knowledges and skills - of the candidate's professional growth plan.

(10) "Professional growth team" means a team of persons comprised of the candidate for professional certifica-

tion, a colleague specified by the candidate, a college or university advisor appointed by the college or university, and a representative from the school district in which the candidate teaches.

(11) "Individual professional growth plan" means the document which identifies the specific competencies, knowledges, skills and experiences needed to meet the standards set forth in WAC 180-78A-540. The individual professional growth plan shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(12) "Preassessment seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate, in collaboration with members of his/her professional growth team, identifies specific competencies, knowledges, skills and/or experiences needed to meet standards for the certificate as required by WAC 180-78A-540. The preassessment seminar shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(13) "Culminating seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance, and positive impact on student learning. The culminating seminar shall meet requirements set forth in WAC 180-78A-535 (4)(e).

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 01-09-015
EMERGENCY RULES
STATE BOARD OF EDUCATION

[Filed April 6, 2001, 11:47 a.m.]

Date of Adoption: March 30, 2001.

Purpose: Repeal current language because: The policy was improperly adopted because the cited authorizing statute is incorrect; the phrase "most current editions" has unintentionally limited access to otherwise available tests; and there is a question whether a policy is necessary.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-52-041.

Statutory Authority for Adoption: RCW 34.05.310(4).

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: Restores home-based instructors' flexibility in the selection of tests.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 6, 2001
Larry Davis
Executive Director

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 16, 2001, 12:01 a.m.

April 9, 2001
J. P. Koenings
Director
by Larry Peck

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-52-041 Approval of list of standardized tests for use by students receiving home-based instruction.

**WSR 01-09-029
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-48—Filed April 11, 2001, 9:33 a.m., effective April 16, 2001, 12:01 a.m.]

Date of Adoption: April 10, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The spring chinook forecast for the Chehalis River is 2,371 fish with an escapement goal of 1,400 fish. There are sufficient numbers of harvestable spring chinook to provide for early sport fishing 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 1, Amended 0, Repealed 0.

NEW SECTION

WAC 232-28-61900W Exceptions to statewide rules—Chehalis River. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. April 16, 2001 until July 31, in those waters of the Chehalis River from the mouth (Highway 101 Bridge in Aberdeen) to High Bridge on Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek, daily limit of six salmon, of which no more than two may be adults. Minimum size 12 inches in length.

**WSR 01-09-030
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-49—Filed April 11, 2001, 9:37 a.m., effective April 21, 2001, 12:01 a.m.]

Date of Adoption: April 10, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900X; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The salmon season is beginning earlier than the normal May 15 opener to take advantage of the forecasted large return. Several factors suggest the fish may return early to the Ringold area this year. The last run of Skamania-stock (lower Columbia River origin) hatchery steelhead reared at the Ringold Springs Rearing Facility (Ringold) returned in 2000 and several hundred were caught by anglers last spring. Wells-stock (upper Columbia River origin) steelhead are now being reared and released at Ringold. This hatchery stock is currently listed as "endangered" under the Endangered Species Act and harvest is not permitted by WDFW or the National Marine Fisheries Services at this time. There is insufficient time to promulgate permanent rules.

EMERGENCY

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 21, 2001, 12:01 a.m.

April 9, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900X Exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective 12:01 a.m. April 21, 2001 through June 15, 2001, in those waters of the Columbia River adjacent to Ringold Hatchery (in Franklin County north of Pasco) from the WDFW markers 1/4 mile downstream of the Ringold irrigation wasteway outlet to the markers 1/2 mile upstream of Spring Creek the daily limit is two (2) salmon, minimum size 12 inches in length. Fishing only from the hatchery side (east bank) and only from the bank.

(2) Effective 12:01 a.m. May 15, 2001 through July 31, 2001, in those waters of the Columbia River adjacent to Ringold Hatchery (in Franklin County north of Pasco) from the WDFW markers 1/4 mile downstream of the Ringold irrigation wasteway outlet to the markers 1/2 mile upstream of Spring Creek it is unlawful to retain steelhead.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2001:

WAC 232-28-61900X Exceptions to statewide rules—Columbia River.

**WSR 01-09-053
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-50—Filed April 13, 2001, 1:12 p.m., effective April 21, 2001, 12:01 a.m.]

Date of Adoption: April 13, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Y; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Yakama Nation and WDFW are forecasting a total return of 26,100 adult spring chinook to the Yakima River in 2001. The forecasted run of weak stock, wild, Naches/American River spring chinook (estimated at 6,000) is of sufficient size that it is capable of supporting a modest level of sport harvest without threat to acceptable spawning escapement. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 21, 2001, 12:01 a.m.

April 13, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900Y Exceptions to statewide rules—Yakima River. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. April 21, 2001 through June 15, 2001, in those waters of the Yakima River from the SR 223 Bridge at Granger (river mile 83) to the painted "closed water" boundary line 3,500 feet downstream of Roza Dam at river mile 127.2:

(a) Daily limit of two salmon, minimum size is 12 inches in length.

(b) Fishing must stop for the day, after catching two salmon, whether retained or released.

(c) Non-buoyant lure restriction and night closure in effect.

(d) Season limit of ten spring chinook from the Yakima River per fisher.

EMERGENCY

(e) Closed to all fishing within 400 feet upstream of the Yakima Ave./Terrace Heights Rd. Bridge, including downstream of the Roza Wasteway No. 2 fish barrier rack.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 16, 2001:

- WAC 232-28-61900Y Exceptions to statewide rules—Yakima River.

WSR 01-09-054
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-51—Filed April 13, 2001, 1:15 p.m., effective April 16, 2001,
8:00 a.m.]

Date of Adoption: April 13, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-051 and 220-69-240.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2001 State/Tribal Puget Sound Shrimp Harvest Management Plan requires adoption of the harvest seasons and the prohibition on night time fishing contained in this emergency rule. Emergency rapid reporting requirements are necessary as quotas can be far exceeded in one day of fishing. 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 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: April 16, 2001, 8:00 a.m.

April 13, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-05100K Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp beam trawl gear:

(a) Crustacean management area 3 - Open 8:00 a.m. on April 16, 2001 until further notice.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(b) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(2) It is unlawful to harvest shrimp using shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in the Discovery Bay Shrimp District, the Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, and the Carr Inlet Shrimp District.

(5) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

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

NEW SECTION

WAC 220-69-24000U Puget Sound shrimp dealer reporting—Required information. Notwithstanding the provisions of WAC 220-69-240, effective immediately until further notice:

(1) For harvest in Crustacean Management Region 3, catch reports must be made to the Point Whitney Shellfish Laboratory by voice (360) 796-4601, extension 800, or facsimile (360) 586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket.

WSR 01-09-055
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-53—Filed April 13, 2001, 1:18 p.m.]

Date of Adoption: April 13, 2001.
Purpose: Amend personal use rules.

EMERGENCY

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900U; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Reduced limit on the Cowlitz River due to projected run size will achieve hatchery escapement goal. Special daily limit due to projected run size will achieve hatchery escapement goal on the Lewis and Klickitat rivers. 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.

April 13, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900Z Exceptions to statewide rules—Cowlitz River, Little White Salmon River (Drano Lake), Klickitat River, Lewis River, Wind River, White Salmon River. Notwithstanding the provisions of WAC 232-28-619:

(1) Cowlitz River - Effective immediately until further notice, those waters of the Cowlitz River mouth upstream to 400 feet or posted boundary markers below the Barrier Dam are closed for the retention of chinook salmon. South side of the river from Mill Creek upstream to the Barrier Dam closed to all fishing April 1, 2001 through June 15, 2001.

(2) Little White Salmon River (Drano Lake) - Effective immediately through June 30, 2001 it is lawful to fish for salmonids in those waters of the Little White Salmon River (Drano Lake) from the SR 14 highway bridge at the mouth upstream to markers downstream and across from the Little White Salmon National Fish Hatchery special daily limit of two chinook salmon greater than 12 inches in length or two hatchery steelhead greater than 20 inches in length or a com-

ination of one such salmon and one such steelhead. Except closed on Wednesdays April 18 through May 30, 2001. Night closure and non-buoyant lure restriction in effect.

(3) Klickitat River - Effective immediately through May 30, 2001 it is lawful to fish for salmonids in those waters of the Klickitat River from the mouth upstream to Fisher Hill Bridge Special daily limit of one chinook salmon greater than 12 inches in length or one hatchery steelhead greater than 20 inches in length. Fishing Mondays, Wednesday and Saturdays only. Night closure and non-buoyant lure restriction in effect.

(4) Lewis River - Effective immediately until further notice in those waters of the Lewis River (including the North Fork) from the mouth upstream to Merwin Dam the daily limit is one chinook salmon greater than 12 inches in length. Effective May 1, 2001 until further notice in those waters between Johnson Creek and Colvin Creek bank fishing only and in those waters between Colvin Creek and Merwin Dam closed to all fishing.

(5) Wind River - Effective immediately through June 30, 2001 it is lawful to fish for salmonids in those waters of the Wind River from markers (buoy line) at the mouth upstream to 400 feet downstream from Shipherd Falls and effective May 1, 2001 through June 30, 2001 from 100 feet upstream from Shipherd Falls upstream to 400 feet downstream from the Coffey Dam and from 100 feet upstream from the Coffey Dam to boundary markers 800 yards downstream from the fish ladder at Carson National Fish Hatchery. Special daily limit of two chinook salmon greater than 12 inches in length or two hatchery steelhead greater than 20 inches in length, or a combination of one such salmon and one such steelhead. Night closure and non-buoyant lure restriction in effect.

(6) White Salmon River - Effective immediately through June 30, 2001, it is lawful to fish for salmonids in those waters of the White Salmon River from the mouth upstream to the powerhouse and April 1, 2001 through June 15, 2001 from the powerhouse upstream 400 feet below Northwestern Dam. Special daily limit of two chinook salmon greater than 12 inches in length or two hatchery steelhead greater than 20 inches in length, or a combination of one such salmon and one such steelhead. Fishing only from the bank from the highway 14 bridge downstream to the buoy line.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900U	Exceptions to statewide rules—Cowlitz River, Little White Salmon River (Drano Lake), Klickitat River, Lewis River, Wind River, White Salmon River. (01-33)
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WSR 01-09-056
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-54—Filed April 13, 2001, 1:22 p.m.]

Date of Adoption: April 13, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-44-05000D.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Thresher shark are taken incidental to the swordfish fishery, but few swordfish are taken off of Washington or northern Oregon. Oregon has set a 10:1 ratio of swordfish to thresher shark in its experimental swordfish fishery. This permit fishery has resulted in a directed thresher shark fishery and landings into Washington. There are insufficient thresher shark to support a directed fishery, and prohibiting landings will preserve thresher shark. There is insufficient time to adopt permanent rules, but permanent rule making has started.

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.

April 13, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-44-05000D Coastal bottomfish—Thresher shark landings. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice it is unlawful to land thresher shark into any Washington port.

WSR 01-09-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-55—Filed April 16, 2001, 3:46 p.m., effective April 17, 2001, 6:00 a.m.]

Date of Adoption: April 16, 2001.

Purpose: Amend commercial and subsistence fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-32-05100X; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets initial treaty Indian spring season commercial fishery. The fishery catches are expected to remain within the allocation and guidelines of the 2001 Management Agreement and will be consistent with the biological opinion. Harvestable surplus is projected in all hatchery tributaries. Action is consistent with preseason plans agreed to between WDFW and the Yakama Nation. Allows platform and hook & line fish to be sold during open commercial season for all four tribes. These regulations will conform state and tribal rules, and is consistent with compact action of April 13, 2001. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 17, 2001, 6:00 a.m.

April 16, 2001

J. P. Koenings

Director

NEW SECTION

WAC 220-32-05100X Columbia River salmon seasons above Bonneville Dam—Columbia tributaries. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to

take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, Drano Lake and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. April 17 to 6:00 p.m. April 19, 2001

2) Open Areas: SMCRA 1F, 1G, 1H, Wind River, Drano Lake, Klickitat River

3) Gear: No mesh restriction

4) Allowable sale includes: salmon and shad. Sturgeon between 4 feet and 5 feet in length may be kept for subsistence purposes.

5) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

6) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

7) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m., April 19, 2001:

WAC 220-32-05100X	Columbia River salmon seasons below Bonneville Dam. (01-55)
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WSR 01-09-069

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 16, 2001, 4:03 p.m., effective April 18, 2001]

Date of Adoption: April 16, 2001.

Purpose: To continue the temporary emergent adoption of federal one-person standard changes for the medically needy and SSI-related categorically needy programs while the permanent rules adoption process is completed.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0070 and 388-478-0080.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500.

Other Authority: Section 1924 (42 U.S.C. 1396R-5).

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: Implementation of federal increases in standards is required to be effective January 1, 2001, in order to continue receiving federal funds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: April 18, 2001.

April 12, 2001

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-10-095, filed 5/2/00, effective 5/2/00)

WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN) and medically indigent (MI) programs. (1) Beginning January 1, ~~((2000))~~ 2001, the medically needy income level (MNIL) and MI monthly income standards are as follows:

(a) One person	\$(539)) <u>556.00</u>
(b) Two persons	\$592
(c) Three persons	\$667
(d) Four persons	\$742
(e) Five persons	\$858
(f) Six persons	\$975
(g) Seven persons	\$1,125
(h) Eight persons	\$1,242
(i) Nine persons	\$1,358
(j) Ten persons and more	\$1,483

(2) The MNIL standard for a person who meets institutional status requirements is in WAC 388-513-1305(3).

(3) Countable resource standards for the MN and MI programs are:

(a) One person	\$2,000
(b) Two persons	\$3,000
(c) For each additional family member add	\$50

AMENDATORY SECTION (Amending WSR 00-10-095, filed 5/2/00, effective 5/2/00)

WAC 388-478-0080 SSI-related categorically needy income level (CNIL) and countable resource standards.

(1) The SSI-related CNIL standard is the same as the SSI monthly payment standard based upon the area of the state where the person lives. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston, and Kitsap. Area 2 is all other counties. Beginning January 1, ~~((2000))~~ 2001, the CNIL monthly income standards are as follows:

	Area 1	Area 2
(a) Single person	\$(539.00)) <u>555.90</u>	\$(518.55)) <u>535.45</u>
(b) A legally married couple who are both eligible	\$(790.00)) <u>815.90</u>	\$(769.00)) <u>796.00</u>
(c) Supplied shelter	<u>\$357.05</u>	<u>\$357.05</u>

(2) The countable resource standards for the SSI-related CN medical program are:

(a) One person	\$2,000
(b) A legally married couple	\$3,000

EMERGENCY

WSR 01-09-007

OFFICE OF THE GOVERNOR

[Filed April 5, 2001, 10:24 a.m.]

**NOTICE OF APPEAL
(RCW 34.05.330(3))**

On March 21, 2001, the Governor received an appeal to the denial by the Gary Moore, Director of the Department of Labor and Industries of a request for rule-making proceedings, relating to Advanced Registered Nurse Practitioners, dated March 18, 2001, filed by Nick Mason.

DATED: April 3, 2001

Everett H. Billingslea
General Counsel to the Governor

WSR 01-09-008

NOTICE OF PUBLIC MEETINGS

**COMMISSION ON
ADVANCED TUITION PROGRAM**

[Memorandum—March 29, 2001]

In accordance with RCW 28B.95.020 and WAC 14-276-030, the Advanced College Tuition Program, also known as the Guaranteed Education Tuition Program, will be holding a special meeting on Wednesday, April 18, 2001, at 1300 Evergreen Park Drive S.W., Olympia, WA, between the hours 1:30 p.m. and 3:30 p.m. An approved schedule for the remainder of the year had previously been forwarded to you.

If anyone wishes to request disability accommodations, notice should be given to the Guaranteed Education Tuition Program at least ten days in advance of the meeting in question. Notice may be given by any of the following methods: Voice (360) 753-7875, TDD (360) 753-7809, or fax (360) 704-6200.

WSR 01-09-009

RULES COORDINATOR

ENVIRONMENTAL HEARINGS OFFICE

[Filed April 6, 2001, 10:28 a.m.]

The purpose of this letter is to advise you that I have recently been appointed as the rules coordinator for the Environmental Hearings Office. This agency is the umbrella agency for four separate boards: (1) The Pollution Control Hearings Board, (2) the Shorelines Hearings Board, (3) the Hydraulics Appeals Board, and (4) the Forest Practice Appeals Board. I would, therefore, be the rules coordinator for all four boards.

My name, address and phone number is Deborah L. Mull, P.O. Box 40903, Olympia, WA 98504-0903, (360) 407-0104, deborahm@eho.wa.gov.

Deborah L. Mull
Administrative Appeals Judge

WSR 01-09-018

**NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYEES BENEFITS BOARD**

[Memorandum—April 9, 2001]

April 17, 2001 - 1:00 p.m.
Lacey Community Center

WSR 01-09-020

**NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY**

[Memorandum—April 5, 2001]

The Western Washington University board of trustees will hold a regular meeting at 10:00 a.m. May 17, 2001, at the offices of Preston, Gates and Ellis, 701 Fifth Avenue, 5000 Columbia Center, Conference Room 9, Seattle, WA.

Any questions regarding this meeting may be addressed to Penny Glover, secretary to the board of trustees, at (360) 650-3117, or Liz Sipes at (360) 650-3480.

WSR 01-09-021

DEPARTMENT OF HEALTH

(Division of Drinking Water)

[Filed April 9, 2001, 11:13 a.m.]

**Revised Guidelines for Drinking Water State Revolving
Fund**

The program guidelines for the Drinking Water State Revolving Fund have been jointly revised by the Department of Health, Division of Drinking Water; the Public Works Board, and its administrative agent, the Department of Community, Trade and Economic Development. Shown below is a copy of the revised guidelines for the 2001 application cycle. In accordance with RCW 34.05.230, these guidelines are to be filed with the code reviser.

NOTICE OF ADOPTION OF GUIDELINES

Title of Guidelines: Drinking Water State Revolving Fund 2001 Guidelines and Loan Application.

Effective Date: New: 9/30/97 Revision: 3/29/01.

Issuing Agency/Division: Jointly managed by:

1. Department of Health (DOH), Environmental Health Programs, Division of Drinking Water.

2. Washington State Public Works Board and its administrative agent, the Washington State Community, Trade and Economic Development (CTED), Local Development Assistance Division.

Description: The DWSRF program guidelines are revised annually and contain information and requirements specific to the current funding cycle.

Background: In August 1996, congress reauthorized the Safe Drinking Water Act that included the establishment of a Drinking Water State Revolving Fund (DWSRF). Each state receives a portion of the annual appropriation in the form of a capitalization grant. The DWSRF provides low interest loans

MISC.

to help publicly owned and privately owned not-for-profit and for-profit water systems to make improvements to water systems to increase public health protection. The Washington state legislature directed (RCW 70.119A.170) DOH and CTED to administer the DWSRF program in Washington under published guidelines, until state rules are adopted. The guidelines are based on the federal and state law along with other regulations. They provide program information regarding the application process for the loan application, and describe what will be required if a loan is awarded.

Contact: Judy J. Sides, Division of Drinking Water, Headquarters, P.O. Box 47822, Olympia, WA 98504-7822, phone (360) 236-3096, Internet Judy.sides@doh.wa.gov.

WSR 01-09-024

INTERPRETIVE AND POLICY STATEMENT DEPARTMENT OF LABOR AND INDUSTRIES

[Filed April 10, 2001, 10:27 a.m.]

In accordance with RCW 34.05.230(12), following is a list of Policy and Interpretive Statements issued by the department for March 2001. If you have questions or need additional information, please call (360) 902-4216.

Specialty Compliance Services Division

Specialty Compliance Policy #01-01 "Manufactured/Mobile Home Work Exempted from Permit," is a new policy developed to clarify for consumers, homeowners, and compliance inspectors alteration work done on manufactured/mobile homes that are exempt from permit and inspection. This policy was issued on March 7, 2001.

Contact Candy Peppard, Mailstop 4440, phone (360) 902-5245.

Patrick Woods
Assistant Director

WISHA Services Division

WISHA Interpretative Memorandum (WIIM) #97-7-H, "Definition of Agriculture for WISHA Purposes," is repealed. This policy provided guidance to WISHA staff in the appropriate application of the standards in light of changes to the definition of agricultural activities made during the 1997 legislative session. The policy is no longer necessary since its substance was incorporated into the agricultural standard, chapter 296-307 WAC. This policy was repealed on January 5, 2001.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

Michael Silverstein
Assistant Director

Christine Swanson
Legislative and Governmental
Affairs Offices

WSR 01-09-033

NOTICE OF PUBLIC MEETINGS BELLINGHAM TECHNICAL COLLEGE

[Memorandum—April 11, 2001]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, April 19, 2001, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College Campus. Call 738-3105 ext. 334 for information.

WSR 01-09-034

INTERPRETIVE STATEMENT DEPARTMENT OF REVENUE

[Filed April 11, 2001, 2:19 p.m.]

Cancellation of interpretive statement

This announcement of the cancellation of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has cancelled the following Excise Tax Advisory effective April 11, 2001.

ETA 459.04.146 Interest Received on Direct Obligations of the Federal Government. This document notes that WAC 458-20-146 National and state banks, mutual savings banks, savings and loan associations and other financial institutions, explains that a deduction is available for interest received on direct obligations of the federal government. ETA 459 then provides a limited list of federal agencies/instrumentalities. This list is in part incorrect (e.g., the Federal Home Loan Bank and Bank for Cooperatives are no longer federal agencies or instrumentalities). There is also no need for the department to maintain a partial list of federal agencies and/or instrumentalities as information necessary to identify federal agencies/instrumentalities is available via the Internet.

Questions regarding the cancellation of this advisory may be directed to Alan R. Lynn, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6125, fax (360) 664-0693, Internet alanl@dor.wa.gov.

Claire Hesselholt
Policy Counsel

WSR 01-09-038

RULES COORDINATOR DEPARTMENT OF GENERAL ADMINISTRATION

[Filed April 12, 2001, 8:06 a.m.]

Martin D. Casey has been appointed the Department of General Administration rules coordinator, succeeding Cindy Runger.

Contact Information: Martin D. Casey, Legislative Program Manager, Department of General Administration, P.O. Box 41000, Olympia, WA 98504-1000, phone (360) 902-7208, fax (360) 586-5898.

WSR 01-09-039
RULES COORDINATOR
ARTS COMMISSION
[Filed April 12, 2001, 9:45 a.m.]

In accord with RCW 34.05.312, please note that I serve as rules coordinator for the Washington State Arts Commission, effective January 11, 1999.

Contact Information: Kris Tucker, P.O. Box 42675, Olympia, WA 98504-2675, (360) 586-2423, krist@arts.wa.gov.

Kris Tucker
Executive Director

WSR 01-09-048
RULES COORDINATOR
BOARD FOR
VOLUNTEER FIRE FIGHTERS
AND RESERVE OFFICERS
[Filed April 13, 2001, 11:42 a.m.]

The rules coordinator for the Board for Volunteer Firefighters and Reserve Officers is Brigette K. Smith.

Brigette K. Smith
Executive Secretary

WSR 01-09-044
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR
(Clemency and Pardons Board)
[Memorandum—April 12, 2001]

On April 18, 2001, at 9:00 a.m. there will be an emergency meeting of the Clemency and Pardons Board to review the clemency petition of Mr. Jose Carlos Cruz Melendez. This meeting will take place in the Westin Office Building, Commerce Trade and Economic Development Office, 2001 Sixth Avenue, Suite 2600, Seattle, WA.

WSR 01-09-046
RULES COORDINATOR
BOARD OF ACCOUNTANCY
[Filed April 13, 2001, 11:40 a.m.]

Please change your records to reflect the designation of Cheryl Sexton as the Board of Accountancy's rules coordinator.

Dana M. McInturff, CPA
Executive Director

WSR 01-09-047
RULES COORDINATOR
PERSONNEL APPEALS BOARD
[Filed April 13, 2001, 11:41 a.m.]

Please be advised that I am the rules coordinator for the Personnel Appeals Board. I can be reached at: Don Bennett, Executive Secretary, 2828 Capitol Boulevard, Mailstop 40911, Olympia, WA 98504-0911, (360) 586-1481.

