

December 4, 2002

OLYMPIA, WASHINGTON

ISSUE 02-23



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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

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

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

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

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

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

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# WASHINGTON STATE REGISTER

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

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

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

## 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

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

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

## 4. EFFECTIVE DATE OF RULES

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

## 5. EDITORIAL CORRECTIONS

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

2002-2003

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

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

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

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

## **REGULATORY FAIRNESS ACT**

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

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

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

### **Mitigation**

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

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

When:

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

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

When:

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

There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.



**WSR 02-23-009****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ECOLOGY**

[Order 02-15—Filed November 7, 2002, 4:28 p.m.]

**Subject of Possible Rule Making:** The water quality program proposes to amend via pilot rule making and eventually formal amendments, chapter 173-98 WAC, Uses and limitations of the water pollution control revolving fund, (SRF) to allow public bodies to use the "design/build" concept for completion of wastewater facilities. The concept allows for a "service agreement" between local public bodies and firms to be awarded for the design and construction of portions of the facility in the sequence that best suits local needs. Once a public body demonstrates its ability to meet legal requirements (e.g. delegation of design approval authority, etc.), it can proceed without the need for further reviews by ecology. Depending on the provisions of the service agreement(s), SRF recipients may contract the operation of the facilities with the service providers.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 90.50A RCW, Water pollution control facilities—Federal capitalization grants.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** There are no such provisions in the present rule. The present regulation, which was substantially updated in December 2000, addresses a more traditional approach of designing the entire facility. Under present rules, ecology approves the entire design before the public body is able to apply for construction funding. This sequential "design/bid/construct" approach then allows for the entire facility to be bid and constructed.

Several public bodies in the state have studied the use of the D/B approach used for wastewater facilities projects nationwide. The local government staff believe from this research that the D/B approach to completion of major facilities can potentially save their ratepayers considerable money, and facilitate completion well ahead of more traditional approaches of design/bid/construct. These public bodies are also interested in cost savings associated with securing very low interest SRF loans administered by ecology's water quality program. Amendments to the existing SRF rule will facilitate the access to this financial assistance for the D/B process.

Ecology may also realize benefits of an expedited design process with more responsibility being delegated to those public bodies that can effectively manage D/B service agreements. Furthermore, needed wastewater management facilities may be completed well before they would be with the design/bid/construct approach, and the water quality would be improved and protected in a more timely manner.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The state revolving fund is seeded by federal funds allocated by EPA in all fifty states. The D/B process is used with SRF funds in several other states and is strongly supported by EPA as a way for local government to save both time and money. The regional EPA coordinator for SRF is on water quality program's financial assistance council, and he fully supports the effort.

**Process for Developing New Rule:** Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. After November 15, 2002, for a draft of the rule and guidelines and comment schedule, please contact Dan Filip, Water Quality Program, P.O. Box 47600, Olympia, WA 98104 [98504]-7600, phone (360) 407-6509, fax (360) 407-6426, e-mail dfil461@ecy.wa.gov.

November 6, 2002  
Megan White, P.E.  
Program Manager  
Water Quality Program

**WSR 02-23-014****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed November 8, 2002, 4