Don Bennett
Executive Secretary

WSR 01-09-049
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE
[Memorandum—April 11, 2001]

Special Meeting of the Board of Trustees

In accordance with provisions of the Open Public Meetings Act, RCW 42.30.080 Special meetings, the Shoreline Community College board of trustees will hold a special meeting on Monday, April 16, 2001, beginning at 8:00 a.m. in the Building 1000 Board Room. I have notified all members of the governing body and eight local newspapers of general circulation, including the written agenda for the special meeting.

Please contact (206) 546-4552 if you require further information.

WSR 01-09-050
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER
[Memorandum—April 11, 2001]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on Wednesday, April 18, 2001, at 1:30 p.m. in Room 310 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 01-09-051
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Filed April 13, 2001, 11:45 a.m.]

EDMONDS COMMUNITY COLLEGE
BOARD OF TRUSTEES

MISC.

**NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER**

- April 19, 2001* Tenure and Permanent Status Reception:
EdCC, Snohomish Hall, Room 304, 20226
68th Avenue West, Lynnwood, WA, 3:00 -
4:00 p.m. *Purpose: Reception to honor ten-
ure & permanent status employees.*
- April 19, 2001 Edmonds Community College Board of
Trustees Regular Board Meeting: EdCC,
Snohomish Hall, Room 304A, 20226 68th
Avenue West, Lynnwood, WA, 4:00 p.m.
*Purpose: To address routine college busi-
ness issues.*

*Please Note: The following event has already occurred.
It was publicized in a previous press release from the college
prior to the event.*

- April 5, 2001* Edmonds Community College
Foundation Kick-Off Celebration
for the Center for Families Build-
ing Campaign, EdCC, Triton
Building, 202, 20000 68th Avenue
West, Lynnwood, WA, 6:00 - 8:00
p.m. *Purpose: Celebration Kick-
Off of Building Campaign.*

*This event is being scheduled as a special meeting, which is
a study session where no action will be taken.

**WSR 01-09-059
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD**

[Memorandum—April 13, 2001]

- MEETING NOTICE: July 19, 2001
Notaras Lodge
13 Canna North
Soap Lake, WA 98851
8:00 p.m. [a.m.] to 5:00
p.m.

Individuals requiring reasonable accommodation may
request written materials in alternative formats, sign lan-
guage interpreters, physical accessibility accommodations, or
other reasonable accommodation, by contacting Cheryl Hei-
nemeyer at (360) 753-5989, hearing and speech impaired per-
sons can call 1-800-833-6384.

If you have questions, please contact (360) 753-5989.

WSR 01-09-060

RULES COORDINATOR

BELLINGHAM TECHNICAL COLLEGE

[Filed April 16, 2001, 10:40 a.m.]

Desmond McArdle is designated as the rules coordinator
for Bellingham Technical College. You may contact him at
(360) 738-3105 ext. 333 or fax (360) 676-2798 or e-mail
dmcardle@belltc.ctc.edu.

Desmond P. McArdle
President

WSR 01-09-063

**NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD**

[Memorandum—April 16, 2001]

NOTICE OF MEETING CANCELLATION

The Public Works Board meeting scheduled as a regular
meeting on June 5, 2001, in the city of SeaTac, has been can-
celled.

Proposed agenda items will be presented to the board at
the special meeting in Yakima, Washington, scheduled for
May 30, 2001.

WSR 01-09-064

**NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD**

[Memorandum—April 16, 2001]

NOTICE OF MEETING CANCELLATION

The Public Works Board meeting scheduled as a regular
meeting on May 1, 2001, in the city of SeaTac, has been can-
celled.

Proposed agenda items will be presented to the board at
the special meeting in Yakima, Washington, scheduled for
May 30, 2001.

WSR 01-09-065

**NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD**

[Memorandum—April 16, 2001]

NOTICE OF SPECIAL MEETING

The Public Works Board will conduct a special meeting
and board policy workshop on May 30 and 31, 2001. The
board meeting will be conducted in the Wapato Room of the
DoubleTree Hotel located at 1507 North First Street,
Yakima, WA. Interested persons may participate in the
meeting by appearing at the above location.

Board business will be conducted from the published
agenda at the special meeting on Tuesday, May 30, 2001,
from 8:30 a.m. to 10:00 a.m. Board policy discussions will

MISC.

[be] undertaken from 10:00 a.m. to 5:00 p.m. on Tuesday, May 30, 2001, and from 8:30 to noon on Wednesday, May 31, 2001. Workshop items will include the history of the board; roles, responsibilities and organization of the board; setting performance measures; and review of the board mission and goals.

trustees have been invited to attend the meetings for information purposes only. Business that will be conducted at these meetings consists of the usual committee work that takes place prior to the board of trustees meeting on Friday, April 6, 2001. No final disposition on any agenda item will be taken during the committee meetings.

WSR 01-09-076

NOTICE OF PUBLIC MEETINGS

COMMISSION ON

ADVANCED TUITION PROGRAM

(Guaranteed Education Tuition Program)

[Memorandum—April 16, 2001]

In accordance with RCW 28B.95.020 and WAC 14-276-030, the Advanced College Tuition Program, also known, as the Guaranteed Education Tuition Program will be holding a special meeting on Wednesday, April 18, 2001, at 919 Lakemeadow Way S.W., Olympia, between the hours 1:30 p.m. and 3:30 p.m.

If anyone wishes to request disability accommodations, notice should be given to the Guaranteed Education Tuition Program at least ten days in advance of the meeting in question. Notice may be given by any of the following methods: Voice (360) 586-2770, TDD (360) 753-7809, or fax (360) 586-2858.

WSR 01-09-080

NOTICE OF PUBLIC MEETINGS

EASTERN WASHINGTON UNIVERSITY

[Memorandum—April 18, 2001]

Eastern Washington University

BOARD OF TRUSTEES

ANNOUNCEMENT

of

Open Meetings

April 5, 2001

Coordinating Committee Meeting

1:00 - 3:00 p.m.

Pence Union Building, Room 265-267

Cheney, Washington 99004

Student Affairs Committee Meeting

3:00 - 5:00 p.m.

Pence Union Building, Room 261

Cheney, Washington 99004

These two committee meetings of the EWU board of trustees will be conducted as open public meetings because a quorum is expected to be present. Our two newly-appointed

MISC.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

- Symbols:**
- AMD = Amendment of existing section
 - A/R = Amending and recodifying a section
 - DECOD = Decodification of an existing section
 - NEW = New section not previously codified
 - OBJECT = Notice of objection by Joint Administrative Rules Review Committee
 - PREP = Preproposal comments
 - RE-AD = Readoption of existing section
 - RECOD = Recodification of previously codified section
 - REP = Repeal of existing section
 - RESCIND = Rescind of existing section
 - REVIEW = Review of previously adopted rule
 - SUSP = Suspending an existing section

- Suffixes:**
- C = Continuance of previous proposal
 - E = Emergency action
 - P = Proposed action
 - S = Supplemental notice
 - W = Withdrawal of proposed action
 - XA = Expedited adoption
 - XR = Expedited repeal
 - No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
3-20-100	NEW-P	01-05-034	16-202-1022	NEW-P	01-06-052	16-238-070	NEW-E	01-05-003
4-25-410	AMD-P	01-07-033	16-202-1023	NEW-P	01-06-052	16-238-070	NEW-P	01-09-075
4-25-520	AMD-P	01-07-034	16-202-1024	NEW-P	01-06-052	16-238-080	NEW-E	01-05-003
4-25-521	AMD-P	01-07-035	16-202-1025	NEW-P	01-06-052	16-238-082	NEW-E	01-05-003
4-25-600	AMD-P	01-07-036	16-202-2000	REP-P	01-06-053	16-238-082	NEW-P	01-09-075
4-25-610	AMD-P	01-07-037	16-202-2001	NEW-P	01-06-053	16-238-090	NEW-E	01-05-003
4-25-620	REP-P	01-07-037	16-202-2002	NEW-P	01-06-053	16-238-090	NEW-P	01-09-075
4-25-622	AMD-P	01-07-038	16-202-2003	NEW-P	01-06-053	16-238-100	NEW-E	01-05-003
4-25-626	AMD	01-03-012	16-202-2004	NEW-P	01-06-053	16-238-100	NEW-P	01-09-075
4-25-630	REP-P	01-07-037	16-202-2005	NEW-P	01-06-053	16-238-110	NEW-E	01-05-003
4-25-631	PREP	01-06-002	16-202-2006	NEW-P	01-06-053	16-238-110	NEW-P	01-09-075
4-25-640	AMD-P	01-07-039	16-202-2007	NEW-P	01-06-053	16-321	PREP	01-06-019
4-25-650	AMD-P	01-07-040	16-202-2008	NEW-P	01-06-053	16-328	PREP	01-03-140
4-25-720	AMD-P	01-07-041	16-202-2009	NEW-P	01-06-053	16-328-010	AMD-P	01-07-098
4-25-721	AMD-P	01-07-042	16-202-2010	NEW-P	01-06-053	16-328-011	NEW-P	01-07-098
4-25-722	REP-P	01-07-043	16-202-2011	NEW-P	01-06-053	16-333	PREP	01-03-139
4-25-730	AMD	01-03-011	16-202-2012	NEW-P	01-06-053	16-333-040	AMD-P	01-07-097
16-143	PREP	01-08-100	16-202-2013	NEW-P	01-06-053	16-333-041	NEW-P	01-07-097
16-143-005	NEW	01-03-049	16-202-2014	NEW-P	01-06-053	16-333-045	AMD-P	01-07-097
16-202-1000	REP-P	01-06-052	16-202-2015	NEW-P	01-06-053	16-333-085	AMD-P	01-07-097
16-202-1001	NEW-P	01-06-052	16-202-2016	NEW-P	01-06-053	16-400-040	AMD-P	01-07-095
16-202-1002	NEW-P	01-06-052	16-202-2017	NEW-P	01-06-053	16-400-100	AMD-P	01-07-095
16-202-1003	NEW-P	01-06-052	16-202-2018	NEW-P	01-06-053	16-400-210	AMD-P	01-07-095
16-202-1004	NEW-P	01-06-052	16-202-2019	NEW-P	01-06-053	16-401	PREP	01-02-101
16-202-1006	NEW-P	01-06-052	16-202-2020	NEW-P	01-06-053	16-401-021	AMD-P	01-07-099
16-202-1007	NEW-P	01-06-052	16-202-2021	NEW-P	01-06-053	16-401-026	AMD-P	01-07-099
16-202-1008	NEW-P	01-06-052	16-228	PREP	01-08-054	16-401-027	NEW-P	01-07-099
16-202-1009	NEW-P	01-06-052	16-228-1155	NEW-W	01-02-080	16-401-031	AMD-P	01-07-099
16-202-1010	NEW-P	01-06-052	16-228-2000	PREP	01-06-021	16-401-032	NEW-P	01-07-099
16-202-1011	NEW-P	01-06-052	16-228-2020	PREP	01-06-021	16-401-041	AMD-P	01-07-099
16-202-1012	NEW-P	01-06-052	16-228-2030	PREP	01-06-021	16-403	PREP	01-03-133
16-202-1013	NEW-P	01-06-052	16-228-2040	PREP	01-06-021	16-403	PREP	01-04-093
16-202-1014	NEW-P	01-06-052	16-238-010	NEW-E	01-05-003	16-403-141	AMD-P	01-08-068
16-202-1015	NEW-P	01-06-052	16-238-010	NEW-P	01-09-075	16-403-143	AMD-P	01-08-068
16-202-1016	NEW-P	01-06-052	16-238-020	NEW-E	01-05-003	16-403-220	AMD-P	01-08-068
16-202-1017	NEW-P	01-06-052	16-238-020	NEW-P	01-09-075	16-470	PREP	01-02-100
16-202-1018	NEW-P	01-06-052	16-238-030	NEW-E	01-05-003	16-470-911	AMD-P	01-07-096
16-202-1019	NEW-P	01-06-052	16-238-030	NEW-P	01-09-075	16-470-912	NEW-P	01-07-096
16-202-1020	NEW-P	01-06-052	16-238-060	NEW-E	01-05-003	16-470-916	AMD-P	01-07-096
16-202-1021	NEW-P	01-06-052	16-238-060	NEW-P	01-09-075	16-470-917	NEW-P	01-07-096

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-470-921	AMD-P	01-07-096	51- 11-1423	AMD	01-03-010	51- 42-1101	AMD-W	01-05-030
16-516-100	NEW-P	01-04-088	51- 11-1433	AMD	01-03-010	51- 42-1103	AMD	01-02-098
16-516-100	NEW	01-09-028	51- 11-1435	AMD	01-03-010	51- 42-1105	AMD	01-02-098
16-516-170	NEW-P	01-04-088	51- 11-1438	AMD	01-03-010	51- 42-1109	NEW	01-02-098
16-516-170	NEW	01-09-028	51- 11-1439	NEW	01-03-010	51- 42-1110	NEW	01-02-098
16-550-040	AMD	01-05-047	51- 11-1443	NEW	01-03-010	51- 42-1111	NEW	01-02-098
16-555-020	AMD-P	01-05-132	51- 11-1454	AMD	01-03-010	51- 42-1112	NEW	01-02-098
16-557-020	AMD-P	01-02-094	51- 11-1512	AMD	01-03-010	51- 42-1113	NEW	01-02-098
16-602	PREP	01-04-008	51- 11-1513	AMD	01-03-010	51- 42-1114	NEW	01-02-098
16-602-005	REP-P	01-08-087	51- 11-1521	AMD	01-03-010	51- 42-1115	NEW	01-02-098
16-602-010	REP-P	01-08-087	51- 11-1530	AMD	01-03-010	51- 42-1116	NEW	01-02-098
16-602-020	REP-P	01-08-087	51- 11-1531	AMD	01-03-010	51- 42-1117	NEW	01-02-098
16-602-025	AMD-P	01-08-087	51- 11-1532	AMD	01-03-010	51- 42-1118	NEW	01-02-098
16-602-026	AMD-P	01-08-087	51- 11-1701	REP	01-03-010	51- 42-1119	NEW	01-02-098
16-602-027	REP-P	01-08-087	51- 11-2000	REP	01-03-010	51- 42-1120	NEW	01-02-098
16-602-030	REP-P	01-08-087	51- 11-2001	REP	01-03-010	51- 42-1121	NEW	01-02-098
16-602-040	REP-P	01-08-087	51- 11-2002	REP	01-03-010	51- 42-1122	NEW	01-02-098
16-602-045	REP-P	01-08-087	51- 11-2003	REP	01-03-010	51- 42-1123	NEW	01-02-098
16-602-050	AMD-P	01-08-087	51- 11-2004	REP	01-03-010	51- 42-1124	NEW	01-02-098
246-907-030	AMD-P	01-09-088	51- 11-2005	REP	01-03-010	51- 42-1126	NEW	01-02-098
51- 11-0101	AMD	01-03-010	51- 11-2007	REP	01-03-010	51- 42-1301	NEW	01-02-098
51- 11-0201	AMD	01-03-010	51- 11-2008	REP	01-03-010	51- 44-0103	AMD	01-02-096
51- 11-0502	AMD	01-03-010	51- 11-2009	REP	01-03-010	51- 44-0105	NEW	01-02-096
51- 11-0503	AMD	01-03-010	51- 11-99902	AMD	01-03-010	51- 44-0200	AMD	01-02-096
51- 11-0504	AMD	01-03-010	51- 11-99903	AMD	01-03-010	51- 44-1007	AMD	01-02-096
51- 11-0505	AMD	01-03-010	51- 11-99904	AMD	01-03-010	51- 44-1102	NEW	01-02-096
51- 11-0530	AMD	01-03-010	51- 13-101	AMD	01-02-099	51- 44-1109	AMD	01-02-096
51- 11-0601	AMD	01-03-010	51- 13-301	AMD	01-02-099	51- 44-2500	AMD	01-02-096
51- 11-0602	AMD-W	01-07-073	51- 13-302	AMD	01-02-099	51- 44-5200	AMD	01-02-096
51- 11-0604	AMD	01-03-010	51- 13-303	AMD	01-02-099	51- 44-6100	AMD-W	01-05-031
51- 11-0605	AMD	01-03-010	51- 13-304	AMD	01-02-099	51- 44-6300	AMD-W	01-05-031
51- 11-0625	AMD	01-03-010	51- 13-503	AMD	01-02-099	51- 44-7900	AMD	01-02-096
51- 11-0626	AMD	01-03-010	51- 40-0200	AMD	01-02-095	51- 44-8000	AMD-W	01-05-031
51- 11-0627	AMD	01-03-010	51- 40-0310	AMD	01-02-095	51- 44-8102	NEW-S	01-05-031
51- 11-0628	AMD	01-03-010	51- 40-0313	AMD	01-02-095	51- 45-10100	NEW-W	01-05-031
51- 11-0630	AMD	01-03-010	51- 40-0403	AMD-W	01-05-028	51- 46-001	REP-W	01-05-029
51- 11-0701	AMD	01-03-010	51- 40-0804	AMD-W	01-05-028	51- 46-002	REP-W	01-05-029
51- 11-1001	AMD	01-03-010	51- 40-0902	AMD	01-02-095	51- 46-003	REP-W	01-05-029
51- 11-1002	AMD	01-03-010	51- 40-1003	AMD	01-02-095	51- 46-007	REP-W	01-05-029
51- 11-1003	AMD	01-03-010	51- 40-1004	AMD	01-02-095	51- 46-008	REP-W	01-05-029
51- 11-1004	AMD	01-03-010	51- 40-1103	AMD-W	01-05-028	51- 46-0100	REP-W	01-05-029
51- 11-1005	AMD	01-03-010	51- 40-1104	AMD	01-02-095	51- 46-0101	REP-W	01-05-029
51- 11-1006	AMD	01-03-010	51- 40-1105	AMD	01-02-095	51- 46-0102	REP-W	01-05-029
51- 11-1007	AMD	01-03-010	51- 40-1106	AMD	01-02-095	51- 46-0103	REP-W	01-05-029
51- 11-1008	AMD	01-03-010	51- 40-1202	NEW	01-02-095	51- 46-0200	AMD	01-02-097
51- 11-1009	AMD	01-03-010	51- 40-1203	AMD	01-02-095	51- 46-0205	REP-W	01-05-029
51- 11-1132	AMD	01-03-010	51- 40-1505	NEW-W	01-05-028	51- 46-0215	REP-W	01-05-029
51- 11-1201	REP	01-03-010	51- 40-1600	NEW-W	01-05-028	51- 46-0218	REP-W	01-05-029
51- 11-1210	REP	01-03-010	51- 40-1616	AMD-W	01-05-028	51- 46-0300	REP-W	01-05-029
51- 11-1312	AMD	01-03-010	51- 40-1700	NEW-W	01-05-028	51- 46-0301	REP-W	01-05-029
51- 11-1313	AMD	01-03-010	51- 40-1800	NEW-W	01-05-028	51- 46-0310	REP-W	01-05-029
51- 11-1322	AMD	01-03-010	51- 40-1900	NEW-W	01-05-028	51- 46-0311	REP-W	01-05-029
51- 11-1323	AMD	01-03-010	51- 40-2000	NEW-W	01-05-028	51- 46-0313	REP-W	01-05-029
51- 11-1331	AMD	01-03-010	51- 40-2100	NEW-W	01-05-028	51- 46-0314	REP-W	01-05-029
51- 11-1334	AMD	01-03-010	51- 40-2106	NEW-W	01-05-028	51- 46-0316	REP-W	01-05-029
51- 11-1401	AMD-W	01-07-073	51- 40-2200	NEW-W	01-05-028	51- 46-0392	REP-W	01-05-029
51- 11-1410	AMD	01-03-010	51- 40-2300	NEW-W	01-05-028	51- 46-0400	REP-W	01-05-029
51- 11-1411	AMD	01-03-010	51- 40-2900	AMD	01-02-095	51- 46-0402	REP-W	01-05-029
51- 11-1412	AMD	01-03-010	51- 40-2929	AMD-W	01-05-028	51- 46-0412	REP-W	01-05-029
51- 11-1414	AMD	01-03-010	51- 40-3102	AMD	01-02-095	51- 46-0413	REP-W	01-05-029
51- 11-1415	AMD	01-03-010	51- 40-31200	AMD	01-02-095	51- 46-0500	REP-W	01-05-029
51- 11-1416	NEW	01-03-010	51- 42-0405	NEW	01-02-098	51- 46-0501	REP-W	01-05-029

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-46-0502	REP-W	01-05-029	51-47-008	REP-W	01-05-029	72-171-230	AMD-P	01-09-019
51-46-0505	REP-W	01-05-029	51-56-001	NEW-W	01-05-029	72-171-240	AMD-P	01-09-019
51-46-0507	REP-W	01-05-029	51-56-002	NEW-W	01-05-029	72-171-242	NEW-P	01-09-019
51-46-0509	REP-W	01-05-029	51-56-003	NEW-W	01-05-029	72-171-244	NEW-P	01-09-019
51-46-0512	REP-W	01-05-029	51-56-007	NEW-W	01-05-029	72-171-400	REP-P	01-09-019
51-46-0513	REP-W	01-05-029	51-56-008	NEW-W	01-05-029	72-171-410	AMD-P	01-09-019
51-46-0514	REP-W	01-05-029	51-56-0100	NEW-W	01-05-029	72-171-420	REP-P	01-09-019
51-46-0515	REP-W	01-05-029	51-56-0200	NEW-W	01-05-029	72-171-430	REP-P	01-09-019
51-46-0516	REP-W	01-05-029	51-56-0300	NEW-W	01-05-029	72-171-500	AMD-P	01-09-019
51-46-0517	REP-W	01-05-029	51-56-0400	NEW-W	01-05-029	72-171-510	AMD-P	01-09-019
51-46-0518	REP-W	01-05-029	51-56-0500	NEW-W	01-05-029	72-171-512	NEW-P	01-09-019
51-46-0519	REP-W	01-05-029	51-56-0600	NEW-W	01-05-029	72-171-514	NEW-P	01-09-019
51-46-0520	REP-W	01-05-029	51-56-0700	NEW-W	01-05-029	72-171-550	NEW-P	01-09-019
51-46-0521	REP-W	01-05-029	51-56-0800	NEW-W	01-05-029	72-171-600	REP-P	01-09-019
51-46-0522	REP-W	01-05-029	51-56-0900	NEW-W	01-05-029	72-171-601	NEW-P	01-09-019
51-46-0523	REP-W	01-05-029	51-56-1300	NEW-W	01-05-029	72-171-605	NEW-P	01-09-019
51-46-0524	REP-W	01-05-029	51-56-1400	NEW-W	01-05-029	72-171-610	REP-P	01-09-019
51-46-0525	REP-W	01-05-029	51-56-1500	NEW-W	01-05-029	72-171-620	REP-P	01-09-019
51-46-0600	REP-W	01-05-029	51-56-201300	NEW-W	01-05-029	72-171-630	REP-P	01-09-019
51-46-0603	AMD	01-02-097	51-57-001	NEW-W	01-05-029	72-171-640	REP-P	01-09-019
51-46-0604	REP-W	01-05-029	51-57-002	NEW-W	01-05-029	72-171-650	AMD-P	01-09-019
51-46-0608	REP-W	01-05-029	51-57-003	NEW-W	01-05-029	72-171-700	REP-P	01-09-019
51-46-0609	REP-W	01-05-029	51-57-007	NEW-W	01-05-029	72-171-710	NEW-P	01-09-019
51-46-0610	REP-W	01-05-029	51-57-008	NEW-W	01-05-029	82-50-021	AMD-P	01-09-085
51-46-0700	REP-W	01-05-029	51-57-790000	NEW-W	01-05-029	118-68-010	NEW	01-09-045
51-46-0701	REP-W	01-05-029	51-57-895000	NEW-W	01-05-029	118-68-020	NEW	01-09-045
51-46-0704	REP-W	01-05-029	72-120-100	AMD-P	01-09-057	118-68-030	NEW	01-09-045
51-46-0710	REP-W	01-05-029	72-120-200	AMD-P	01-09-057	118-68-040	NEW	01-09-045
51-46-0713	REP-W	01-05-029	72-120-220	AMD-P	01-09-057	118-68-050	NEW	01-09-045
51-46-0793	REP-W	01-05-029	72-120-225	AMD-P	01-09-057	118-68-060	NEW	01-09-045
51-46-0800	REP-W	01-05-029	72-120-230	AMD-P	01-09-057	118-68-070	NEW	01-09-045
51-46-0810	REP-W	01-05-029	72-120-234	AMD-P	01-09-057	118-68-080	NEW	01-09-045
51-46-0814	REP-W	01-05-029	72-120-236	AMD-P	01-09-057	118-68-090	NEW	01-09-045
51-46-0815	REP-W	01-05-029	72-120-300	NEW-P	01-09-057	131	PREP	01-09-061
51-46-0900	REP-W	01-05-029	72-120-301	NEW-P	01-09-057	132A-120-011	AMD-P	01-03-116
51-46-0903	REP-W	01-05-029	72-120-302	NEW-P	01-09-057	132A-120-011	AMD	01-08-071
51-46-1000	REP-W	01-05-029	72-120-303	NEW-P	01-09-057	132A-120-021	AMD-P	01-03-116
51-46-1003	REP-W	01-05-029	72-120-304	NEW-P	01-09-057	132A-120-021	AMD	01-08-071
51-46-1012	REP-W	01-05-029	72-120-305	NEW-P	01-09-057	132G-120-010	AMD-P	01-08-082
51-46-1300	REP-W	01-05-029	72-120-306	NEW-P	01-09-057	132G-120-015	NEW-P	01-08-082
51-46-1301	REP-W	01-05-029	72-120-307	NEW-P	01-09-057	132G-120-020	REP-P	01-08-082
51-46-1302	REP-W	01-05-029	72-120-308	NEW-P	01-09-057	132G-120-030	AMD-P	01-08-082
51-46-1303	REP-W	01-05-029	72-120-309	NEW-P	01-09-057	132G-120-040	AMD-P	01-08-082
51-46-1304	REP-W	01-05-029	72-120-310	NEW-P	01-09-057	132G-120-060	AMD-P	01-08-082
51-46-1305	REP-W	01-05-029	72-120-311	NEW-P	01-09-057	132G-120-061	AMD-P	01-08-082
51-46-1400	REP-W	01-05-029	72-120-312	NEW-P	01-09-057	132G-120-062	AMD-P	01-08-082
51-46-1401	REP-W	01-05-029	72-120-313	NEW-P	01-09-057	132G-120-063	AMD-P	01-08-082
51-46-1491	REP-W	01-05-029	72-120-314	NEW-P	01-09-057	132G-120-064	AMD-P	01-08-082
51-46-97120	REP-W	01-05-029	72-171-001	AMD-P	01-09-019	132G-120-065	AMD-P	01-08-082
51-46-97121	REP-W	01-05-029	72-171-010	AMD-P	01-09-019	132G-120-070	AMD-P	01-08-082
51-46-97122	REP-W	01-05-029	72-171-015	AMD-P	01-09-019	132G-120-080	AMD-P	01-08-082
51-46-97123	REP-W	01-05-029	72-171-016	AMD-P	01-09-019	132G-120-090	AMD-P	01-08-082
51-46-97124	REP-W	01-05-029	72-171-100	REP-P	01-09-019	132G-120-100	AMD-P	01-08-082
51-46-97125	REP-W	01-05-029	72-171-110	AMD-P	01-09-019	132G-120-110	AMD-P	01-08-082
51-46-97126	REP-W	01-05-029	72-171-120	AMD-P	01-09-019	132G-120-120	REP-P	01-08-082
51-46-97127	REP-W	01-05-029	72-171-130	REP-P	01-09-019	132G-120-130	AMD-P	01-08-082
51-46-97128	REP-W	01-05-029	72-171-131	NEW-P	01-09-019	132G-120-140	AMD-P	01-08-082
51-46-97129	REP-W	01-05-029	72-171-140	AMD-P	01-09-019	132K-122-020	PREP	01-03-125
51-47-001	REP-W	01-05-029	72-171-150	AMD-P	01-09-019	132K-122-020	AMD-P	01-07-062
51-47-002	REP-W	01-05-029	72-171-200	REP-P	01-09-019	132K-122-100	PREP	01-03-126
51-47-003	REP-W	01-05-029	72-171-210	AMD-P	01-09-019	132K-122-100	AMD-P	01-07-061
51-47-007	REP-W	01-05-029	72-171-220	AMD-P	01-09-019	132W-104	PREP	01-03-103

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132W-104-010	REP-P	01-04-004	132W-108-250	REP	01-07-059	132W-112-120	NEW-P	01-07-058
132W-104-010	REP	01-07-059	132W-108-260	REP-P	01-04-004	132W-112-130	NEW-P	01-07-058
132W-104-020	REP-P	01-04-004	132W-108-260	REP	01-07-059	132W-112-140	NEW-P	01-07-058
132W-104-020	REP	01-07-059	132W-108-270	REP-P	01-04-004	132W-115	PREP	01-03-103
132W-104-030	REP-P	01-04-004	132W-108-270	REP	01-07-059	132W-115-010	NEW-P	01-07-058
132W-104-030	REP	01-07-059	132W-108-280	REP-P	01-04-004	132W-115-020	NEW-P	01-07-058
132W-104-040	REP-P	01-04-004	132W-108-280	REP	01-07-059	132W-115-030	NEW-P	01-07-058
132W-104-040	REP	01-07-059	132W-108-290	REP-P	01-04-004	132W-115-040	NEW-P	01-07-058
132W-104-050	REP-P	01-04-004	132W-108-290	REP	01-07-059	132W-115-050	NEW-P	01-07-058
132W-104-050	REP	01-07-059	132W-108-300	REP-P	01-04-004	132W-115-060	NEW-P	01-07-058
132W-104-060	REP-P	01-04-004	132W-108-300	REP	01-07-059	132W-115-070	NEW-P	01-07-058
132W-104-060	REP	01-07-059	132W-108-310	REP-P	01-04-004	132W-115-080	NEW-P	01-07-058
132W-104-070	REP-P	01-04-004	132W-108-310	REP	01-07-059	132W-115-090	NEW-P	01-07-058
132W-104-070	REP	01-07-059	132W-108-320	REP-P	01-04-004	132W-115-100	NEW-P	01-07-058
132W-104-080	REP-P	01-04-004	132W-108-320	REP	01-07-059	132W-115-110	NEW-P	01-07-058
132W-104-080	REP	01-07-059	132W-108-330	REP-P	01-04-004	132W-115-120	NEW-P	01-07-058
132W-104-090	REP-P	01-04-004	132W-108-330	REP	01-07-059	132W-115-130	NEW-P	01-07-058
132W-104-090	REP	01-07-059	132W-108-340	REP-P	01-04-004	132W-115-140	NEW-P	01-07-058
132W-104-100	REP-P	01-04-004	132W-108-340	REP	01-07-059	132W-115-150	NEW-P	01-07-058
132W-104-100	REP	01-07-059	132W-108-350	REP-P	01-04-004	132W-115-160	NEW-P	01-07-058
132W-104-110	REP-P	01-04-004	132W-108-350	REP	01-07-059	132W-115-170	NEW-P	01-07-058
132W-104-110	REP	01-07-059	132W-108-360	REP-P	01-04-004	132W-115-180	NEW-P	01-07-058
132W-104-111	REP-P	01-04-004	132W-108-360	REP	01-07-059	132W-115-190	NEW-P	01-07-058
132W-104-111	REP	01-07-059	132W-108-400	REP-P	01-04-004	132W-115-200	NEW-P	01-07-058
132W-104-120	REP-P	01-04-004	132W-108-400	REP	01-07-059	132W-115-210	NEW-P	01-07-058
132W-104-120	REP	01-07-059	132W-108-410	REP-P	01-04-004	132W-115-220	NEW-P	01-07-058
132W-104-130	REP-P	01-04-004	132W-108-410	REP	01-07-059	132W-116	PREP	01-03-103
132W-104-130	REP	01-07-059	132W-108-420	REP-P	01-04-004	132W-116-010	REP-P	01-04-004
132W-105-010	NEW-P	01-07-058	132W-108-420	REP	01-07-059	132W-116-010	REP	01-07-059
132W-105-020	NEW-P	01-07-058	132W-108-430	REP-P	01-04-004	132W-116-020	REP-P	01-04-004
132W-105-030	NEW-P	01-07-058	132W-108-430	REP	01-07-059	132W-116-020	REP	01-07-059
132W-105-040	NEW-P	01-07-058	132W-108-440	REP-P	01-04-004	132W-116-040	REP-P	01-04-004
132W-105-050	NEW-P	01-07-058	132W-108-440	REP	01-07-059	132W-116-040	REP	01-07-059
132W-105-060	NEW-P	01-07-058	132W-108-450	REP-P	01-04-004	132W-116-050	REP-P	01-04-004
132W-105-070	NEW-P	01-07-058	132W-108-450	REP	01-07-059	132W-116-050	REP	01-07-059
132W-105-080	NEW-P	01-07-058	132W-108-460	REP-P	01-04-004	132W-116-065	REP-P	01-04-004
132W-108	PREP	01-03-103	132W-108-460	REP	01-07-059	132W-116-065	REP	01-07-059
132W-108-001	REP-P	01-04-004	132W-108-470	REP-P	01-04-004	132W-117-010	NEW-P	01-07-058
132W-108-001	REP	01-07-059	132W-108-470	REP	01-07-059	132W-117-020	NEW-P	01-07-058
132W-108-005	REP-P	01-04-004	132W-108-480	REP-P	01-04-004	132W-117-030	NEW-P	01-07-058
132W-108-005	REP	01-07-059	132W-108-480	REP	01-07-059	132W-117-040	NEW-P	01-07-058
132W-108-010	REP-P	01-04-004	132W-109-010	NEW-P	01-07-058	132W-117-050	NEW-P	01-07-058
132W-108-010	REP	01-07-059	132W-109-020	NEW-P	01-07-058	132W-117-060	NEW-P	01-07-058
132W-108-080	REP-P	01-04-004	132W-109-030	NEW-P	01-07-058	132W-117-070	NEW-P	01-07-058
132W-108-080	REP	01-07-059	132W-109-040	NEW-P	01-07-058	132W-117-080	NEW-P	01-07-058
132W-108-090	REP-P	01-04-004	132W-109-050	NEW-P	01-07-058	132W-117-090	NEW-P	01-07-058
132W-108-090	REP	01-07-059	132W-109-060	NEW-P	01-07-058	132W-117-100	NEW-P	01-07-058
132W-108-100	REP-P	01-04-004	132W-109-070	NEW-P	01-07-058	132W-117-110	NEW-P	01-07-058
132W-108-100	REP	01-07-059	132W-109-085	NEW-P	01-07-058	132W-117-120	NEW-P	01-07-058
132W-108-110	REP-P	01-04-004	132W-112	PREP	01-03-103	132W-117-130	NEW-P	01-07-058
132W-108-110	REP	01-07-059	132W-112-001	NEW-P	01-07-058	132W-117-140	NEW-P	01-07-058
132W-108-120	REP-P	01-04-004	132W-112-010	NEW-P	01-07-058	132W-117-150	NEW-P	01-07-058
132W-108-120	REP	01-07-059	132W-112-020	NEW-P	01-07-058	132W-117-160	NEW-P	01-07-058
132W-108-130	REP-P	01-04-004	132W-112-030	NEW-P	01-07-058	132W-117-170	NEW-P	01-07-058
132W-108-130	REP	01-07-059	132W-112-040	NEW-P	01-07-058	132W-117-180	NEW-P	01-07-058
132W-108-140	REP-P	01-04-004	132W-112-050	NEW-P	01-07-058	132W-117-190	NEW-P	01-07-058
132W-108-140	REP	01-07-059	132W-112-060	NEW-P	01-07-058	132W-117-200	NEW-P	01-07-058
132W-108-230	REP-P	01-04-004	132W-112-070	NEW-P	01-07-058	132W-117-210	NEW-P	01-07-058
132W-108-230	REP	01-07-059	132W-112-080	NEW-P	01-07-058	132W-117-220	NEW-P	01-07-058
132W-108-240	REP-P	01-04-004	132W-112-090	NEW-P	01-07-058	132W-117-230	NEW-P	01-07-058
132W-108-240	REP	01-07-059	132W-112-100	NEW-P	01-07-058	132W-117-240	NEW-P	01-07-058
132W-108-250	REP-P	01-04-004	132W-112-110	NEW-P	01-07-058	132W-117-250	NEW-P	01-07-058

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132W-117-260	NEW-P	01-07-058	132W-277-020	NEW-P	01-07-058	173-322-020	AMD	01-05-024
132W-117-270	NEW-P	01-07-058	132W-277-030	NEW-P	01-07-058	173-322-030	AMD	01-05-024
132W-117-280	NEW-P	01-07-058	132W-277-040	NEW-P	01-07-058	173-322-040	AMD	01-05-024
132W-120-010	REP-P	01-04-004	132W-277-050	NEW-P	01-07-058	173-322-050	AMD	01-05-024
132W-120-010	REP	01-07-059	132W-277-060	NEW-P	01-07-058	173-322-060	AMD	01-05-024
132W-120-030	REP-P	01-04-004	132W-277-070	NEW-P	01-07-058	173-322-070	AMD	01-05-024
132W-120-030	REP	01-07-059	132W-277-080	NEW-P	01-07-058	173-322-090	AMD	01-05-024
132W-120-040	REP-P	01-04-004	132W-277-090	NEW-P	01-07-058	173-322-100	AMD	01-05-024
132W-120-040	REP	01-07-059	132W-277-100	NEW-P	01-07-058	173-322-110	AMD	01-05-024
132W-120-050	REP-P	01-04-004	132W-277-110	NEW-P	01-07-058	173-322-120	AMD	01-05-024
132W-120-050	REP	01-07-059	132W-277-120	NEW-P	01-07-058	173-340-100	AMD	01-05-024
132W-120-060	REP-P	01-04-004	132W-277-130	NEW-P	01-07-058	173-340-120	AMD	01-05-024
132W-120-060	REP	01-07-059	132W-277-140	NEW-P	01-07-058	173-340-130	AMD	01-05-024
132W-120-070	REP-P	01-04-004	132W-300	PREP	01-06-056	173-340-140	AMD	01-05-024
132W-120-070	REP	01-07-059	132W-325	PREP	01-03-103	173-340-200	AMD	01-05-024
132W-120-100	REP-P	01-04-004	132W-325-010	NEW-P	01-07-058	173-340-210	AMD	01-05-024
132W-120-100	REP	01-07-059	136-130-030	AMD	01-05-009	173-340-300	AMD	01-05-024
132W-120-130	REP-P	01-04-004	136-130-040	AMD-P	01-06-017	173-340-310	AMD	01-05-024
132W-120-130	REP	01-07-059	136-130-040	AMD	01-09-077	173-340-320	AMD	01-05-024
132W-120-300	REP-P	01-04-004	136-130-050	AMD	01-05-009	173-340-330	AMD	01-05-024
132W-120-300	REP	01-07-059	136-130-060	AMD	01-05-009	173-340-340	AMD	01-05-024
132W-120-310	REP-P	01-04-004	136-130-070	AMD	01-05-009	173-340-350	AMD	01-05-024
132W-120-310	REP	01-07-059	136-161-020	AMD	01-05-009	173-340-355	NEW	01-05-024
132W-120-320	REP-P	01-04-004	136-161-030	AMD	01-05-009	173-340-357	NEW	01-05-024
132W-120-320	REP	01-07-059	136-161-040	AMD	01-05-009	173-340-360	AMD	01-05-024
132W-120-330	REP-P	01-04-004	136-161-050	AMD	01-05-009	173-340-370	NEW	01-05-024
132W-120-330	REP	01-07-059	136-161-070	AMD	01-05-009	173-340-380	NEW	01-05-024
132W-120-400	REP-P	01-04-004	136-163-050	AMD	01-05-009	173-340-390	NEW	01-05-024
132W-120-400	REP	01-07-059	136-167-040	AMD-P	01-06-017	173-340-400	AMD	01-05-024
132W-125-010	NEW-P	01-07-058	136-167-040	AMD	01-09-077	173-340-410	AMD	01-05-024
132W-125-020	NEW-P	01-07-058	136-170-030	AMD	01-05-008	173-340-420	AMD	01-05-024
132W-125-030	NEW-P	01-07-058	136-210-030	AMD	01-05-009	173-340-430	AMD	01-05-024
132W-129	PREP	01-06-011	136-210-040	AMD	01-05-009	173-340-440	AMD	01-05-024
132W-130	PREP	01-06-010	136-210-050	AMD	01-05-009	173-340-450	AMD	01-05-024
132W-134	PREP	01-06-010	137-04-010	AMD	01-03-079	173-340-510	AMD	01-05-024
132W-135-010	REP-P	01-04-004	137-04-020	AMD	01-03-079	173-340-515	NEW	01-05-024
132W-135-010	REP	01-07-059	137-52-010	AMD	01-04-001	173-340-520	AMD	01-05-024
132W-140	PREP	01-06-010	137-104-010	NEW	01-04-044	173-340-530	AMD	01-05-024
132W-140	PREP	01-06-011	137-104-020	NEW	01-04-044	173-340-545	NEW	01-05-024
132W-149	PREP	01-06-011	137-104-030	NEW	01-04-044	173-340-550	AMD	01-05-024
132W-164	PREP	01-06-011	137-104-040	NEW	01-04-044	173-340-600	AMD	01-05-024
132W-168	PREP	01-06-010	137-104-050	NEW	01-04-044	173-340-610	AMD	01-05-024
132W-276	PREP	01-03-103	137-104-060	NEW	01-04-044	173-340-700	AMD	01-05-024
132W-276-001	REP-P	01-04-004	137-104-070	NEW	01-04-044	173-340-702	AMD	01-05-024
132W-276-001	REP	01-07-059	137-104-080	NEW	01-04-044	173-340-703	NEW	01-05-024
132W-276-005	REP-P	01-04-004	139-05	PREP	01-08-033	173-340-704	AMD	01-05-024
132W-276-005	REP	01-07-059	173-09-010	REP	01-05-035	173-340-705	AMD	01-05-024
132W-276-010	REP-P	01-04-004	173-09-020	REP	01-05-035	173-340-706	AMD	01-05-024
132W-276-010	REP	01-07-059	173-09-030	REP	01-05-035	173-340-708	AMD	01-05-024
132W-276-060	REP-P	01-04-004	173-09-040	REP	01-05-035	173-340-709	NEW	01-05-024
132W-276-060	REP	01-07-059	173-18	PREP-W	01-08-061	173-340-710	AMD	01-05-024
132W-276-070	REP-P	01-04-004	173-20	PREP-W	01-08-061	173-340-720	AMD	01-05-024
132W-276-070	REP	01-07-059	173-22	PREP-W	01-08-061	173-340-730	AMD	01-05-024
132W-276-080	REP-P	01-04-004	173-204	PREP-W	01-08-053	173-340-740	AMD	01-05-024
132W-276-080	REP	01-07-059	173-321-010	AMD	01-05-024	173-340-745	AMD	01-05-024
132W-276-090	REP-P	01-04-004	173-321-020	AMD	01-05-024	173-340-747	NEW	01-05-024
132W-276-090	REP	01-07-059	173-321-040	AMD	01-05-024	173-340-7490	NEW	01-05-024
132W-276-100	REP-P	01-04-004	173-321-050	AMD	01-05-024	173-340-7491	NEW	01-05-024
132W-276-100	REP	01-07-059	173-321-060	AMD	01-05-024	173-340-7492	NEW	01-05-024
132W-276-110	REP-P	01-04-004	173-321-070	AMD	01-05-024	173-340-7493	NEW	01-05-024
132W-276-110	REP	01-07-059	173-321-080	AMD	01-05-024	173-340-7494	NEW	01-05-024
132W-277-010	NEW-P	01-07-058	173-322	AMD	01-05-024	173-340-750	AMD	01-05-024

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173-340-800	AMD	01-05-024	180- 51-063	PREP	01-05-092	182- 20-400	AMD	01-04-080
173-340-810	AMD	01-05-024	180- 51-063	AMD-E	01-08-042	182- 25-010	AMD-P	01-05-107
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173-400-116	AMD-P	01-04-072	180- 78A-545	REP	01-04-021	192- 16-061	REP	01-03-009
173-400-117	NEW-P	01-04-072	180- 78A-550	REP	01-04-021	192- 16-070	REP-P	01-04-082
173-400-118	NEW-P	01-04-072	180- 78A-555	REP	01-04-021	192-150-050	NEW-E	01-05-071
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173-400-136	AMD-P	01-04-072	180- 78A-565	REP	01-04-021	192-150-060	NEW-P	01-05-117
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173-503-030	NEW	01-07-027	180- 79A-211	AMD	01-03-152	192-270-010	NEW-P	01-05-118
173-503-040	NEW	01-07-027	180- 79A-250	AMD-P	01-04-019	192-270-015	NEW-E	01-05-071
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173-503-070	NEW	01-07-027	180- 79A-257	AMD-E	01-08-041	192-270-020	NEW-P	01-05-118
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173-503-090	NEW	01-07-027	180- 79A-265	REP-E	01-08-041	192-270-025	NEW-P	01-05-118
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204- 38-050	AMD-P	01-05-097	208-556-080	AMD	01-06-024	210- 03-050	NEW-P	01-06-060
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220- 56-27000I	REP-E	01-06-005	222- 12-010	AMD-C	01-07-117	222- 23-020	NEW-C	01-07-117
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220- 56-27000J	REP-E	01-07-046	222- 12-0401	NEW-C	01-07-117	222- 24-015	NEW-C	01-07-117
220- 56-27000K	NEW-E	01-07-046	222- 12-0402	NEW-C	01-07-117	222- 24-020	AMD-C	01-07-117
220- 56-27000K	REP-E	01-07-046	222- 12-0403	NEW-C	01-07-117	222- 24-025	REP-C	01-07-117
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220- 56-285	AMD	01-06-036	222- 12-0405	NEW-C	01-07-117	222- 24-030	AMD-C	01-07-117
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220- 56-28500Y	REP-E	01-07-007	222- 12-044	NEW-C	01-07-117	222- 24-040	AMD-C	01-07-117
220- 56-28500Z	NEW-E	01-09-003	222- 12-045	AMD-C	01-07-117	222- 24-050	AMD-C	01-07-117
220- 56-290	REP	01-06-036	222- 12-046	AMD-C	01-07-117	222- 24-051	NEW-C	01-07-117
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222- 46-060	AMD-C	01-07-117	232- 28-274	REP-P	01-05-146	246-221-090	AMD	01-05-110
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222- 50-030	AMD-C	01-07-117	232- 28-280	REP-P	01-05-146	246-221-113	AMD	01-05-110
222- 50-040	AMD-C	01-07-117	232- 28-281	REP-P	01-05-146	246-221-117	AMD-P	01-02-087
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230- 02-362	REP	01-05-020	232- 28-299	NEW-P	01-05-134	246-221-250	AMD	01-05-110
230- 02-364	REP	01-05-020	232- 28-42400C	NEW-E	01-03-013	246-221-285	AMD-P	01-02-087
230- 02-366	REP	01-05-020	232- 28-42400C	REP-E	01-03-013	246-221-285	AMD	01-05-110
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230- 02-535	REP	01-05-020	232- 28-619	AMD	01-06-036	246-244-070	AMD	01-05-110
230- 02-540	REP	01-05-020	232- 28-61900N	NEW-E	01-03-061	246-282-001	AMD	01-04-054
230- 04-140	AMD	01-05-021	232- 28-61900N	REP-E	01-03-061	246-282-005	AMD	01-04-054
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230- 04-202	AMD-W	01-09-072	232- 28-61900Q	NEW-E	01-05-010	246-282-016	NEW	01-04-054
230- 04-203	AMD	01-05-019	232- 28-61900Q	REP-E	01-05-010	246-282-020	AMD	01-04-054
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230- 20-059	AMD	01-05-020	232- 28-61900S	REP-E	01-06-007	246-282-036	NEW	01-04-054
230- 20-060	REP	01-05-020	232- 28-61900T	NEW-E	01-07-007	246-282-040	REP	01-04-054
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230- 30-052	AMD	01-05-020	232- 28-61900V	NEW-E	01-07-089	246-282-070	AMD	01-04-054
230- 40-010	AMD-P	01-07-092	232- 28-61900V	REP-E	01-07-089	246-282-080	AMD	01-04-054
230- 40-070	AMD-P	01-07-092	232- 28-61900	NEW-E	01-09-029	246-282-082	NEW	01-04-054
230- 50-010	AMD	01-05-020	232- 28-61900X	NEW-E	01-09-030	246-282-090	REP	01-04-054
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246-305-110	NEW	01-08-023	246-939-005	NEW-P	01-06-054	284-43-130	AMD	01-03-033
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246-430-010	REP	01-04-086	246-939-040	NEW-P	01-06-054	284-43-251	NEW	01-03-033
246-430-020	REP	01-04-086	248-554-001	REP	01-07-053	284-43-410	NEW	01-03-033
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246-430-050	REP	01-04-086	248-554-015	REP	01-07-053	284-43-620	AMD	01-03-033
246-430-060	REP	01-04-086	248-554-018	REP	01-07-053	284-43-630	NEW	01-03-033
246-491	PREP	01-08-090	248-554-020	REP	01-07-053	284-43-815	NEW	01-03-032
246-680	PREP	01-08-091	248-554-030	REP	01-07-053	284-43-820	NEW	01-03-033
246-680	PREP	01-08-093	250-44-100	AMD-P	01-06-065	284-43-821	NEW	01-03-035
246-817-990	AMD-P	01-08-086	250-44-110	AMD-P	01-06-065	284-43-823	NEW	01-03-035
246-817-990	AMD-C	01-09-086	250-44-120	AMD-P	01-06-065	284-43-824	NEW	01-03-035
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246-843-074	REP	01-03-114	250-63-020	NEW	01-08-017	284-43-899	NEW	01-03-033
246-869-220	AMD	01-04-055	250-63-030	NEW	01-08-017	286-06	PREP	01-02-090
246-879-090	PREP	01-09-087	250-63-040	NEW	01-08-017	286-06-045	NEW-P	01-09-025
246-887-100	AMD	01-03-108	250-63-050	NEW	01-08-017	286-06-050	AMD-P	01-09-025
246-907	PREP	01-05-109	250-63-060	NEW	01-08-017	286-06-060	AMD-P	01-09-025
246-919-475	NEW	01-03-115	250-63-070	NEW	01-08-017	286-06-065	AMD-P	01-09-025
246-928-015	REP-P	01-07-086	250-63-080	NEW	01-08-017	286-06-080	AMD-P	01-09-025
246-928-020	REP-P	01-07-086	251-01-415	AMD-P	01-08-063	286-06-090	AMD-P	01-09-025
246-928-030	REP-P	01-07-086	251-12-600	AMD-P	01-08-063	286-06-100	AMD-P	01-09-025
246-928-040	REP-P	01-07-086	251-17-150	AMD-W	01-07-056	286-06-110	AMD-P	01-09-025
246-928-050	REP-P	01-07-086	251-17-175	AMD-W	01-07-056	286-06-120	AMD-P	01-09-025
246-928-060	REP-P	01-07-086	262-01-110	PREP	01-03-144	286-13-040	PREP	01-02-090
246-928-080	REP-P	01-07-086	262-01-110	AMD-P	01-07-028	286-13-040	AMD-P	01-09-025
246-928-085	REP-P	01-07-086	262-01-120	PREP	01-03-144	286-40-020	AMD-P	01-09-025
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246-928-120	REP-P	01-07-086	262-01-130	AMD-P	01-07-028	292-100-010	AMD-P	01-08-080
246-928-130	REP-P	01-07-086	263-12-050	AMD-P	01-06-058	292-100-020	AMD-P	01-08-080
246-928-140	REP-P	01-07-086	263-12-050	AMD	01-09-031	292-100-030	AMD-P	01-08-080
246-928-150	REP-P	01-07-086	263-12-059	NEW-P	01-06-059	292-100-040	AMD-P	01-08-080
246-928-160	REP-P	01-07-086	263-12-059	NEW	01-09-032	292-100-041	NEW-P	01-08-080
246-928-170	REP-P	01-07-086	284-04-120	NEW	01-03-034	292-100-042	NEW-P	01-08-080
246-928-180	REP-P	01-07-086	284-04-200	NEW	01-03-034	292-100-045	NEW-P	01-08-080
246-928-190	REP-P	01-07-086	284-04-205	NEW	01-03-034	292-100-046	NEW-P	01-08-080
246-928-200	REP-P	01-07-086	284-04-210	NEW	01-03-034	292-100-047	NEW-P	01-08-080
246-928-210	REP-P	01-07-086	284-04-215	NEW	01-03-034	292-100-050	AMD-P	01-08-080
246-928-220	REP-P	01-07-086	284-04-220	NEW	01-03-034	292-100-060	AMD-P	01-08-080
246-928-310	NEW-P	01-07-086	284-04-225	NEW	01-03-034	292-100-070	REP-P	01-08-080
246-928-320	NEW-P	01-07-086	284-04-300	NEW	01-03-034	292-100-080	AMD-P	01-08-080
246-928-410	NEW-P	01-07-086	284-04-305	NEW	01-03-034	292-100-100	AMD-P	01-08-080
246-928-420	NEW-P	01-07-086	284-04-310	NEW	01-03-034	292-100-110	AMD-P	01-08-080
246-928-430	NEW-P	01-07-086	284-04-400	NEW	01-03-034	292-100-130	AMD-P	01-08-080
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246-928-510	NEW-P	01-07-086	284-04-410	NEW	01-03-034	292-100-150	AMD-P	01-08-080
246-928-520	NEW-P	01-07-086	284-04-500	NEW	01-03-034	292-100-160	AMD-P	01-08-080
246-928-530	NEW-P	01-07-086	284-04-505	NEW	01-03-034	292-100-170	AMD-P	01-08-080
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246-928-570	NEW-P	01-07-086	284-04-525	NEW	01-03-034	292-100-200	AMD-P	01-08-080
246-928-610	NEW-P	01-07-086	284-04-600	NEW	01-03-034	292-100-210	AMD-P	01-08-080
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292-130-065	NEW-P	01-08-080	296-104	PREP	01-05-131	308- 15-100	NEW-P	01-07-101
292-130-070	AMD-P	01-08-080	296-104-055	AMD-P	01-09-091	308- 15-101	NEW-P	01-07-101
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296- 30-130	PREP	01-03-156	296-150P-3000	AMD-P	01-09-090	308- 32-110	REP	01-03-065
296- 30-130	REP-XR	01-09-094	296-150R	PREP	01-03-070	308- 32-120	REP	01-03-065
296- 32	PREP	01-07-102	296-150R	PREP	01-05-116	308- 56A-021	AMD-P	01-03-072
296- 32	PREP	01-09-093	296-150R-3000	AMD-P	01-09-090	308- 56A-021	AMD	01-08-022
296- 32-240	AMD-E	01-04-090	296-150T	PREP	01-03-070	308- 56A-065	AMD-P	01-03-072
296- 32-240	AMD-P	01-04-091	296-150T-3000	AMD-P	01-09-090	308- 56A-065	AMD	01-08-022
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296- 36	PREP	01-09-093	296-150V-3000	AMD-P	01-09-090	308- 56A-335	AMD	01-03-002
296- 45	PREP	01-07-102	296-155	PREP	01-07-102	308- 56A-355	REP	01-03-002
296- 45	PREP	01-09-093	296-155	PREP	01-09-093	308- 56A-505	AMD-P	01-06-018
296- 45-52530	AMD-E	01-04-090	296-155-200	PREP	01-05-115	308- 57-005	AMD-P	01-05-106
296- 45-52530	AMD-P	01-04-091	296-155-205	AMD	01-04-015	308- 57-005	AMD-W	01-07-029
296- 45-52530	AMD	01-07-075	296-155-305	AMD	01-04-015	308- 57-005	AMD-P	01-08-051
296- 46A	PREP	01-05-116	296-155-605	PREP	01-05-115	308- 57-010	AMD-P	01-05-106
296- 46A-910	AMD-P	01-09-090	296-155-615	PREP	01-05-115	308- 57-010	AMD-W	01-07-029
296- 46A-915	AMD-P	01-09-090	296-155-625	AMD	01-04-015	308- 57-010	AMD-P	01-08-051
296- 50	PREP	01-07-102	296-155-655	PREP	01-05-115	308- 57-020	AMD-P	01-05-106
296- 52	PREP	01-07-102	296-200A	PREP	01-05-116	308- 57-020	AMD-W	01-07-029
296- 54	PREP	01-07-102	296-200A-900	AMD-P	01-09-090	308- 57-020	AMD-P	01-08-051
296- 54	PREP	01-09-093	296-301	PREP	01-07-102	308- 57-030	AMD-P	01-05-106
296- 56	PREP	01-07-102	296-302	PREP	01-07-102	308- 57-030	AMD-W	01-07-029
296- 56	PREP	01-09-093	296-303	PREP	01-07-102	308- 57-030	AMD-P	01-08-051
296- 59	PREP	01-07-102	296-304	PREP	01-07-102	308- 57-110	AMD-P	01-05-106
296- 61	PREP	01-07-102	296-305	PREP	01-07-102	308- 57-110	AMD-W	01-07-029
296- 62	PREP	01-04-089	296-307	PREP	01-09-093	308- 57-110	AMD-P	01-08-051
296- 62	PREP	01-07-102	296-350	PREP	01-09-093	308- 57-120	REP-P	01-05-106
296- 62	PREP	01-09-093	296-400A	PREP	01-05-116	308- 57-120	REP-W	01-07-029
296- 62-08001	AMD-P	01-09-089	296-401B	PREP	01-05-116	308- 57-120	REP-P	01-08-051
296- 78	PREP	01-07-102	296-800	PREP	01-09-093	308- 57-130	REP-P	01-05-106
296- 78	PREP	01-09-093	308- 08-085	AMD	01-03-129	308- 57-130	REP-W	01-07-029
296- 79	PREP	01-07-102	308- 13-150	AMD	01-04-002	308- 57-130	REP-P	01-08-051
296- 96	PREP	01-05-116	308- 13-150	PREP	01-09-026	308- 57-135	REP-P	01-05-106
296- 96-01010	AMD-P	01-09-090	308- 15-010	NEW-P	01-07-101	308- 57-135	REP-W	01-07-029
296- 96-01027	AMD-P	01-09-090	308- 15-020	NEW-P	01-07-101	308- 57-135	REP-P	01-08-051
296- 96-01030	AMD-P	01-09-090	308- 15-030	NEW-P	01-07-101	308- 57-140	AMD-P	01-05-106
296- 96-01035	AMD-P	01-09-090	308- 15-040	NEW-P	01-07-101	308- 57-140	AMD-W	01-07-029
296- 96-01040	AMD-P	01-09-090	308- 15-050	NEW-P	01-07-101	308- 57-140	AMD-P	01-08-051
296- 96-01045	AMD-P	01-09-090	308- 15-060	NEW-P	01-07-101	308- 57-210	A/R-P	01-05-106
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308-57-230	AMD-W	01-07-029	308-93-350	AMD	01-08-021	308-390-101	NEW-P	01-07-084
308-57-230	AMD-P	01-08-051	308-93-360	AMD-P	01-03-017	308-390-102	NEW-P	01-07-084
308-57-240	AMD-P	01-05-106	308-93-360	AMD	01-08-021	308-390-103	NEW-P	01-07-084
308-57-240	AMD-W	01-07-029	308-93-390	AMD-P	01-03-072	308-390-104	NEW-P	01-07-084
308-57-240	AMD-P	01-08-051	308-93-390	AMD	01-08-022	308-390-105	NEW-P	01-07-084
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308-57-500	REP-W	01-07-029	308-93-640	AMD	01-08-021	308-390-107	NEW-P	01-07-084
308-57-500	REP-P	01-08-051	308-94-030	AMD-P	01-06-049	308-390-108	NEW-P	01-07-084
308-63-010	AMD	01-03-141	308-94-050	AMD-P	01-06-049	308-390-109	NEW-P	01-07-084
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308-63-070	AMD	01-03-141	308-94-100	AMD-P	01-06-049	308-390-201	NEW-P	01-07-084
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308-78-010	AMD-P	01-03-083	308-94A-020	AMD-P	01-08-050	308-390-203	NEW-P	01-07-084
308-78-010	AMD	01-08-083	308-94A-025	AMD-P	01-08-050	308-390-204	NEW-P	01-07-084
308-78-020	AMD-P	01-03-083	308-94A-030	AMD-P	01-08-050	308-390-300	NEW-P	01-07-084
308-78-020	AMD	01-08-083	308-96A-005	AMD-P	01-08-050	308-390-301	NEW-P	01-07-084
308-78-030	AMD-P	01-03-083	308-96A-010	AMD-P	01-08-050	308-390-302	NEW-P	01-07-084
308-78-030	AMD	01-08-083	308-96A-015	AMD-P	01-08-050	308-390-303	NEW-P	01-07-084
308-78-035	NEW-P	01-03-083	308-96A-065	AMD-P	01-04-017	308-390-304	NEW-P	01-07-084
308-78-035	NEW	01-08-083	308-96A-066	REP-P	01-04-017	308-390-305	NEW-P	01-07-084
308-78-040	AMD-P	01-03-083	308-96A-067	REP-P	01-04-017	308-390-306	NEW-P	01-07-084
308-78-040	AMD	01-08-083	308-96A-068	REP-P	01-04-017	308-390-307	NEW-P	01-07-084
308-78-045	AMD-P	01-03-083	308-96A-070	AMD-P	01-04-017	308-390-308	NEW-P	01-07-084
308-78-045	AMD	01-08-083	308-96A-071	AMD-P	01-04-017	308-390-309	NEW-P	01-07-084
308-78-046	NEW-P	01-03-083	308-96A-072	AMD-P	01-04-017	308-390-310	NEW-P	01-07-084
308-78-046	NEW	01-08-083	308-96A-073	AMD-P	01-04-017	308-390-311	NEW-P	01-07-084
308-78-060	REP-P	01-03-083	308-96A-074	AMD-P	01-04-017	308-390-312	NEW-P	01-07-084
308-78-060	REP	01-08-083	308-96A-099	AMD-P	01-05-106	308-390-313	NEW-P	01-07-084
308-78-070	AMD-P	01-03-083	308-96A-099	AMD-W	01-07-029	308-390-314	NEW-P	01-07-084
308-78-070	AMD	01-08-083	308-96A-099	AMD-P	01-08-051	308-390-315	NEW-P	01-07-084
308-78-075	NEW-P	01-03-083	308-96A-135	REP-P	01-05-106	308-390-400	NEW-P	01-07-084
308-78-075	NEW	01-08-083	308-96A-135	REP-W	01-07-029	308-390-401	NEW-P	01-07-084
308-78-080	AMD-P	01-03-083	308-96A-135	AMD-P	01-08-051	308-390-402	NEW-P	01-07-084
308-78-080	AMD	01-08-083	308-96A-145	AMD-P	01-05-106	308-390-403	NEW-P	01-07-084
308-78-090	AMD-P	01-03-083	308-96A-145	AMD-W	01-07-029	308-390-500	NEW-P	01-07-084
308-78-090	AMD	01-08-083	308-96A-145	AMD-P	01-08-051	308-390-501	NEW-P	01-07-084
308-93	PREP	01-05-076	308-96A-175	AMD-P	01-04-017	308-390-502	NEW-P	01-07-084
308-93-010	AMD	01-03-128	308-96A-176	AMD-P	01-04-017	308-390-503	NEW-P	01-07-084
308-93-030	AMD	01-03-128	308-96A-177	NEW-P	01-04-017	308-390-504	NEW-P	01-07-084
308-93-050	AMD	01-03-128	308-96A-202	AMD-P	01-05-106	308-390-505	NEW-P	01-07-084
308-93-055	AMD	01-03-128	308-96A-202	AMD-W	01-07-029	308-390-600	NEW-P	01-07-084
308-93-056	AMD	01-03-128	308-96A-202	AMD-P	01-08-051	308-390-601	NEW-P	01-07-084
308-93-060	AMD-P	01-03-017	308-96A-203	AMD-P	01-05-106	308-390-602	NEW-P	01-07-084
308-93-060	AMD	01-08-021	308-96A-203	AMD-W	01-07-029	308-390-603	NEW-P	01-07-084
308-93-069	AMD-P	01-03-017	308-96A-203	AMD-P	01-08-051	308-400	REP-P	01-07-084
308-93-069	AMD	01-08-021	308-96A-295	AMD-P	01-04-062	308-400-010	REP-P	01-07-084
308-93-070	AMD-P	01-03-017	308-96A-295	AMD	01-09-079	308-400-020	REP-P	01-07-084
308-93-070	AMD	01-08-021	308-96A-400	AMD-P	01-05-106	308-400-025	REP-P	01-07-084
308-93-071	AMD-P	01-03-017	308-96A-400	AMD-W	01-07-029	308-400-030	REP-P	01-07-084
308-93-071	AMD	01-08-021	308-96A-400	AMD-P	01-08-051	308-400-053	REP-P	01-07-084
308-93-073	REP-P	01-03-017	308-96A-410	REP-P	01-05-106	308-400-056	REP-P	01-07-084
308-93-073	REP	01-08-021	308-96A-410	REP-W	01-07-029	308-400-058	REP-P	01-07-084
308-93-078	AMD-P	01-03-017	308-96A-410	REP-P	01-08-051	308-400-059	REP-P	01-07-084
308-93-078	AMD	01-08-021	308-96A-550	AMD-P	01-04-017	308-400-060	REP-P	01-07-084
308-93-079	AMD	01-03-128	308-96A-560	AMD-P	01-04-017	308-400-062	REP-P	01-07-084
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308-93-145	PREP	01-05-076	308-97-230	AMD-W	01-07-029	308-400-092	REP-P	01-07-084
308-93-145	AMD-P	01-08-052	308-100-140	AMD-P	01-04-075	308-400-095	REP-P	01-07-084
308-93-160	AMD	01-03-128	308-100-140	AMD	01-09-062	308-400-100	REP-P	01-07-084
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308-410-010	REP-P	01-07-084	314- 08-520	REP-S	01-06-062	314- 14-165	REP	01-03-085
308-410-020	REP-P	01-07-084	314- 08-530	REP-S	01-06-062	314- 14-170	REP	01-03-085
308-410-030	REP-P	01-07-084	314- 08-540	REP-S	01-06-062	314- 16-020	AMD	01-06-014
308-410-040	REP-P	01-07-084	314- 08-550	REP-S	01-06-062	314- 16-025	REP	01-06-014
308-410-060	REP-P	01-07-084	314- 08-560	REP-S	01-06-062	314- 16-030	REP	01-06-014
308-410-070	REP-P	01-07-084	314- 08-570	REP-S	01-06-062	314- 16-040	AMD	01-06-014
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314- 04-006	REP	01-03-086	314- 09-005	NEW	01-03-087	314- 16-070	REP	01-06-014
314- 04-007	REP	01-03-086	314- 09-010	NEW	01-03-087	314- 16-075	REP	01-06-014
314- 08-001	REP-S	01-06-062	314- 09-015	NEW	01-03-087	314- 16-090	REP	01-06-014
314- 08-010	REP-S	01-06-062	314- 10-020	REP	01-06-014	314- 16-120	REP	01-06-014
314- 08-020	REP-S	01-06-062	314- 11-005	NEW	01-06-014	314- 16-122	REP	01-06-014
314- 08-030	REP-S	01-06-062	314- 11-015	NEW	01-06-014	314- 16-125	REP	01-06-014
314- 08-040	REP-S	01-06-062	314- 11-020	NEW	01-06-014	314- 16-145	REP	01-06-014
314- 08-050	REP-S	01-06-062	314- 11-025	NEW	01-06-014	314- 16-160	AMD	01-06-014
314- 08-070	REP-S	01-06-062	314- 11-030	NEW	01-06-014	314- 17-005	NEW	01-03-085
314- 08-080	REP-S	01-06-062	314- 11-035	NEW	01-06-014	314- 17-010	NEW	01-03-085
314- 08-090	REP-S	01-06-062	314- 11-040	NEW	01-06-014	314- 17-015	NEW	01-03-085
314- 08-100	REP-S	01-06-062	314- 11-045	NEW	01-06-014	314- 17-020	NEW	01-03-085
314- 08-110	REP-S	01-06-062	314- 11-050	NEW	01-06-014	314- 17-025	NEW	01-03-085
314- 08-120	REP-S	01-06-062	314- 11-055	NEW	01-06-014	314- 17-030	NEW	01-03-085
314- 08-130	REP-S	01-06-062	314- 11-060	NEW	01-06-014	314- 17-035	NEW	01-03-085
314- 08-140	REP-S	01-06-062	314- 11-065	NEW	01-06-014	314- 17-040	NEW	01-03-085
314- 08-150	REP-S	01-06-062	314- 11-070	NEW	01-06-014	314- 17-045	NEW	01-03-085
314- 08-160	REP-S	01-06-062	314- 11-080	NEW	01-06-014	314- 17-050	NEW	01-03-085
314- 08-170	REP-S	01-06-062	314- 11-085	NEW	01-06-014	314- 17-055	NEW	01-03-085
314- 08-180	REP-S	01-06-062	314- 11-090	NEW	01-06-014	314- 17-060	NEW	01-03-085
314- 08-190	REP-S	01-06-062	314- 11-095	NEW	01-06-014	314- 17-065	NEW	01-03-085
314- 08-200	REP-S	01-06-062	314- 11-100	NEW	01-06-014	314- 17-070	NEW	01-03-085
314- 08-210	REP-S	01-06-062	314- 11-105	NEW	01-06-014	314- 17-075	NEW	01-03-085
314- 08-220	REP-S	01-06-062	314- 11-110	NEW	01-06-014	314- 17-080	NEW	01-03-085
314- 08-230	REP-S	01-06-062	314- 12-020	AMD	01-03-087	314- 17-085	NEW	01-03-085
314- 08-240	REP-S	01-06-062	314- 12-115	REP	01-06-014	314- 17-090	NEW	01-03-085
314- 08-250	REP-S	01-06-062	314- 12-120	REP	01-06-014	314- 17-095	NEW	01-03-085
314- 08-260	REP-S	01-06-062	314- 12-125	REP	01-06-014	314- 17-100	NEW	01-03-085
314- 08-270	REP-S	01-06-062	314- 12-130	REP	01-06-014	314- 17-105	NEW	01-03-085
314- 08-280	REP-S	01-06-062	314- 12-140	AMD	01-06-015	314- 17-110	NEW	01-03-085
314- 08-290	REP-S	01-06-062	314- 12-195	REP	01-06-014	314- 17-115	NEW	01-03-085
314- 08-300	REP-S	01-06-062	314- 13-005	NEW	01-06-015	314- 24-170	REP	01-06-015
314- 08-310	REP-S	01-06-062	314- 13-010	NEW	01-06-015	314- 29-005	NEW	01-03-086
314- 08-320	REP-S	01-06-062	314- 13-015	NEW	01-06-015	314- 29-010	NEW	01-03-086
314- 08-330	REP-S	01-06-062	314- 13-020	NEW	01-06-015	314- 42-010	PREP	01-06-061
314- 08-340	REP-S	01-06-062	314- 13-025	NEW	01-06-015	314- 42-020	NEW-S	01-06-062
314- 08-350	REP-S	01-06-062	314- 13-030	NEW	01-06-015	314- 42-025	NEW-S	01-06-062
314- 08-360	REP-S	01-06-062	314- 13-040	NEW	01-06-015	314- 42-030	NEW-S	01-06-062
314- 08-370	REP-S	01-06-062	314- 14-010	REP	01-03-085	314- 42-040	NEW-S	01-06-062
314- 08-380	REP-S	01-06-062	314- 14-020	REP	01-03-085	314- 42-045	NEW-S	01-06-062
314- 08-390	REP-S	01-06-062	314- 14-030	REP	01-03-085	314- 42-050	NEW-S	01-06-062
314- 08-400	REP-S	01-06-062	314- 14-040	REP	01-03-085	314- 42-060	NEW-S	01-06-062
314- 08-410	REP-S	01-06-062	314- 14-050	REP	01-03-085	314- 42-065	NEW-S	01-06-062
314- 08-415	REP-S	01-06-062	314- 14-060	REP	01-03-085	314- 42-070	NEW-S	01-06-062
314- 08-420	REP-S	01-06-062	314- 14-070	REP	01-03-085	314- 42-075	NEW-S	01-06-062
314- 08-430	REP-S	01-06-062	314- 14-080	REP	01-03-085	314- 42-080	NEW-S	01-06-062
314- 08-440	REP-S	01-06-062	314- 14-090	REP	01-03-085	314- 42-085	NEW-S	01-06-062
314- 08-450	REP-S	01-06-062	314- 14-100	REP	01-03-085	314- 42-090	NEW-S	01-06-062
314- 08-460	REP-S	01-06-062	314- 14-110	REP	01-03-085	314- 42-100	NEW-S	01-06-062
314- 08-470	REP-S	01-06-062	314- 14-120	REP	01-03-085	314- 42-105	NEW-S	01-06-062
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315- 04-085	NEW-S	01-08-037	356- 18-220	AMD	01-07-057	388- 13-085	REP	01-03-089
315- 06-040	PREP	01-04-040	356- 22-220	AMD-W	01-07-056	388- 13-090	REP	01-03-089
315- 06-040	AMD-P	01-08-038	356- 30-320	AMD-C	01-02-088	388- 13-100	REP	01-03-089
315- 34	PREP	01-07-013	356- 30-320	AMD	01-07-055	388- 13-110	REP	01-03-089
315- 36	PREP	01-07-004	356- 30-331	AMD-C	01-02-088	388- 13-120	REP	01-03-089
317- 21-010	REP	01-05-036	356- 30-331	AMD	01-07-055	388- 14-010	REP	01-03-089
317- 21-020	REP	01-05-036	356- 30-331	AMD-P	01-08-062	388- 14-020	REP	01-03-089
317- 21-030	REP	01-05-036	356- 46-150	NEW-P	01-08-062	388- 14-030	REP	01-03-089
317- 21-040	REP	01-05-036	356- 49-040	AMD-C	01-02-089	388- 14-035	REP	01-03-089
317- 21-050	REP	01-05-036	356- 49-040	AMD	01-07-057	388- 14-040	REP	01-03-089
317- 21-060	REP	01-05-036	356- 56-210	AMD	01-03-003	388- 14-045	REP	01-03-089
317- 21-070	REP	01-05-036	356- 56-220	AMD	01-03-003	388- 14-050	REP	01-03-089
317- 21-100	REP	01-05-036	363-116-300	AMD-P	01-08-081	388- 14-100	REP	01-03-089
317- 21-110	REP	01-05-036	365-195-900	AMD-P	01-03-166	388- 14-200	REP	01-03-089
317- 21-120	REP	01-05-036	365-195-900	AMD	01-08-056	388- 14-201	REP	01-03-089
317- 21-140	REP	01-05-036	365-197-010	NEW-P	01-03-165	388- 14-202	REP	01-03-089
317- 21-300	REP	01-05-036	365-197-020	NEW-P	01-03-165	388- 14-203	REP	01-03-089
317- 21-305	REP	01-05-036	365-197-030	NEW-P	01-03-165	388- 14-205	REP	01-03-089
317- 21-310	REP	01-05-036	365-197-040	NEW-P	01-03-165	388- 14-210	REP	01-03-089
317- 21-315	REP	01-05-036	365-197-050	NEW-P	01-03-165	388- 14-220	REP	01-03-089
317- 21-320	REP	01-05-036	365-197-060	NEW-P	01-03-165	388- 14-250	REP	01-03-089
317- 21-325	REP	01-05-036	365-197-070	NEW-P	01-03-165	388- 14-260	REP	01-03-089
317- 21-330	REP	01-05-036	365-197-080	NEW-P	01-03-165	388- 14-270	REP	01-03-089
317- 21-335	REP	01-05-036	388- 05-0001	NEW-P	01-08-077	388- 14-271	REP	01-03-089
317- 21-340	REP	01-05-036	388- 05-0005	NEW-P	01-08-077	388- 14-272	REP	01-03-089
317- 21-345	REP	01-05-036	388- 05-0010	NEW-P	01-08-077	388- 14-273	REP	01-03-089
317- 21-400	REP	01-05-036	388- 11-011	REP	01-03-089	388- 14-274	REP	01-03-089
317- 21-410	REP	01-05-036	388- 11-015	REP	01-03-089	388- 14-276	REP	01-03-089
317- 21-500	REP	01-05-036	388- 11-045	REP	01-03-089	388- 14-300	REP	01-03-089
317- 21-510	REP	01-05-036	388- 11-048	REP	01-03-089	388- 14-310	REP	01-03-089
317- 21-520	REP	01-05-036	388- 11-065	REP	01-03-089	388- 14-350	REP	01-03-089
317- 21-530	REP	01-05-036	388- 11-067	REP	01-03-089	388- 14-360	REP	01-03-089
317- 21-550	REP	01-05-036	388- 11-100	REP	01-03-089	388- 14-365	REP	01-03-089
317- 21-560	REP	01-05-036	388- 11-120	REP	01-03-089	388- 14-370	REP	01-03-089
317- 21-900	REP	01-05-036	388- 11-135	REP	01-03-089	388- 14-376	REP	01-03-089
317- 21-910	REP	01-05-036	388- 11-140	REP	01-03-089	388- 14-385	REP	01-03-089
332- 10-020	AMD-P	01-04-061	388- 11-143	REP	01-03-089	388- 14-386	REP	01-03-089
332- 10-020	AMD	01-07-049	388- 11-145	REP	01-03-089	388- 14-387	REP	01-03-089
332- 10-040	AMD-P	01-04-061	388- 11-150	REP	01-03-089	388- 14-388	REP	01-03-089
332- 10-040	AMD	01-07-049	388- 11-155	REP	01-03-089	388- 14-390	REP	01-03-089
356- 06-045	AMD-C	01-02-088	388- 11-170	REP	01-03-089	388- 14-395	REP	01-03-089
356- 06-045	AMD	01-07-055	388- 11-180	REP	01-03-089	388- 14-410	REP	01-03-089
356- 10-040	AMD-C	01-02-089	388- 11-205	REP	01-03-089	388- 14-415	REP	01-03-089
356- 10-040	AMD	01-07-057	388- 11-210	REP	01-03-089	388- 14-420	REP	01-03-089
356- 14-067	AMD-C	01-02-089	388- 11-215	REP	01-03-089	388- 14-421	REP	01-03-089
356- 14-067	AMD	01-07-057	388- 11-220	REP	01-03-089	388- 14-422	REP	01-03-089
356- 14-075	AMD-C	01-02-089	388- 11-280	REP	01-03-089	388- 14-423	REP	01-03-089
356- 14-075	AMD	01-07-057	388- 11-300	REP	01-03-089	388- 14-424	REP	01-03-089
356- 14-085	AMD-C	01-02-089	388- 11-305	REP	01-03-089	388- 14-427	REP	01-03-089
356- 14-085	AMD	01-07-057	388- 11-310	REP	01-03-089	388- 14-435	REP	01-03-089
356- 14-110	AMD-C	01-02-089	388- 11-320	REP	01-03-089	388- 14-440	REP	01-03-089
356- 14-110	AMD	01-07-057	388- 11-325	REP	01-03-089	388- 14-450	REP	01-03-089
356- 14-120	AMD-C	01-02-089	388- 11-330	REP	01-03-089	388- 14-460	REP	01-03-089
356- 14-120	AMD	01-07-057	388- 11-335	REP	01-03-089	388- 14-480	REP	01-03-089
356- 15-125	AMD-E	01-04-051	388- 11-340	REP	01-03-089	388- 14-490	REP	01-03-089
356- 15-125	AMD-P	01-04-079	388- 13-010	REP	01-03-089	388- 14-495	REP	01-03-089
356- 15-125	AMD	01-08-005	388- 13-020	REP	01-03-089	388- 14-496	REP	01-03-089
356- 15-140	AMD-C	01-02-089	388- 13-030	REP	01-03-089	388- 14-500	REP	01-03-089
356- 15-140	AMD	01-07-057	388- 13-040	REP	01-03-089	388- 14-510	REP	01-03-089
356- 18-140	AMD-C	01-02-089	388- 13-050	REP	01-03-089	388- 14-520	REP	01-03-089
356- 18-140	AMD	01-07-057	388- 13-060	REP	01-03-089	388- 14-530	REP	01-03-089

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 14-540	REP	01-03-089	388- 14A-3350	NEW	01-03-089	388- 14A-5007	PREP	01-09-043
388- 14-550	REP	01-03-089	388- 14A-3370	NEW	01-03-089	388- 14A-5008	NEW	01-03-089
388- 14-560	REP	01-03-089	388- 14A-3375	NEW	01-03-089	388- 14A-5050	NEW	01-03-089
388- 14-570	REP	01-03-089	388- 14A-3400	NEW	01-03-089	388- 14A-5100	NEW	01-03-089
388- 14A-1000	NEW	01-03-089	388- 14A-3500	NEW	01-03-089	388- 14A-5200	NEW	01-03-089
388- 14A-1005	NEW	01-03-089	388- 14A-3600	NEW	01-03-089	388- 14A-5300	NEW	01-03-089
388- 14A-1010	NEW	01-03-089	388- 14A-3600	PREP	01-09-042	388- 14A-5400	NEW	01-03-089
388- 14A-1015	NEW	01-03-089	388- 14A-3700	NEW	01-03-089	388- 14A-5500	NEW	01-03-089
388- 14A-1020	NEW	01-03-089	388- 14A-3800	NEW	01-03-089	388- 14A-5505	NEW	01-03-089
388- 14A-1025	NEW	01-03-089	388- 14A-3810	NEW	01-03-089	388- 14A-5510	NEW	01-03-089
388- 14A-1030	NEW	01-03-089	388- 14A-3900	NEW	01-03-089	388- 14A-5515	NEW	01-03-089
388- 14A-1035	NEW	01-03-089	388- 14A-3901	NEW	01-03-089	388- 14A-5520	NEW	01-03-089
388- 14A-1036	NEW	01-03-089	388- 14A-3902	NEW	01-03-089	388- 14A-5525	NEW	01-03-089
388- 14A-1040	NEW	01-03-089	388- 14A-3903	NEW	01-03-089	388- 14A-5530	NEW	01-03-089
388- 14A-1045	NEW	01-03-089	388- 14A-3904	NEW	01-03-089	388- 14A-5535	NEW	01-03-089
388- 14A-1050	NEW	01-03-089	388- 14A-3905	NEW	01-03-089	388- 14A-5540	NEW	01-03-089
388- 14A-1055	NEW	01-03-089	388- 14A-3906	NEW	01-03-089	388- 14A-6000	NEW	01-03-089
388- 14A-1060	NEW	01-03-089	388- 14A-3907	NEW	01-03-089	388- 14A-6100	NEW	01-03-089
388- 14A-2000	NEW	01-03-089	388- 14A-3925	NEW	01-03-089	388- 14A-6200	NEW	01-03-089
388- 14A-2005	NEW	01-03-089	388- 14A-4000	NEW	01-03-089	388- 14A-6200	PREP	01-09-041
388- 14A-2010	NEW	01-03-089	388- 14A-4010	NEW	01-03-089	388- 14A-6300	NEW	01-03-089
388- 14A-2015	NEW	01-03-089	388- 14A-4020	NEW	01-03-089	388- 14A-6400	NEW	01-03-089
388- 14A-2020	NEW	01-03-089	388- 14A-4030	NEW	01-03-089	388- 14A-6405	NEW	01-03-089
388- 14A-2025	NEW	01-03-089	388- 14A-4040	NEW	01-03-089	388- 14A-6410	NEW	01-03-089
388- 14A-2030	NEW	01-03-089	388- 14A-4100	NEW	01-03-089	388- 14A-6415	NEW	01-03-089
388- 14A-2035	NEW	01-03-089	388- 14A-4110	NEW	01-03-089	388- 14A-6500	NEW	01-03-089
388- 14A-2036	NEW	01-03-089	388- 14A-4115	NEW	01-03-089	388- 14A-7100	NEW	01-03-089
388- 14A-2037	NEW	01-03-089	388- 14A-4120	NEW	01-03-089	388- 14A-7200	NEW	01-03-089
388- 14A-2038	NEW	01-03-089	388- 14A-4130	NEW	01-03-089	388- 14A-8100	NEW	01-03-089
388- 14A-2040	NEW	01-03-089	388- 14A-4200	NEW	01-03-089	388- 14A-8105	NEW	01-03-089
388- 14A-2041	NEW	01-03-089	388- 14A-4300	NEW	01-03-089	388- 14A-8110	NEW	01-03-089
388- 14A-2045	NEW	01-03-089	388- 14A-4301	NEW	01-03-089	388- 14A-8120	NEW	01-03-089
388- 14A-2050	NEW	01-03-089	388- 14A-4302	NEW	01-03-089	388- 14A-8200	NEW	01-03-089
388- 14A-2060	NEW	01-03-089	388- 14A-4303	NEW	01-03-089	388- 14A-8300	NEW	01-03-089
388- 14A-2065	NEW	01-03-089	388- 14A-4304	NEW	01-03-089	388- 14A-8400	NEW	01-03-089
388- 14A-2070	NEW	01-03-089	388- 14A-4500	NEW	01-03-089	388- 14A-8500	NEW	01-03-089
388- 14A-2075	NEW	01-03-089	388- 14A-4505	NEW	01-03-089	388- 15-001	NEW-W	01-07-072
388- 14A-2080	NEW	01-03-089	388- 14A-4510	NEW	01-03-089	388- 15-005	NEW-W	01-07-072
388- 14A-2085	NEW	01-03-089	388- 14A-4515	NEW	01-03-089	388- 15-009	NEW-W	01-07-072
388- 14A-2090	NEW	01-03-089	388- 14A-4520	NEW	01-03-089	388- 15-013	NEW-W	01-07-072
388- 14A-2095	NEW	01-03-089	388- 14A-4525	NEW	01-03-089	388- 15-017	NEW-W	01-07-072
388- 14A-2097	NEW	01-03-089	388- 14A-4530	NEW	01-03-089	388- 15-021	NEW-W	01-07-072
388- 14A-2099	NEW	01-03-089	388- 14A-4600	NEW	01-03-089	388- 15-025	NEW-W	01-07-072
388- 14A-2105	NEW	01-03-089	388- 14A-4605	NEW	01-03-089	388- 15-029	NEW-W	01-07-072
388- 14A-2105	PREP	01-09-027	388- 14A-4610	NEW	01-03-089	388- 15-033	NEW-W	01-07-072
388- 14A-2110	NEW	01-03-089	388- 14A-4615	NEW	01-03-089	388- 15-037	NEW-W	01-07-072
388- 14A-2110	PREP	01-09-027	388- 14A-4620	NEW	01-03-089	388- 15-041	NEW-W	01-07-072
388- 14A-2115	NEW	01-03-089	388- 14A-5000	NEW	01-03-089	388- 15-045	NEW-W	01-07-072
388- 14A-2115	PREP	01-09-027	388- 14A-5000	PREP	01-09-043	388- 15-049	NEW-W	01-07-072
388- 14A-2120	NEW	01-03-089	388- 14A-5001	NEW	01-03-089	388- 15-053	NEW-W	01-07-072
388- 14A-2120	PREP	01-09-027	388- 14A-5001	PREP	01-09-043	388- 15-057	NEW-W	01-07-072
388- 14A-2125	NEW	01-03-089	388- 14A-5002	NEW	01-03-089	388- 15-061	NEW-W	01-07-072
388- 14A-2125	PREP	01-09-027	388- 14A-5002	PREP	01-09-043	388- 15-065	NEW-W	01-07-072
388- 14A-2150	NEW	01-03-089	388- 14A-5003	NEW	01-03-089	388- 15-069	NEW-W	01-07-072
388- 14A-2155	NEW	01-03-089	388- 14A-5003	PREP	01-09-043	388- 15-073	NEW-W	01-07-072
388- 14A-2160	NEW	01-03-089	388- 14A-5004	NEW	01-03-089	388- 15-077	NEW-W	01-07-072
388- 14A-3275	NEW	01-03-089	388- 14A-5004	PREP	01-09-043	388- 15-081	NEW-W	01-07-072
388- 14A-3300	NEW	01-03-089	388- 14A-5005	NEW	01-03-089	388- 15-085	NEW-W	01-07-072
388- 14A-3304	NEW	01-03-089	388- 14A-5005	PREP	01-09-043	388- 15-089	NEW-W	01-07-072
388- 14A-3310	NEW	01-03-089	388- 14A-5006	NEW	01-03-089	388- 15-093	NEW-W	01-07-072
388- 14A-3315	NEW	01-03-089	388- 14A-5006	PREP	01-09-043	388- 15-097	NEW-W	01-07-072
388- 14A-3320	NEW	01-03-089	388- 14A-5007	NEW	01-03-089	388- 15-101	NEW-W	01-07-072

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 15-105	NEW-W	01-07-072	388- 25-0230	NEW	01-08-047	388- 27-0080	NEW	01-08-047
388- 15-109	NEW-W	01-07-072	388- 25-0235	NEW	01-08-047	388- 27-0085	NEW	01-08-047
388- 15-113	NEW-W	01-07-072	388- 25-0240	NEW	01-08-047	388- 27-0090	NEW	01-08-047
388- 15-117	NEW-W	01-07-072	388- 25-0245	NEW	01-08-047	388- 27-0100	NEW	01-08-047
388- 15-121	NEW-W	01-07-072	388- 25-0250	NEW	01-08-047	388- 27-0105	NEW	01-08-047
388- 15-125	NEW-W	01-07-072	388- 25-0255	NEW	01-08-047	388- 27-0110	NEW	01-08-047
388- 15-129	NEW-W	01-07-072	388- 25-0260	NEW	01-08-047	388- 27-0115	NEW	01-08-047
388- 15-130	REP-W	01-07-072	388- 25-0265	NEW	01-08-047	388- 27-0120	NEW	01-08-045
388- 15-131	REP-W	01-07-072	388- 25-0270	NEW	01-08-047	388- 27-0125	NEW	01-08-045
388- 15-132	REP-W	01-07-072	388- 25-0275	NEW	01-08-047	388- 27-0130	NEW	01-08-045
388- 15-133	NEW-W	01-07-072	388- 25-0280	NEW	01-08-047	388- 27-0135	NEW	01-08-045
388- 15-134	REP-W	01-07-072	388- 25-0285	NEW	01-08-047	388- 27-0140	NEW	01-08-045
388- 15-135	NEW-W	01-07-072	388- 25-0290	NEW	01-08-047	388- 27-0145	NEW	01-08-045
388- 15-141	NEW-W	01-07-072	388- 25-0295	NEW	01-08-047	388- 27-0150	NEW	01-08-045
388- 15-150	REP	01-08-047	388- 25-0300	NEW	01-08-047	388- 27-0155	NEW	01-08-045
388- 15-160	REP	01-08-047	388- 25-0305	NEW	01-08-047	388- 27-0160	NEW	01-08-045
388- 15-220	REP	01-08-047	388- 25-0310	NEW	01-08-047	388- 27-0165	NEW	01-08-045
388- 15-570	REP	01-08-047	388- 25-0315	NEW	01-08-047	388- 27-0170	NEW	01-08-045
388- 25-0005	NEW	01-08-047	388- 25-0320	NEW	01-08-047	388- 27-0175	NEW	01-08-045
388- 25-0010	NEW	01-08-047	388- 25-0325	NEW	01-08-047	388- 27-0180	NEW	01-08-045
388- 25-0015	NEW	01-08-047	388- 25-0330	NEW	01-08-047	388- 27-0185	NEW	01-08-045
388- 25-0020	NEW	01-08-047	388- 25-0335	NEW	01-08-047	388- 27-0190	NEW	01-08-045
388- 25-0025	NEW	01-08-047	388- 25-0340	NEW	01-08-047	388- 27-0195	NEW	01-08-045
388- 25-0030	NEW	01-08-047	388- 25-0345	NEW	01-08-047	388- 27-0200	NEW	01-08-045
388- 25-0035	NEW	01-08-047	388- 25-0350	NEW	01-08-047	388- 27-0205	NEW	01-08-045
388- 25-0040	NEW	01-08-047	388- 25-0355	NEW	01-08-047	388- 27-0210	NEW	01-08-045
388- 25-0045	NEW	01-08-047	388- 25-0360	NEW	01-08-047	388- 27-0215	NEW	01-08-045
388- 25-0050	NEW	01-08-047	388- 25-0365	NEW	01-08-047	388- 27-0220	NEW	01-08-045
388- 25-0055	NEW	01-08-047	388- 25-0370	NEW	01-08-047	388- 27-0225	NEW	01-08-045
388- 25-0060	NEW	01-08-047	388- 25-0375	NEW	01-08-047	388- 27-0230	NEW	01-08-045
388- 25-0065	NEW	01-08-047	388- 25-0380	NEW	01-08-047	388- 27-0235	NEW	01-08-045
388- 25-0070	NEW	01-08-047	388- 25-0385	NEW	01-08-047	388- 27-0240	NEW	01-08-045
388- 25-0075	NEW	01-08-047	388- 25-0390	NEW	01-08-047	388- 27-0245	NEW	01-08-045
388- 25-0080	NEW	01-08-047	388- 25-0395	NEW	01-08-047	388- 27-0250	NEW	01-08-045
388- 25-0085	NEW	01-08-047	388- 25-0400	NEW	01-08-047	388- 27-0255	NEW	01-08-045
388- 25-0090	NEW	01-08-047	388- 25-0405	NEW	01-08-047	388- 27-0260	NEW	01-08-045
388- 25-0095	NEW	01-08-047	388- 25-0410	NEW	01-08-047	388- 27-0265	NEW	01-08-045
388- 25-0100	NEW	01-08-047	388- 25-0415	NEW	01-08-047	388- 27-0270	NEW	01-08-045
388- 25-0105	NEW	01-08-047	388- 25-0420	NEW	01-08-047	388- 27-0275	NEW	01-08-045
388- 25-0110	NEW	01-08-047	388- 25-0425	NEW	01-08-047	388- 27-0280	NEW	01-08-045
388- 25-0115	NEW	01-08-047	388- 25-0430	NEW	01-08-047	388- 27-0285	NEW	01-08-045
388- 25-0120	NEW	01-08-047	388- 25-0435	NEW	01-08-047	388- 27-0290	NEW	01-08-045
388- 25-0125	NEW	01-08-047	388- 25-0440	NEW	01-08-047	388- 27-0295	NEW	01-08-045
388- 25-0130	NEW	01-08-047	388- 25-0445	NEW	01-08-047	388- 27-0300	NEW	01-08-045
388- 25-0135	NEW	01-08-047	388- 25-0450	NEW	01-08-047	388- 27-0305	NEW	01-08-045
388- 25-0140	NEW	01-08-047	388- 25-0455	NEW	01-08-047	388- 27-0310	NEW	01-08-045
388- 25-0145	NEW	01-08-047	388- 25-0460	NEW	01-08-047	388- 27-0315	NEW	01-08-045
388- 25-0150	NEW	01-08-047	388- 27-0005	NEW	01-08-047	388- 27-0320	NEW	01-08-045
388- 25-0155	NEW	01-08-047	388- 27-0010	NEW	01-08-047	388- 27-0325	NEW	01-08-045
388- 25-0160	NEW	01-08-047	388- 27-0015	NEW	01-08-047	388- 27-0330	NEW	01-08-045
388- 25-0170	NEW	01-08-047	388- 27-0020	NEW	01-08-047	388- 27-0335	NEW	01-08-045
388- 25-0175	NEW	01-08-047	388- 27-0025	NEW	01-08-047	388- 27-0340	NEW	01-08-045
388- 25-0180	NEW	01-08-047	388- 27-0030	NEW	01-08-047	388- 27-0345	NEW	01-08-045
388- 25-0185	NEW	01-08-047	388- 27-0035	NEW	01-08-047	388- 27-0350	NEW	01-08-045
388- 25-0190	NEW	01-08-047	388- 27-0040	NEW	01-08-047	388- 27-0355	NEW	01-08-045
388- 25-0195	NEW	01-08-047	388- 27-0045	NEW	01-08-047	388- 27-0360	NEW	01-08-045
388- 25-0200	NEW	01-08-047	388- 27-0050	NEW	01-08-047	388- 27-0365	NEW	01-08-045
388- 25-0205	NEW	01-08-047	388- 27-0055	NEW	01-08-047	388- 27-0370	NEW	01-08-045
388- 25-0210	NEW	01-08-047	388- 27-0060	NEW	01-08-047	388- 27-0375	NEW	01-08-045
388- 25-0215	NEW	01-08-047	388- 27-0065	NEW	01-08-047	388- 27-0380	NEW	01-08-045
388- 25-0220	NEW	01-08-047	388- 27-0070	NEW	01-08-047	388- 27-0385	NEW	01-08-045
388- 25-0225	NEW	01-08-047	388- 27-0075	NEW	01-08-047	388- 27-0390	NEW	01-08-045

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 31-010	REP-P	01-04-070	388- 60-0325	NEW	01-08-046	388- 61A-0020	NEW	01-07-053
388- 31-010	REP	01-09-023	388- 60-0335	NEW	01-08-046	388- 61A-0025	NEW	01-07-053
388- 31-015	REP-P	01-04-070	388- 60-0345	NEW	01-08-046	388- 61A-0030	NEW	01-07-053
388- 31-015	REP	01-09-023	388- 60-0355	NEW	01-08-046	388- 61A-0035	NEW	01-07-053
388- 31-020	REP-P	01-04-070	388- 60-0365	NEW	01-08-046	388- 61A-0040	NEW	01-07-053
388- 31-020	REP	01-09-023	388- 60-0375	NEW	01-08-046	388- 61A-0045	NEW	01-07-053
388- 31-025	REP-P	01-04-070	388- 60-0385	NEW	01-08-046	388- 61A-0050	NEW	01-07-053
388- 31-025	REP	01-09-023	388- 60-0395	NEW	01-08-046	388- 61A-0055	NEW	01-07-053
388- 31-030	REP-P	01-04-070	388- 60-0405	NEW	01-08-046	388- 61A-0060	NEW	01-07-053
388- 31-030	REP	01-09-023	388- 60-0415	NEW	01-08-046	388- 61A-0065	NEW	01-07-053
388- 31-035	REP-P	01-04-070	388- 60-0425	NEW	01-08-046	388- 61A-0070	NEW	01-07-053
388- 31-035	REP	01-09-023	388- 60-0435	NEW	01-08-046	388- 61A-0075	NEW	01-07-053
388- 32-0005	NEW	01-08-047	388- 60-0445	NEW	01-08-046	388- 61A-0080	NEW	01-07-053
388- 32-0010	NEW	01-08-047	388- 60-0455	NEW	01-08-046	388- 61A-0085	NEW	01-07-053
388- 32-0015	NEW	01-08-047	388- 60-0465	NEW	01-08-046	388- 61A-0090	NEW	01-07-053
388- 32-0020	NEW	01-08-047	388- 60-0475	NEW	01-08-046	388- 61A-0095	NEW	01-07-053
388- 32-0025	NEW	01-08-047	388- 60-0485	NEW	01-08-046	388- 61A-0100	NEW	01-07-053
388- 32-0030	NEW	01-08-047	388- 60-0495	NEW	01-08-046	388- 61A-0105	NEW	01-07-053
388- 39A-010	NEW	01-06-041	388- 60-0505	NEW	01-08-046	388- 61A-0110	NEW	01-07-053
388- 39A-030	NEW	01-06-041	388- 60-0515	NEW	01-08-046	388- 61A-0115	NEW	01-07-053
388- 39A-035	NEW	01-06-041	388- 60-0525	NEW	01-08-046	388- 61A-0120	NEW	01-07-053
388- 39A-040	NEW	01-06-041	388- 60-0535	NEW	01-08-046	388- 61A-0125	NEW	01-07-053
388- 39A-045	NEW	01-06-041	388- 60-0545	NEW	01-08-046	388- 61A-0130	NEW	01-07-053
388- 39A-050	NEW	01-06-041	388- 60-0555	NEW	01-08-046	388- 61A-0135	NEW	01-07-053
388- 39A-055	NEW	01-06-041	388- 60-0565	NEW	01-08-046	388- 61A-0140	NEW	01-07-053
388- 39A-060	NEW	01-06-041	388- 60-0575	NEW	01-08-046	388- 61A-0145	NEW	01-07-053
388- 46-010	REP	01-06-044	388- 60-0585	NEW	01-08-046	388- 61A-0150	NEW	01-07-053
388- 46-100	REP	01-06-044	388- 60-0595	NEW	01-08-046	388- 61A-0155	NEW	01-07-053
388- 46-110	REP	01-06-044	388- 60-0605	NEW	01-08-046	388- 61A-0160	NEW	01-07-053
388- 46-120	REP	01-06-044	388- 60-0615	NEW	01-08-046	388- 61A-0165	NEW	01-07-053
388- 60-0015	NEW	01-08-046	388- 60-0625	NEW	01-08-046	388- 61A-0170	NEW	01-07-053
388- 60-0025	NEW	01-08-046	388- 60-0635	NEW	01-08-046	388- 61A-0175	NEW	01-07-053
388- 60-0035	NEW	01-08-046	388- 60-0645	NEW	01-08-046	388- 61A-0180	NEW	01-07-053
388- 60-0045	NEW	01-08-046	388- 60-0655	NEW	01-08-046	388- 61A-0185	NEW	01-07-053
388- 60-005	REP	01-08-046	388- 60-0665	NEW	01-08-046	388- 61A-0190	NEW	01-07-053
388- 60-0055	NEW	01-08-046	388- 60-0675	NEW	01-08-046	388- 61A-0195	NEW	01-07-053
388- 60-0065	NEW	01-08-046	388- 60-0685	NEW	01-08-046	388- 70-010	REP	01-08-047
388- 60-0075	NEW	01-08-046	388- 60-0695	NEW	01-08-046	388- 70-012	REP	01-08-047
388- 60-0085	NEW	01-08-046	388- 60-0705	NEW	01-08-046	388- 70-013	REP	01-08-047
388- 60-0095	NEW	01-08-046	388- 60-0715	NEW	01-08-046	388- 70-022	REP	01-08-047
388- 60-0105	NEW	01-08-046	388- 60-0725	NEW	01-08-046	388- 70-024	REP	01-08-047
388- 60-0115	NEW	01-08-046	388- 60-0735	NEW	01-08-046	388- 70-031	REP	01-08-047
388- 60-0125	NEW	01-08-046	388- 60-0745	NEW	01-08-046	388- 70-032	REP	01-08-047
388- 60-0135	NEW	01-08-046	388- 60-0755	NEW	01-08-046	388- 70-033	REP	01-08-047
388- 60-0145	NEW	01-08-046	388- 60-120	REP	01-08-046	388- 70-034	REP	01-08-047
388- 60-0155	NEW	01-08-046	388- 60-130	REP	01-08-046	388- 70-035	REP	01-08-047
388- 60-0165	NEW	01-08-046	388- 60-140	REP	01-08-046	388- 70-036	REP	01-08-047
388- 60-0175	NEW	01-08-046	388- 60-150	REP	01-08-046	388- 70-037	REP	01-08-047
388- 60-0185	NEW	01-08-046	388- 60-160	REP	01-08-046	388- 70-041	REP	01-08-047
388- 60-0195	NEW	01-08-046	388- 60-170	REP	01-08-046	388- 70-042	REP	01-08-047
388- 60-0205	NEW	01-08-046	388- 60-180	REP	01-08-046	388- 70-044	REP	01-08-047
388- 60-0215	NEW	01-08-046	388- 60-190	REP	01-08-046	388- 70-048	REP	01-08-047
388- 60-0225	NEW	01-08-046	388- 60-200	REP	01-08-046	388- 70-051	REP	01-08-047
388- 60-0235	NEW	01-08-046	388- 60-210	REP	01-08-046	388- 70-054	REP	01-08-047
388- 60-0245	NEW	01-08-046	388- 60-220	REP	01-08-046	388- 70-058	REP	01-08-047
388- 60-0255	NEW	01-08-046	388- 60-230	REP	01-08-046	388- 70-062	REP	01-08-047
388- 60-0265	NEW	01-08-046	388- 60-240	REP	01-08-046	388- 70-066	REP	01-08-047
388- 60-0275	NEW	01-08-046	388- 60-250	REP	01-08-046	388- 70-068	REP	01-08-047
388- 60-0285	NEW	01-08-046	388- 60-260	REP	01-08-046	388- 70-069	REP	01-08-047
388- 60-0295	NEW	01-08-046	388- 61A-0005	NEW	01-07-053	388- 70-075	REP	01-08-047
388- 60-0305	NEW	01-08-046	388- 61A-0010	NEW	01-07-053	388- 70-078	REP	01-08-047
388- 60-0315	NEW	01-08-046	388- 61A-0015	NEW	01-07-053	388- 70-080	REP	01-08-047

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-73-810	REP-W	01-08-064	388-146-0200	NEW-W	01-07-071	388-148-0300	NEW-W	01-08-064
388-73-815	REP-W	01-08-064	388-146-0210	NEW-W	01-07-071	388-148-0305	NEW-W	01-08-064
388-73-820	REP-W	01-08-064	388-146-0220	NEW-W	01-07-071	388-148-0310	NEW-W	01-08-064
388-73-821	REP-W	01-08-064	388-148-0005	NEW-W	01-08-064	388-148-0315	NEW-W	01-08-064
388-73-822	REP-W	01-08-064	388-148-0010	NEW-W	01-08-064	388-148-0320	NEW-W	01-08-064
388-73-823	REP-W	01-08-064	388-148-0015	NEW-W	01-08-064	388-148-0325	NEW-W	01-08-064
388-73-825	REP-W	01-08-064	388-148-0020	NEW-W	01-08-064	388-148-0330	NEW-W	01-08-064
388-73-900	REP-W	01-08-064	388-148-0025	NEW-W	01-08-064	388-148-0335	NEW-W	01-08-064
388-73-901	REP-W	01-08-064	388-148-0030	NEW-W	01-08-064	388-148-0340	NEW-W	01-08-064
388-73-902	REP-W	01-08-064	388-148-0035	NEW-W	01-08-064	388-148-0345	NEW-W	01-08-064
388-73-904	REP-W	01-08-064	388-148-0040	NEW-W	01-08-064	388-148-0350	NEW-W	01-08-064
388-74-010	REP	01-06-041	388-148-0045	NEW-W	01-08-064	388-148-0355	NEW-W	01-08-064
388-74-030	REP	01-06-041	388-148-0050	NEW-W	01-08-064	388-148-0360	NEW-W	01-08-064
388-86-071	REP	01-05-040	388-148-0055	NEW-W	01-08-064	388-148-0365	NEW-W	01-08-064
388-86-085	REP	01-06-029	388-148-0060	NEW-W	01-08-064	388-148-0370	NEW-W	01-08-064
388-86-086	REP	01-03-084	388-148-0065	NEW-W	01-08-064	388-148-0375	NEW-W	01-08-064
388-86-100	REP-W	01-03-001	388-148-0070	NEW-W	01-08-064	388-148-0380	NEW-W	01-08-064
388-86-100	REP	01-06-028	388-148-0075	NEW-W	01-08-064	388-148-0385	NEW-W	01-08-064
388-87-027	REP	01-06-032	388-148-0080	NEW-W	01-08-064	388-148-0390	NEW-W	01-08-064
388-87-035	REP	01-06-029	388-148-0085	NEW-W	01-08-064	388-148-0395	NEW-W	01-08-064
388-87-036	REP	01-03-084	388-148-0090	NEW-W	01-08-064	388-148-0400	NEW-W	01-08-064
388-87-060	REP	01-06-033	388-148-0095	NEW-W	01-08-064	388-148-0405	NEW-W	01-08-064
388-96-010	AMD-P	01-06-057	388-148-0100	NEW-W	01-08-064	388-148-0410	NEW-W	01-08-064
388-96-218	AMD-P	01-06-057	388-148-0105	NEW-W	01-08-064	388-148-0415	NEW-W	01-08-064
388-96-310	AMD-P	01-06-057	388-148-0110	NEW-W	01-08-064	388-148-0420	NEW-W	01-08-064
388-96-369	AMD-P	01-06-057	388-148-0115	NEW-W	01-08-064	388-148-0425	NEW-W	01-08-064
388-96-384	AMD-P	01-06-057	388-148-0120	NEW-W	01-08-064	388-148-0430	NEW-W	01-08-064
388-96-559	AMD-P	01-06-057	388-148-0125	NEW-W	01-08-064	388-148-0435	NEW-W	01-08-064
388-96-708	AMD-P	01-06-057	388-148-0130	NEW-W	01-08-064	388-148-0440	NEW-W	01-08-064
388-96-709	AMD-P	01-06-057	388-148-0135	NEW-W	01-08-064	388-148-0445	NEW-W	01-08-064
388-96-710	AMD-P	01-06-057	388-148-0140	NEW-W	01-08-064	388-148-0450	NEW-W	01-08-064
388-96-713	AMD-P	01-06-057	388-148-0145	NEW-W	01-08-064	388-148-0455	NEW-W	01-08-064
388-96-714	AMD-P	01-06-057	388-148-0150	NEW-W	01-08-064	388-148-0460	NEW-W	01-08-064
388-96-723	AMD-P	01-06-057	388-148-0155	NEW-W	01-08-064	388-148-0465	NEW-W	01-08-064
388-96-732	NEW-P	01-06-057	388-148-0160	NEW-W	01-08-064	388-148-0470	NEW-W	01-08-064
388-96-740	AMD-P	01-06-057	388-148-0165	NEW-W	01-08-064	388-148-0475	NEW-W	01-08-064
388-96-776	AMD-P	01-06-057	388-148-0170	NEW-W	01-08-064	388-148-0480	NEW-W	01-08-064
388-96-777	AMD-P	01-06-057	388-148-0175	NEW-W	01-08-064	388-148-0485	NEW-W	01-08-064
388-96-780	AMD-P	01-06-057	388-148-0180	NEW-W	01-08-064	388-148-0490	NEW-W	01-08-064
388-96-802	NEW-P	01-06-057	388-148-0185	NEW-W	01-08-064	388-148-0495	NEW-W	01-08-064
388-96-803	NEW-P	01-06-057	388-148-0190	NEW-W	01-08-064	388-148-0500	NEW-W	01-08-064
388-96-901	AMD-P	01-06-057	388-148-0195	NEW-W	01-08-064	388-148-0505	NEW-W	01-08-064
388-146-0010	NEW-W	01-07-071	388-148-0200	NEW-W	01-08-064	388-148-0510	NEW-W	01-08-064
388-146-0020	NEW-W	01-07-071	388-148-0205	NEW-W	01-08-064	388-148-0515	NEW-W	01-08-064
388-146-0030	NEW-W	01-07-071	388-148-0210	NEW-W	01-08-064	388-148-0520	NEW-W	01-08-064
388-146-0040	NEW-W	01-07-071	388-148-0215	NEW-W	01-08-064	388-148-0525	NEW-W	01-08-064
388-146-0045	NEW-W	01-07-071	388-148-0220	NEW-W	01-08-064	388-148-0530	NEW-W	01-08-064
388-146-0050	NEW-W	01-07-071	388-148-0225	NEW-W	01-08-064	388-148-0535	NEW-W	01-08-064
388-146-0060	NEW-W	01-07-071	388-148-0230	NEW-W	01-08-064	388-148-0540	NEW-W	01-08-064
388-146-0070	NEW-W	01-07-071	388-148-0235	NEW-W	01-08-064	388-148-0545	NEW-W	01-08-064
388-146-0080	NEW-W	01-07-071	388-148-0240	NEW-W	01-08-064	388-148-0550	NEW-W	01-08-064
388-146-0090	NEW-W	01-07-071	388-148-0245	NEW-W	01-08-064	388-148-0555	NEW-W	01-08-064
388-146-0100	NEW-W	01-07-071	388-148-0250	NEW-W	01-08-064	388-148-0560	NEW-W	01-08-064
388-146-0110	NEW-W	01-07-071	388-148-0255	NEW-W	01-08-064	388-148-0565	NEW-W	01-08-064
388-146-0120	NEW-W	01-07-071	388-148-0260	NEW-W	01-08-064	388-148-0570	NEW-W	01-08-064
388-146-0130	NEW-W	01-07-071	388-148-0265	NEW-W	01-08-064	388-148-0575	NEW-W	01-08-064
388-146-0140	NEW-W	01-07-071	388-148-0270	NEW-W	01-08-064	388-148-0580	NEW-W	01-08-064
388-146-0150	NEW-W	01-07-071	388-148-0275	NEW-W	01-08-064	388-148-0585	NEW-W	01-08-064
388-146-0160	NEW-W	01-07-071	388-148-0280	NEW-W	01-08-064	388-148-0590	NEW-W	01-08-064
388-146-0170	NEW-W	01-07-071	388-148-0285	NEW-W	01-08-064	388-148-0595	NEW-W	01-08-064
388-146-0180	NEW-W	01-07-071	388-148-0290	NEW-W	01-08-064	388-148-0600	NEW-W	01-08-064
388-146-0190	NEW-W	01-07-071	388-148-0295	NEW-W	01-08-064	388-148-0605	NEW-W	01-08-064

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-160-0475	NEW-W	01-07-070	388-160-510	REP-W	01-07-070	388-438	PREP	01-07-018
388-160-0485	NEW-W	01-07-070	388-160-520	REP-W	01-07-070	388-438-0110	AMD	01-05-041
388-160-0495	NEW-W	01-07-070	388-160-530	REP-W	01-07-070	388-444-0075	AMD	01-05-006
388-160-050	REP-W	01-07-070	388-160-540	REP-W	01-07-070	388-448	PREP	01-04-069
388-160-0505	NEW-W	01-07-070	388-160-550	REP-W	01-07-070	388-450	PREP	01-06-027
388-160-0515	NEW-W	01-07-070	388-160-560	REP-W	01-07-070	388-450-0125	REP-P	01-08-044
388-160-0525	NEW-W	01-07-070	388-200-1050	REP-P	01-07-051	388-450-0190	AMD-P	01-03-038
388-160-0535	NEW-W	01-07-070	388-200-1300	REP-P	01-07-051	388-450-0190	AMD-E	01-03-039
388-160-0545	NEW-W	01-07-070	388-200-1350	REP-P	01-07-051	388-450-0190	AMD	01-06-030
388-160-0555	NEW-W	01-07-070	388-222-001	REP	01-03-066	388-452	PREP	01-06-027
388-160-0565	NEW-W	01-07-070	388-222-010	REP	01-03-066	388-454	PREP	01-08-029
388-160-0575	NEW-W	01-07-070	388-222-020	REP	01-03-066	388-454-0005	AMD	01-03-121
388-160-0585	NEW-W	01-07-070	388-273-0010	NEW-P	01-04-070	388-454-0006	NEW-E	01-06-025
388-160-0595	NEW-W	01-07-070	388-273-0010	NEW	01-09-023	388-454-0010	AMD	01-03-121
388-160-060	REP-W	01-07-070	388-273-0020	NEW-P	01-04-070	388-468-0005	PREP	01-08-028
388-160-0605	NEW-W	01-07-070	388-273-0020	NEW	01-09-023	388-470	PREP	01-06-027
388-160-0615	NEW-W	01-07-070	388-273-0025	NEW-P	01-04-070	388-470-0075	AMD-W	01-09-073
388-160-0625	NEW-W	01-07-070	388-273-0025	NEW	01-09-023	388-472-0005	PREP	01-03-119
388-160-0635	NEW-W	01-07-070	388-273-0030	NEW-P	01-04-070	388-472-0005	AMD-P	01-07-051
388-160-0645	NEW-W	01-07-070	388-273-0030	NEW	01-09-023	388-472-0010	NEW-P	01-07-051
388-160-070	REP-W	01-07-070	388-273-0035	NEW-P	01-04-070	388-472-0020	NEW-P	01-07-051
388-160-080	REP-W	01-07-070	388-273-0035	NEW	01-09-023	388-472-0030	NEW-P	01-07-051
388-160-090	REP-W	01-07-070	388-310-0900	AMD-P	01-03-060	388-472-0040	NEW-P	01-07-051
388-160-100	REP-W	01-07-070	388-310-0900	AMD-E	01-03-132	388-472-0050	NEW-P	01-07-051
388-160-110	REP-W	01-07-070	388-310-1000	AMD-P	01-03-060	388-474-0001	AMD	01-06-042
388-160-120	REP-W	01-07-070	388-310-1000	AMD-E	01-03-132	388-478-0015	AMD-P	01-08-044
388-160-130	REP-W	01-07-070	388-310-1050	AMD-P	01-03-060	388-478-0055	AMD-P	01-04-068
388-160-140	REP-W	01-07-070	388-310-1050	AMD-E	01-03-132	388-478-0055	AMD	01-08-015
388-160-150	REP-W	01-07-070	388-310-1300	AMD-E	01-05-007	388-478-0056	REP-P	01-04-068
388-160-160	REP-W	01-07-070	388-310-2000	NEW	01-03-042	388-478-0056	REP	01-08-015
388-160-170	REP-W	01-07-070	388-330-010	REP-W	01-07-071	388-478-0065	PREP	01-08-027
388-160-180	REP-W	01-07-070	388-330-020	REP-W	01-07-071	388-478-0065	AMD-E	01-08-032
388-160-190	REP-W	01-07-070	388-330-030	REP-W	01-07-071	388-478-0070	AMD-P	01-09-068
388-160-200	REP-W	01-07-070	388-330-035	REP-W	01-07-071	388-478-0070	AMD-E	01-09-069
388-160-210	REP-W	01-07-070	388-330-040	REP-W	01-07-071	388-478-0075	PREP	01-08-027
388-160-220	REP-W	01-07-070	388-330-050	REP-W	01-07-071	388-478-0075	AMD-E	01-08-032
388-160-230	REP-W	01-07-070	388-330-060	REP-W	01-07-071	388-478-0080	AMD-P	01-09-068
388-160-240	REP-W	01-07-070	388-400-0005	AMD	01-03-121	388-478-0080	AMD-E	01-09-069
388-160-250	REP-W	01-07-070	388-400-0015	REP	01-03-121	388-478-0085	PREP	01-08-027
388-160-260	REP-W	01-07-070	388-400-0020	REP-P	01-03-120	388-478-0085	AMD-E	01-08-032
388-160-270	REP-W	01-07-070	388-400-0020	REP	01-07-001	388-484-0005	AMD	01-04-016
388-160-280	REP-W	01-07-070	388-400-0030	AMD-P	01-03-040	388-484-0010	NEW	01-04-016
388-160-290	REP-W	01-07-070	388-400-0030	AMD-E	01-03-041	388-488	PREP	01-03-024
388-160-300	REP-W	01-07-070	388-400-0030	AMD	01-06-031	388-490	PREP	01-06-027
388-160-310	REP-W	01-07-070	388-404-0005	AMD	01-03-121	388-501-0300	AMD-P	01-09-037
388-160-320	REP-W	01-07-070	388-406	PREP	01-06-027	388-502-0010	AMD	01-07-076
388-160-340	REP-W	01-07-070	388-408-0005	AMD	01-03-121	388-502-0020	AMD	01-07-076
388-160-350	REP-W	01-07-070	388-408-0010	AMD	01-03-121	388-502-0160	AMD	01-05-100
388-160-360	REP-W	01-07-070	388-408-0015	AMD	01-03-121	388-505-0210	AMD-P	01-07-012
388-160-370	REP-W	01-07-070	388-408-0020	AMD	01-03-121	388-505-0220	AMD-P	01-07-012
388-160-380	REP-W	01-07-070	388-408-0025	AMD	01-03-121	388-505-0595	REP	01-06-043
388-160-390	REP-W	01-07-070	388-408-0030	AMD	01-03-121	388-512-1210	REP-W	01-06-046
388-160-400	REP-W	01-07-070	388-414	PREP	01-06-027	388-512-1215	REP	01-06-042
388-160-410	REP-W	01-07-070	388-414-0001	AMD-P	01-04-074	388-512-1220	REP	01-06-042
388-160-420	REP-W	01-07-070	388-414-0001	AMD	01-07-054	388-512-1225	REP	01-06-042
388-160-430	REP-W	01-07-070	388-416	PREP	01-06-027	388-512-1230	REP	01-06-042
388-160-440	REP-W	01-07-070	388-416-0005	AMD-P	01-08-058	388-512-1235	REP	01-06-042
388-160-460	REP-W	01-07-070	388-418	PREP	01-06-027	388-512-1240	REP	01-06-042
388-160-470	REP-W	01-07-070	388-418-0005	AMD-S	01-08-059	388-512-1245	REP	01-06-042
388-160-480	REP-W	01-07-070	388-418-0007	NEW-S	01-08-059	388-512-1250	REP	01-06-042
388-160-490	REP-W	01-07-070	388-432-0005	NEW	01-03-066	388-512-1255	REP	01-06-042
388-160-500	REP-W	01-07-070	388-434	PREP	01-06-027	388-512-1260	REP	01-06-042

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388-512-1275	REP	01-06-042	388-815-220	REP-XR	01-07-019	388-820-590	NEW-P	01-09-081
388-517-0400	NEW	01-06-033	388-815-230	REP-XR	01-07-019	388-820-600	NEW-P	01-09-081
388-535	PREP	01-07-018	388-815-240	REP-XR	01-07-019	388-820-610	NEW-P	01-09-081
388-535-1230	AMD-P	01-03-154	388-815-250	REP-XR	01-07-019	388-820-620	NEW-P	01-09-081
388-535-1230	AMD	01-07-077	388-820-010	AMD-P	01-09-081	388-820-630	NEW-P	01-09-081
388-538	PREP	01-07-008	388-820-020	AMD-P	01-09-081	388-820-640	NEW-P	01-09-081
388-543-1150	PREP	01-05-027	388-820-030	AMD-P	01-09-081	388-820-650	NEW-P	01-09-081
388-543-2800	PREP	01-05-027	388-820-040	AMD-P	01-09-081	388-820-660	NEW-P	01-09-081
388-544	PREP	01-07-018	388-820-050	AMD-P	01-09-081	388-820-670	NEW-P	01-09-081
388-546-0001	NEW	01-03-084	388-820-060	AMD-P	01-09-081	388-820-680	NEW-P	01-09-081
388-546-0100	NEW	01-03-084	388-820-070	AMD-P	01-09-081	388-820-690	NEW-P	01-09-081
388-546-0150	NEW	01-03-084	388-820-080	AMD-P	01-09-081	388-820-700	NEW-P	01-09-081
388-546-0200	NEW	01-03-084	388-820-090	AMD-P	01-09-081	388-820-710	NEW-P	01-09-081
388-546-0250	NEW	01-03-084	388-820-100	AMD-P	01-09-081	388-820-720	NEW-P	01-09-081
388-546-0300	NEW	01-03-084	388-820-110	AMD-P	01-09-081	388-820-730	NEW-P	01-09-081
388-546-0400	NEW	01-03-084	388-820-120	AMD-P	01-09-081	388-820-740	NEW-P	01-09-081
388-546-0450	NEW	01-03-084	388-820-130	AMD-P	01-09-081	388-820-750	NEW-P	01-09-081
388-546-0500	NEW	01-03-084	388-820-140	NEW-P	01-09-081	388-820-760	NEW-P	01-09-081
388-546-0600	NEW	01-03-084	388-820-150	NEW-P	01-09-081	388-820-770	NEW-P	01-09-081
388-546-0700	NEW	01-03-084	388-820-160	NEW-P	01-09-081	388-820-780	NEW-P	01-09-081
388-546-0800	NEW	01-03-084	388-820-170	NEW-P	01-09-081	388-820-790	NEW-P	01-09-081
388-546-1000	NEW	01-03-084	388-820-180	NEW-P	01-09-081	388-820-800	NEW-P	01-09-081
388-546-5000	NEW	01-06-029	388-820-190	NEW-P	01-09-081	388-820-810	NEW-P	01-09-081
388-546-5100	NEW	01-06-029	388-820-200	NEW-P	01-09-081	388-820-820	NEW-P	01-09-081
388-546-5200	NEW	01-06-029	388-820-210	NEW-P	01-09-081	388-820-830	NEW-P	01-09-081
388-546-5300	NEW	01-06-029	388-820-220	NEW-P	01-09-081	388-820-840	NEW-P	01-09-081
388-546-5400	NEW	01-06-029	388-820-230	NEW-P	01-09-081	388-820-850	NEW-P	01-09-081
388-546-5500	NEW	01-06-029	388-820-240	NEW-P	01-09-081	388-820-860	NEW-P	01-09-081
388-550-1050	AMD-P	01-09-070	388-820-250	NEW-P	01-09-081	388-820-870	NEW-P	01-09-081
388-550-1100	AMD-P	01-09-070	388-820-260	NEW-P	01-09-081	388-820-880	NEW-P	01-09-081
388-550-2700	REP-P	01-09-070	388-820-270	NEW-P	01-09-081	388-820-890	NEW-P	01-09-081
388-550-2800	AMD-P	01-09-070	388-820-280	NEW-P	01-09-081	388-820-900	NEW-P	01-09-081
388-550-2900	AMD-P	01-09-070	388-820-290	NEW-P	01-09-081	388-820-910	NEW-P	01-09-081
388-550-3300	AMD-P	01-09-070	388-820-300	NEW-P	01-09-081	388-820-920	NEW-P	01-09-081
388-550-3600	AMD-P	01-09-070	388-820-310	NEW-P	01-09-081	388-820-930	NEW-P	01-09-081
388-550-3700	AMD-P	01-09-070	388-820-320	NEW-P	01-09-081	388-825-020	PREP	01-03-059
388-550-3800	AMD-P	01-09-070	388-820-330	NEW-P	01-09-081	388-825-205	PREP	01-03-059
388-550-4300	AMD-P	01-09-070	388-820-340	NEW-P	01-09-081	388-860-010	REP-P	01-07-116
388-550-4400	AMD-P	01-09-070	388-820-350	NEW-P	01-09-081	388-860-020	REP-P	01-07-116
388-550-4500	AMD-P	01-09-070	388-820-360	NEW-P	01-09-081	388-860-030	REP-P	01-07-116
388-550-4800	AMD-P	01-09-070	388-820-370	NEW-P	01-09-081	388-860-040	REP-P	01-07-116
388-551	PREP	01-03-095	388-820-380	NEW-P	01-09-081	388-860-050	REP-P	01-07-116
388-551	PREP	01-03-096	388-820-390	NEW-P	01-09-081	388-860-060	REP-P	01-07-116
388-551-3000	NEW	01-05-040	388-820-400	NEW-P	01-09-081	388-860-070	REP-P	01-07-116
388-561-0001	NEW	01-06-043	388-820-410	NEW-P	01-09-081	388-860-080	REP-P	01-07-116
388-561-0100	NEW	01-06-043	388-820-420	NEW-P	01-09-081	388-860-090	REP-P	01-07-116
388-561-0200	NEW	01-06-043	388-820-430	NEW-P	01-09-081	388-860-100	REP-P	01-07-116
388-561-0300	NEW	01-06-043	388-820-440	NEW-P	01-09-081	388-860-110	REP-P	01-07-116
388-815-005	REP-XR	01-07-019	388-820-450	NEW-P	01-09-081	388-860-120	REP-P	01-07-116
388-815-010	REP-XR	01-07-019	388-820-460	NEW-P	01-09-081	388-860-130	REP-P	01-07-116
388-815-020	REP-XR	01-07-019	388-820-470	NEW-P	01-09-081	388-860-140	REP-P	01-07-116
388-815-030	REP-XR	01-07-019	388-820-480	NEW-P	01-09-081	388-860-150	REP-P	01-07-116
388-815-100	REP-XR	01-07-019	388-820-490	NEW-P	01-09-081	388-860-160	REP-P	01-07-116
388-815-110	REP-XR	01-07-019	388-820-500	NEW-P	01-09-081	388-860-170	REP-P	01-07-116
388-815-120	REP-XR	01-07-019	388-820-510	NEW-P	01-09-081	388-860-180	REP-P	01-07-116
388-815-130	REP-XR	01-07-019	388-820-520	NEW-P	01-09-081	388-860-190	REP-P	01-07-116
388-815-140	REP-XR	01-07-019	388-820-530	NEW-P	01-09-081	388-860-200	REP-P	01-07-116
388-815-160	REP-XR	01-07-019	388-820-540	NEW-P	01-09-081	388-860-210	REP-P	01-07-116
388-815-200	REP-XR	01-07-019	388-820-550	NEW-P	01-09-081	388-860-220	REP-P	01-07-116
388-815-205	REP-XR	01-07-019	388-820-560	NEW-P	01-09-081	388-860-230	REP-P	01-07-116
388-815-210	REP-XR	01-07-019	388-820-570	NEW-P	01-09-081	388-860-240	REP-P	01-07-116

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388-865-0530	NEW-P	01-07-116	399-30-040	AMD	01-09-014	417-06-110	AMD-P	01-09-082
388-865-0535	NEW-P	01-07-116	399-30-042	AMD-P	01-03-143	417-06-120	AMD-P	01-09-082
388-865-0540	NEW-P	01-07-116	399-30-042	AMD	01-09-014	417-06-130	AMD-P	01-09-082
388-865-0545	NEW-P	01-07-116	399-50-040	AMD-P	01-03-143	417-06-135	NEW-P	01-09-082
388-865-0546	NEW-P	01-07-116	399-50-040	AMD	01-09-014	417-06-140	AMD-P	01-09-082
388-865-0550	NEW-P	01-07-116	415-02-030	PREP	01-05-074	417-06-150	AMD-P	01-09-082
388-865-0555	NEW-P	01-07-116	415-02-060	AMD-P	01-05-096	417-06-170	AMD-P	01-09-082
388-865-0557	NEW-P	01-07-116	415-02-060	AMD	01-08-043	420-04-010	NEW	01-04-052
388-865-0560	NEW-P	01-07-116	415-100-055	PREP	01-05-094	420-04-015	NEW	01-04-052
388-865-0565	NEW-P	01-07-116	415-103	PREP	01-06-048	420-04-020	NEW	01-04-052
388-865-0600	NEW-P	01-07-116	415-104-215	AMD-P	01-07-079	420-04-030	NEW	01-04-052
388-865-0610	NEW-P	01-07-116	415-108-326	AMD-P	01-07-079	420-04-040	NEW	01-04-052
388-865-0620	NEW-P	01-07-116	415-108-467	AMD-P	01-05-077	420-04-050	NEW	01-04-052
388-865-0630	NEW-P	01-07-116	415-108-467	AMD	01-08-057	420-04-060	NEW	01-04-052
388-865-0640	NEW-P	01-07-116	415-108-710	PREP	01-09-058	420-04-070	NEW	01-04-052
390-16-011	PREP	01-03-164	415-110-326	AMD-P	01-07-079	420-04-080	NEW	01-04-052
390-16-011	AMD-P	01-07-105	415-110-467	AMD-P	01-05-077	420-04-085	NEW	01-04-052
390-16-012	PREP	01-03-163	415-110-467	AMD	01-08-057	420-04-100	NEW	01-04-052
390-16-012	AMD-P	01-07-110	415-110-710	PREP	01-09-058	420-12-010	NEW	01-04-052
390-16-041	PREP	01-07-111	415-111-220	PREP	01-07-078	420-12-020	NEW	01-04-052
390-16-105	PREP	01-03-161	415-111-220	AMD-E	01-08-026	420-12-030	NEW	01-04-052
390-16-105	AMD-P	01-07-106	415-112	PREP	01-05-075	420-12-040	NEW	01-04-052
390-16-111	PREP	01-03-159	415-112-125	PREP	01-09-058	420-12-050	NEW	01-04-052
390-16-111	AMD-P	01-07-107	415-112-727	AMD-P	01-07-079	420-12-060	NEW	01-04-052
390-16-115	PREP	01-07-113	415-210	PREP	01-05-075	420-12-070	NEW	01-04-052
390-16-120	PREP	01-07-104	415-610	PREP	01-04-028	420-12-075	NEW	01-04-052
390-16-125	PREP	01-07-114	415-620	PREP	01-04-028	420-12-080	NEW	01-04-052
390-16-150	PREP	01-03-162	415-630	PREP	01-04-028	420-12-085	NEW	01-04-052
390-16-150	REP-P	01-07-108	415-630-025	NEW-P	01-08-076	420-12-090	NEW	01-04-052
390-16-155	PREP	01-07-112	415-630-030	PREP	01-04-028	434-260-220	AMD-P	01-06-023
390-16-190	PREP	01-07-115	415-630-030	AMD-E	01-04-029	434-260-225	AMD-P	01-06-023
390-16-309	PREP	01-03-081	415-630-030	AMD-P	01-08-076	434-260-300	AMD-P	01-06-023
390-16-311	PREP	01-03-082	415-640	PREP	01-04-028	434-260-305	AMD-P	01-06-023
390-24-200	PREP	01-03-160	415-650	PREP	01-04-028	434-260-307	NEW-P	01-06-023
390-24-200	AMD-P	01-07-109	415-660	PREP	01-04-028	434-260-309	NEW-P	01-06-023
391-25	PREP	01-04-073	415-670	PREP	01-04-028	448-13	PREP	01-08-049
391-35	PREP	01-04-073	415-680	PREP	01-04-028	458-12-015	REP-XR	01-07-094
392-121-210	AMD	01-08-048	415-690	PREP	01-04-028	458-12-020	REP-XR	01-07-094
392-122-322	PREP	01-03-099	415-695	PREP	01-04-028	458-12-085	REP-XR	01-07-094
392-122-900	PREP	01-03-099	417-01-105	AMD-E	01-05-101	458-20-13501	NEW-P	01-09-035
392-125-080	AMD-E	01-03-098	417-01-105	PREP	01-05-102	458-20-169	AMD-P	01-03-091
392-125-080	AMD-P	01-06-063	417-01-105	AMD-P	01-09-082	458-20-169	AMD	01-09-066
392-136-020	AMD-P	01-06-064	417-01-110	PREP	01-05-102	458-20-178	PREP	01-07-093
392-140-600	AMD	01-04-023	417-01-110	AMD-P	01-09-082	458-20-17801	PREP	01-07-093
392-140-605	AMD	01-04-023	417-01-115	PREP	01-05-102	458-20-17802	NEW-P	01-09-040
392-140-609	AMD	01-04-023	417-01-115	AMD-P	01-09-082	458-20-228	AMD	01-05-022
392-140-613	AMD	01-04-023	417-01-125	AMD-E	01-05-101	458-20-22802	AMD-P	01-03-105
392-140-616	AMD	01-04-023	417-01-125	PREP	01-05-102	458-20-22802	AMD	01-07-017
392-140-625	AMD	01-04-023	417-01-125	AMD-P	01-09-082	458-20-240	PREP	01-08-060
392-140-626	AMD	01-04-023	417-01-127	NEW-E	01-05-101	458-20-24001	AMD-P	01-08-034
392-140-660	AMD	01-04-023	417-01-127	NEW-P	01-09-082	458-20-24001A	NEW-P	01-08-034
392-140-675	AMD	01-04-023	417-01-130	PREP	01-05-102	458-20-247	AMD-P	01-04-048
392-140-903	AMD	01-08-048	417-01-130	AMD-P	01-09-082	458-20-247	AMD	01-08-003
392-140-956	AMD	01-08-048	417-01-135	PREP	01-05-102	458-20-259	REP-XR	01-09-036
392-141-200	PREP	01-03-099	417-01-135	AMD-P	01-09-082	458-40-660	PREP	01-06-034
392-151-090	AMD-P	01-03-097	417-01-145	AMD-P	01-09-082	468-300-010	AMD-P	01-04-078
392-151-095	AMD-P	01-03-097	417-01-150	AMD-E	01-05-101	468-300-020	AMD-P	01-04-078
399-10-010	AMD-P	01-03-143	417-01-150	PREP	01-05-102	468-300-040	AMD-P	01-04-078
399-10-010	AMD	01-09-014	417-01-150	AMD-P	01-09-082	468-300-220	AMD-P	01-04-078
399-30-030	AMD-P	01-03-143	417-01-155	PREP	01-05-102	478-116-010	AMD-P	01-08-074
399-30-030	AMD	01-09-014	417-01-155	AMD-P	01-09-082	478-116-040	REP-P	01-08-074

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478-116-051	AMD-P	01-08-074	480- 62-230	NEW	01-04-026	480- 70-161	NEW	01-08-012
478-116-101	AMD-P	01-08-074	480- 62-235	NEW	01-04-026	480- 70-166	NEW	01-08-012
478-116-111	AMD-P	01-08-074	480- 62-240	NEW	01-04-026	480- 70-170	REP	01-08-012
478-116-114	AMD-P	01-08-074	480- 62-245	NEW	01-04-026	480- 70-171	NEW	01-08-012
478-116-121	AMD-P	01-08-074	480- 62-250	NEW	01-04-026	480- 70-176	NEW	01-08-012
478-116-145	AMD-P	01-08-074	480- 62-300	NEW	01-04-026	480- 70-180	REP	01-08-012
478-116-151	AMD-P	01-08-074	480- 62-305	NEW	01-04-026	480- 70-181	NEW	01-08-012
478-116-163	AMD-P	01-08-074	480- 62-310	NEW	01-04-026	480- 70-186	NEW	01-08-012
478-116-201	AMD-P	01-08-074	480- 62-315	NEW	01-04-026	480- 70-190	REP	01-08-012
478-116-211	AMD-P	01-08-074	480- 62-320	NEW	01-04-026	480- 70-191	NEW	01-08-012
478-116-245	AMD-P	01-08-074	480- 62-325	NEW	01-04-026	480- 70-196	NEW	01-08-012
478-116-255	AMD-P	01-08-074	480- 62-999	NEW	01-04-026	480- 70-200	REP	01-08-012
478-116-291	AMD-P	01-08-074	480- 70-001	NEW	01-08-012	480- 70-201	NEW	01-08-012
478-116-301	AMD-P	01-08-074	480- 70-006	NEW	01-08-012	480- 70-206	NEW	01-08-012
478-116-311	AMD-P	01-08-074	480- 70-010	REP	01-08-012	480- 70-210	REP	01-08-012
478-116-411	AMD-P	01-08-074	480- 70-011	NEW	01-08-012	480- 70-211	NEW	01-08-012
478-116-605	AMD-P	01-08-074	480- 70-016	NEW	01-08-012	480- 70-216	NEW	01-08-012
478-136-030	AMD-P	01-06-009	480- 70-020	REP	01-08-012	480- 70-220	REP	01-08-012
478-156-014	REP-XR	01-07-064	480- 70-021	NEW	01-08-012	480- 70-221	NEW	01-08-012
478-250-050	AMD-P	01-07-014	480- 70-026	NEW	01-08-012	480- 70-226	NEW	01-08-012
478-250-070	AMD-P	01-07-014	480- 70-030	REP	01-08-012	480- 70-230	REP	01-08-012
478-276-020	AMD-P	01-07-014	480- 70-031	NEW	01-08-012	480- 70-231	NEW	01-08-012
478-276-060	AMD-P	01-07-014	480- 70-036	NEW	01-08-012	480- 70-236	NEW	01-08-012
478-276-070	AMD-P	01-07-014	480- 70-040	REP	01-08-012	480- 70-240	REP	01-08-012
478-276-080	AMD-P	01-07-014	480- 70-041	NEW	01-08-012	480- 70-241	NEW	01-08-012
478-276-100	AMD-P	01-07-014	480- 70-046	NEW	01-08-012	480- 70-245	REP	01-08-012
478-276-120	AMD-P	01-07-014	480- 70-050	REP	01-08-012	480- 70-246	NEW	01-08-012
478-276-140	AMD-P	01-07-014	480- 70-051	NEW	01-08-012	480- 70-250	REP	01-08-012
478-355-010	AMD-P	01-03-122	480- 70-055	REP	01-08-012	480- 70-251	NEW	01-08-012
478-355-010	AMD	01-08-007	480- 70-056	NEW	01-08-012	480- 70-256	NEW	01-08-012
478-355-030	AMD-P	01-03-122	480- 70-060	REP	01-08-012	480- 70-260	REP	01-08-012
478-355-030	AMD	01-08-007	480- 70-061	NEW	01-08-012	480- 70-261	NEW	01-08-012
478-355-040	AMD-P	01-03-122	480- 70-066	NEW	01-08-012	480- 70-262	NEW	01-08-012
478-355-040	AMD	01-08-007	480- 70-070	REP	01-08-012	480- 70-266	NEW	01-08-012
480- 62-010	REP	01-04-026	480- 70-071	NEW	01-08-012	480- 70-270	REP	01-08-012
480- 62-020	REP	01-04-026	480- 70-076	NEW	01-08-012	480- 70-271	NEW	01-08-012
480- 62-030	REP	01-04-026	480- 70-080	REP	01-08-012	480- 70-276	NEW	01-08-012
480- 62-040	REP	01-04-026	480- 70-081	NEW	01-08-012	480- 70-280	REP	01-08-012
480- 62-050	REP	01-04-026	480- 70-086	NEW	01-08-012	480- 70-281	NEW	01-08-012
480- 62-060	REP	01-04-026	480- 70-090	REP	01-08-012	480- 70-286	NEW	01-08-012
480- 62-070	REP	01-04-026	480- 70-091	NEW	01-08-012	480- 70-290	REP	01-08-012
480- 62-080	REP	01-04-026	480- 70-096	NEW	01-08-012	480- 70-291	NEW	01-08-012
480- 62-085	REP	01-04-026	480- 70-100	REP	01-08-012	480- 70-296	NEW	01-08-012
480- 62-090	REP	01-04-026	480- 70-101	NEW	01-08-012	480- 70-300	REP	01-08-012
480- 62-100	REP	01-04-026	480- 70-106	NEW	01-08-012	480- 70-301	NEW	01-08-012
480- 62-120	REP	01-04-026	480- 70-110	REP	01-08-012	480- 70-306	NEW	01-08-012
480- 62-125	NEW	01-04-026	480- 70-111	NEW	01-08-012	480- 70-310	REP	01-08-012
480- 62-130	NEW	01-04-026	480- 70-116	NEW	01-08-012	480- 70-311	NEW	01-08-012
480- 62-135	NEW	01-04-026	480- 70-120	REP	01-08-012	480- 70-316	NEW	01-08-012
480- 62-140	NEW	01-04-026	480- 70-121	NEW	01-08-012	480- 70-320	REP	01-08-012
480- 62-145	NEW	01-04-026	480- 70-126	NEW	01-08-012	480- 70-321	NEW	01-08-012
480- 62-150	NEW	01-04-026	480- 70-130	REP	01-08-012	480- 70-325	REP	01-08-012
480- 62-155	NEW	01-04-026	480- 70-131	NEW	01-08-012	480- 70-326	NEW	01-08-012
480- 62-160	NEW	01-04-026	480- 70-136	NEW	01-08-012	480- 70-330	REP	01-08-012
480- 62-165	NEW	01-04-026	480- 70-140	REP	01-08-012	480- 70-331	NEW	01-08-012
480- 62-170	NEW	01-04-026	480- 70-141	NEW	01-08-012	480- 70-335	REP	01-08-012
480- 62-200	NEW	01-04-026	480- 70-146	NEW	01-08-012	480- 70-336	NEW	01-08-012
480- 62-205	NEW	01-04-026	480- 70-150	REP	01-08-012	480- 70-339	NEW	01-08-012
480- 62-210	NEW	01-04-026	480- 70-151	NEW	01-08-012	480- 70-340	REP	01-08-012
480- 62-215	NEW	01-04-026	480- 70-155	REP	01-08-012	480- 70-341	NEW	01-08-012
480- 62-220	NEW	01-04-026	480- 70-156	NEW	01-08-012	480- 70-346	NEW	01-08-012

TABLE

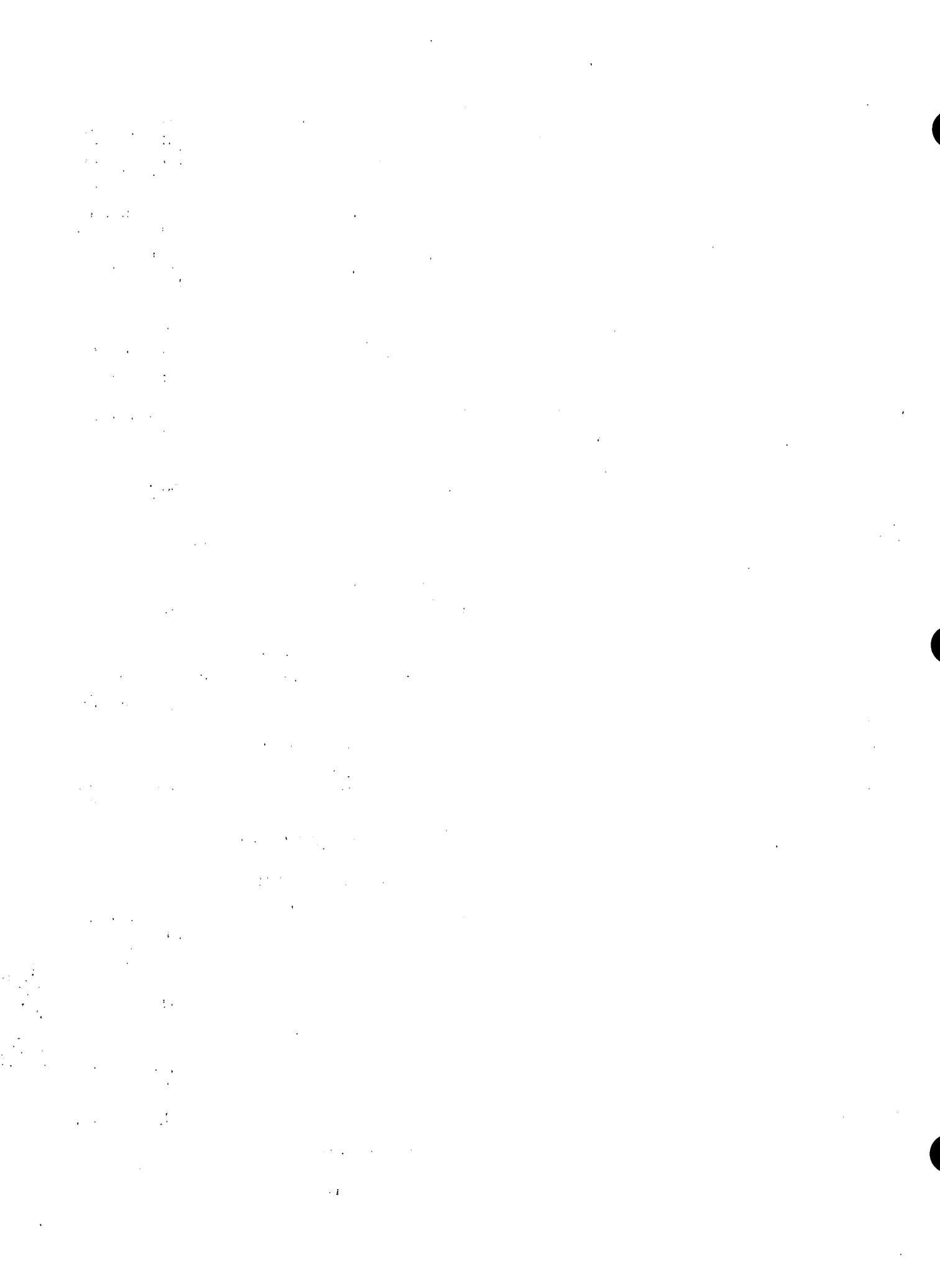
Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480- 70-350	REP	01-08-012	480- 80-047	REP	01-09-002	480- 90-151	REP-P	01-02-084
480- 70-351	NEW	01-08-012	480- 80-048	REP-P	01-02-102	480- 90-153	NEW-P	01-02-084
480- 70-360	REP	01-08-012	480- 80-048	REP	01-09-002	480- 90-156	REP-P	01-02-084
480- 70-361	NEW	01-08-012	480- 80-049	REP-P	01-02-102	480- 90-158	NEW-P	01-02-084
480- 70-366	NEW	01-08-012	480- 80-049	REP	01-09-002	480- 90-161	REP-P	01-02-084
480- 70-370	REP	01-08-012	480- 80-120	REP-P	01-02-102	480- 90-163	NEW-P	01-02-084
480- 70-371	NEW	01-08-012	480- 80-120	REP	01-09-002	480- 90-166	REP-P	01-02-084
480- 70-376	NEW	01-08-012	480- 80-325	NEW-P	01-02-102	480- 90-168	NEW-P	01-02-084
480- 70-380	REP	01-08-012	480- 80-325	NEW	01-09-002	480- 90-171	REP-P	01-02-084
480- 70-381	NEW	01-08-012	480- 80-326	NEW-P	01-02-102	480- 90-173	NEW-P	01-02-084
480- 70-386	NEW	01-08-012	480- 80-326	NEW	01-09-002	480- 90-176	REP-P	01-02-084
480- 70-390	REP	01-08-012	480- 80-326	NEW	01-09-002	480- 90-178	NEW-P	01-02-084
480- 70-391	NEW	01-08-012	480- 80-390	REP-P	01-02-102	480- 90-181	REP-P	01-02-084
480- 70-396	NEW	01-08-012	480- 80-390	REP	01-09-002	480- 90-183	NEW-P	01-02-084
480- 70-400	REP	01-08-012	480- 90-001	NEW-P	01-02-084	480- 90-188	NEW-P	01-02-084
480- 70-401	NEW	01-08-012	480- 90-003	NEW-P	01-02-084	480- 90-191	REP-P	01-02-084
480- 70-405	REP	01-08-012	480- 90-008	NEW-P	01-02-084	480- 90-193	NEW-P	01-02-102
480- 70-406	NEW	01-08-012	480- 90-011	REP-P	01-02-084	480- 90-193	NEW	01-09-002
480- 70-410	REP	01-08-012	480- 90-013	NEW-P	01-02-084	480- 90-203	NEW-P	01-02-084
480- 70-411	NEW	01-08-012	480- 90-016	REP-P	01-02-084	480- 90-208	NEW-P	01-02-084
480- 70-416	NEW	01-08-012	480- 90-018	NEW-P	01-02-084	480- 90-211	REP-P	01-02-084
480- 70-420	REP	01-08-012	480- 90-021	REP-P	01-02-084	480- 90-213	NEW-P	01-02-084
480- 70-421	NEW	01-08-012	480- 90-023	NEW-P	01-02-084	480- 90-218	NEW-P	01-02-084
480- 70-426	NEW	01-08-012	480- 90-026	REP-P	01-02-084	480- 90-223	NEW-P	01-02-084
480- 70-430	REP	01-08-012	480- 90-028	NEW-P	01-02-084	480- 90-228	NEW-P	01-02-084
480- 70-431	NEW	01-08-012	480- 90-031	REP-P	01-02-084	480- 90-233	NEW-P	01-02-084
480- 70-436	NEW	01-08-012	480- 90-032	REP-P	01-02-084	480- 90-238	NEW-P	01-02-084
480- 70-440	REP	01-08-012	480- 90-033	NEW-P	01-02-084	480- 90-303	NEW-P	01-02-084
480- 70-441	NEW	01-08-012	480- 90-036	REP-P	01-02-084	480- 90-308	NEW-P	01-02-084
480- 70-446	NEW	01-08-012	480- 90-041	REP-P	01-02-084	480- 90-313	NEW-P	01-02-084
480- 70-451	NEW	01-08-012	480- 90-043	REP-P	01-02-084	480- 90-323	NEW-P	01-02-084
480- 70-456	NEW	01-08-012	480- 90-046	REP-P	01-02-084	480- 90-328	NEW-P	01-02-084
480- 70-461	NEW	01-08-012	480- 90-051	REP-P	01-02-084	480- 90-333	NEW-P	01-02-084
480- 70-466	NEW	01-08-012	480- 90-056	REP-P	01-02-084	480- 90-338	NEW-P	01-02-084
480- 70-471	NEW	01-08-012	480- 90-061	REP-P	01-02-102	480- 90-343	NEW-P	01-02-084
480- 70-476	NEW	01-08-012	480- 90-061	REP	01-09-002	480- 90-348	NEW-P	01-02-084
480- 70-481	NEW	01-08-012	480- 90-066	REP-P	01-02-084	480- 90-353	NEW-P	01-02-084
480- 70-486	NEW	01-08-012	480- 90-071	REP-P	01-02-084	480- 90-999	NEW-P	01-02-084
480- 70-500	REP	01-08-012	480- 90-072	REP-P	01-02-084	480-100-001	NEW-P	01-02-083
480- 70-510	REP	01-08-012	480- 90-076	REP-P	01-02-084	480-100-003	NEW-P	01-02-083
480- 70-530	REP	01-08-012	480- 90-081	REP-P	01-02-084	480-100-008	NEW-P	01-02-083
480- 70-540	REP	01-08-012	480- 90-086	REP-P	01-02-084	480-100-011	REP-P	01-02-083
480- 70-550	REP	01-08-012	480- 90-091	REP-P	01-02-084	480-100-013	NEW-P	01-02-083
480- 70-560	REP	01-08-012	480- 90-096	REP-P	01-02-084	480-100-016	REP-P	01-02-083
480- 70-570	REP	01-08-012	480- 90-101	REP-P	01-02-084	480-100-018	NEW-P	01-02-083
480- 70-700	REP	01-08-012	480- 90-103	NEW-P	01-02-084	480-100-021	REP-P	01-02-083
480- 70-710	REP	01-08-012	480- 90-106	REP-P	01-02-084	480-100-023	NEW-P	01-02-083
480- 70-720	REP	01-08-012	480- 90-108	NEW-P	01-02-084	480-100-026	REP-P	01-02-083
480- 70-730	REP	01-08-012	480- 90-113	NEW-P	01-02-084	480-100-028	NEW-P	01-02-083
480- 70-740	REP	01-08-012	480- 90-116	REP-P	01-02-084	480-100-031	REP-P	01-02-083
480- 70-750	REP	01-08-012	480- 90-118	NEW-P	01-02-084	480-100-032	REP-P	01-02-083
480- 70-760	REP	01-08-012	480- 90-121	REP-P	01-02-084	480-100-033	NEW-P	01-02-083
480- 70-770	REP	01-08-012	480- 90-123	NEW-P	01-02-084	480-100-036	REP-P	01-02-083
480- 70-780	REP	01-08-012	480- 90-126	REP-P	01-02-084	480-100-041	REP-P	01-02-083
480- 70-790	REP	01-08-012	480- 90-128	NEW-P	01-02-084	480-100-043	REP-P	01-02-083
480- 70-999	NEW	01-08-012	480- 90-128	NEW-P	01-02-084	480-100-046	REP-P	01-02-083
480- 80	AMD	01-09-002	480- 90-131	REP-P	01-02-084	480-100-051	REP-P	01-02-083
480- 80-010	AMD-P	01-02-102	480- 90-133	NEW-P	01-02-084	480-100-056	REP-P	01-02-083
480- 80-010	AMD	01-09-002	480- 90-136	REP-P	01-02-084	480-100-061	REP-P	01-02-102
480- 80-035	NEW-P	01-02-102	480- 90-138	NEW-P	01-02-084	480-100-061	REP	01-09-002
480- 80-035	NEW	01-09-002	480- 90-141	REP-P	01-02-084	480-100-066	REP-P	01-02-083
480- 80-047	REP-P	01-02-102	480- 90-143	NEW-P	01-02-084	480-100-071	REP-P	01-02-083
			480- 90-146	REP-P	01-02-084			
			480- 90-148	NEW-P	01-02-084			

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-100-072	REP-P	01-02-083	480-100-353	NEW-P	01-02-083	504- 50-010	NEW-P	01-08-084
480-100-076	REP-P	01-02-083	480-100-358	NEW-P	01-02-083	504- 50-020	NEW-P	01-08-084
480-100-081	REP-P	01-02-083	480-100-363	NEW-P	01-02-083	504- 50-030	NEW-P	01-08-084
480-100-086	REP-P	01-02-083	480-100-368	NEW-P	01-02-083	504- 50-040	NEW-P	01-08-084
480-100-091	REP-P	01-02-083	480-100-373	NEW-P	01-02-083	504- 50-050	NEW-P	01-08-084
480-100-096	REP-P	01-02-083	480-100-378	NEW-P	01-02-083	504- 50-060	NEW-P	01-08-084
480-100-101	REP-P	01-02-083	480-100-383	NEW-P	01-02-083	504- 50-070	NEW-P	01-08-084
480-100-103	NEW-P	01-02-083	480-100-388	NEW-P	01-04-081	504- 50-080	NEW-P	01-08-084
480-100-108	NEW-P	01-02-083	480-100-388	NEW	01-08-009	516- 24-001	AMD-P	01-05-086
480-100-111	REP-P	01-02-083	480-100-393	NEW-P	01-04-081	516- 24-001	AMD	01-09-052
480-100-113	NEW-P	01-02-083	480-100-393	NEW	01-08-009	516- 24-050	REP-P	01-05-086
480-100-116	REP-P	01-02-083	480-100-398	NEW-P	01-04-081	516- 24-050	REP	01-09-052
480-100-118	NEW-P	01-02-083	480-100-398	NEW	01-08-009	516- 24-060	REP-P	01-05-086
480-100-121	REP-P	01-02-083	480-100-999	NEW-P	01-02-083	516- 24-060	REP	01-09-052
480-100-123	NEW-P	01-02-083	480-120-011	AMD-P	01-03-100	516- 24-110	AMD-P	01-05-086
480-100-126	REP-P	01-02-083	480-120-015	NEW-P	01-03-100	516- 24-110	AMD	01-09-052
480-100-128	NEW-P	01-02-083	480-120-016	AMD-P	01-03-100	516- 24-115	REP-P	01-05-086
480-100-131	REP-P	01-02-083	480-120-022	REP-P	01-02-102	516- 24-115	REP	01-09-052
480-100-133	NEW-P	01-02-083	480-120-022	REP	01-09-002	516- 24-130	AMD-P	01-05-086
480-100-136	REP-P	01-02-083	480-120-023	REP-P	01-02-102	516- 24-130	AMD	01-09-052
480-100-138	NEW-P	01-02-083	480-120-023	REP	01-09-002	516- 25-001	NEW-P	01-05-086
480-100-141	REP-P	01-02-083	480-120-024	REP-P	01-02-102	516- 25-001	NEW	01-09-052
480-100-143	NEW-P	01-02-083	480-120-024	REP	01-09-002	516- 60-001	REP-W	01-08-031
480-100-146	REP-P	01-02-083	480-120-025	REP-P	01-02-102	516- 60-002	REP-W	01-08-031
480-100-148	NEW-P	01-02-083	480-120-025	REP	01-09-002			
480-100-151	REP-P	01-02-083	480-120-026	AMD-P	01-03-100			
480-100-153	NEW-P	01-02-083	480-120-027	REP-P	01-02-102			
480-100-156	REP-P	01-02-083	480-120-027	REP	01-09-002			
480-100-161	REP-P	01-02-083	480-120-028	NEW-P	01-03-100			
480-100-163	NEW-P	01-02-083	480-120-029	NEW-P	01-03-100			
480-100-166	REP-P	01-02-083	480-120-032	AMD-P	01-03-100			
480-100-168	NEW-P	01-02-083	480-120-033	AMD-P	01-03-100			
480-100-171	REP-P	01-02-083	480-120-036	REP-P	01-03-100			
480-100-173	NEW-P	01-02-083	480-120-043	NEW-P	01-02-102			
480-100-176	REP-P	01-02-083	480-120-043	NEW	01-09-002			
480-100-178	NEW-P	01-02-083	480-120-049	NEW-P	01-03-100			
480-100-181	REP-P	01-02-083	480-120-066	REP-P	01-02-102			
480-100-183	NEW-P	01-02-083	480-120-066	REP	01-09-002			
480-100-186	REP-P	01-02-083	480-120-076	REP-P	01-03-100			
480-100-188	NEW-P	01-02-083	480-120-091	REP-P	01-03-100			
480-100-191	REP-P	01-02-083	480-120-096	REP-P	01-03-100			
480-100-193	NEW-P	01-02-102	480-120-136	AMD-P	01-03-100			
480-100-193	NEW	01-09-002	480-120-530	AMD-P	01-03-100			
480-100-201	REP-P	01-02-083	480-120-531	NEW-P	01-03-100			
480-100-203	NEW-P	01-02-083	480-120-541	NEW-P	01-02-102			
480-100-206	REP-P	01-02-083	480-120-541	NEW	01-09-002			
480-100-208	NEW-P	01-02-083	480-120-542	NEW-P	01-02-102			
480-100-211	REP-P	01-02-083	480-120-542	NEW	01-09-002			
480-100-213	NEW-P	01-02-083	480-120-543	NEW-P	01-02-102			
480-100-218	NEW-P	01-02-083	480-120-543	NEW	01-09-002			
480-100-223	NEW-P	01-02-083	480-120-544	NEW-P	01-02-102			
480-100-228	NEW-P	01-02-083	480-120-544	NEW	01-09-002			
480-100-233	NEW-P	01-02-083	480-120-545	NEW-P	01-03-100			
480-100-251	REP-P	01-02-083	480-121-061	NEW-P	01-02-102			
480-100-308	NEW-P	01-02-083	480-121-061	NEW	01-09-002			
480-100-311	REP-P	01-02-083	480-121-062	NEW-P	01-02-102			
480-100-313	NEW-P	01-02-083	480-121-062	NEW	01-09-002			
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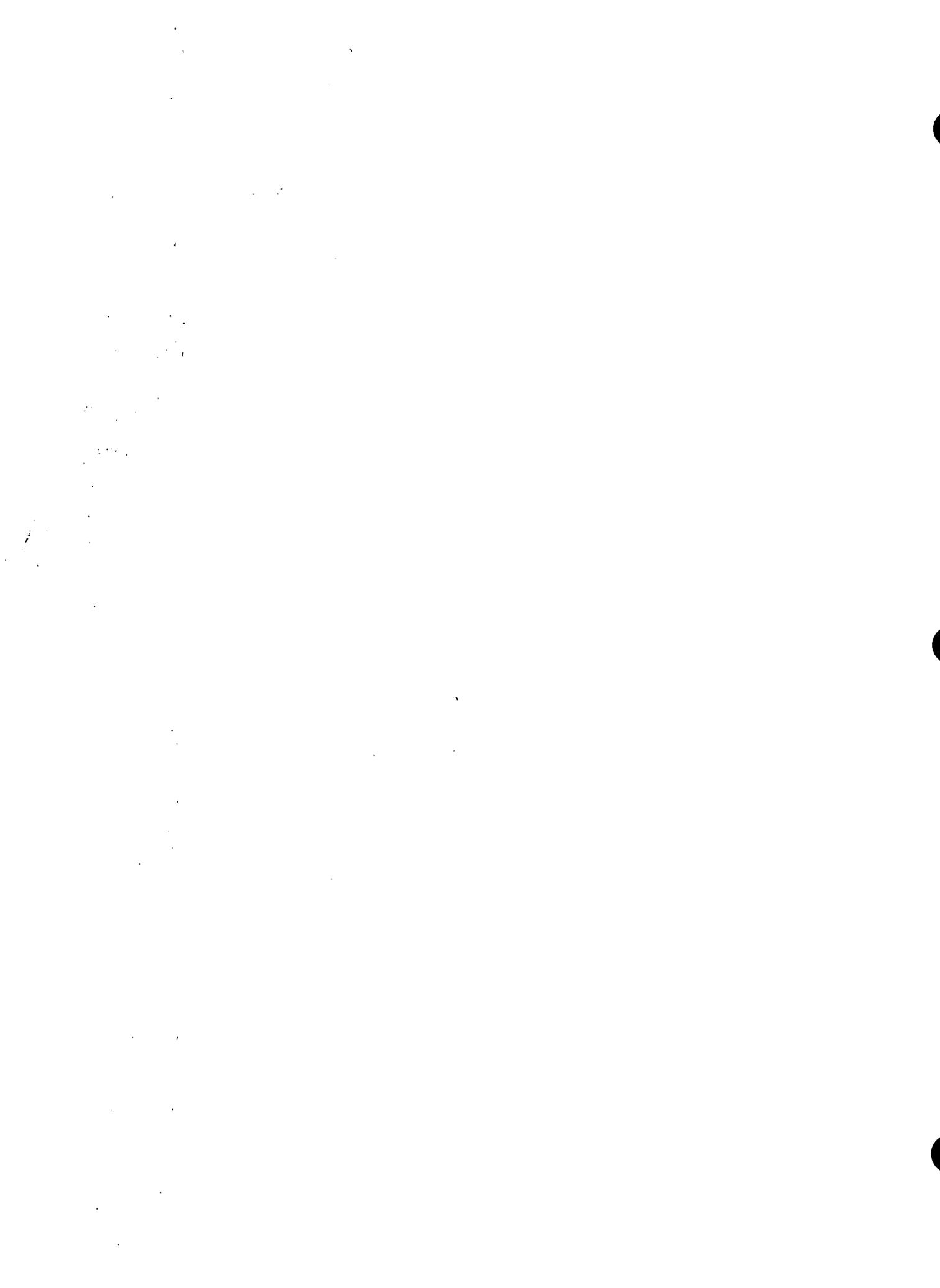
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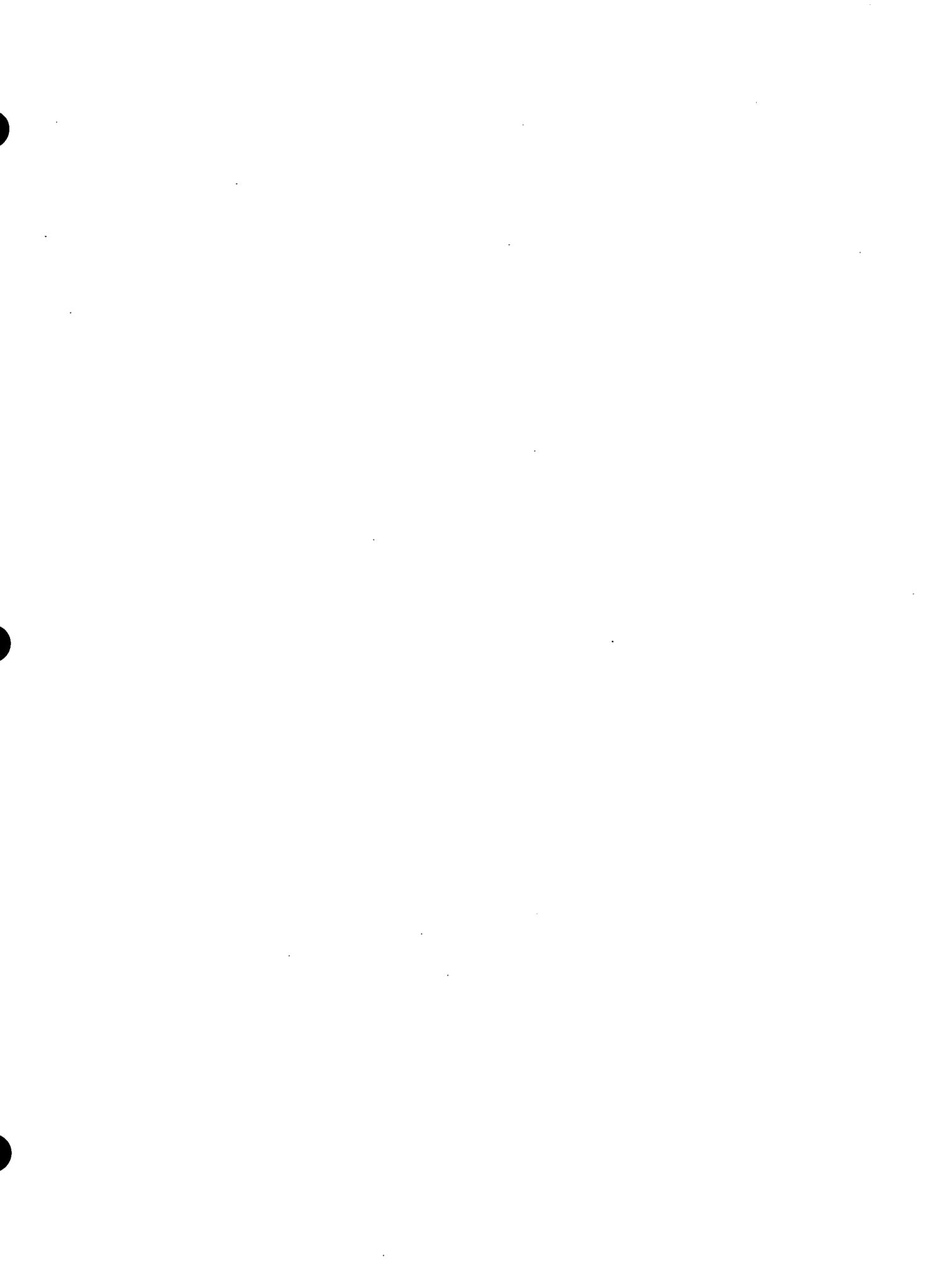
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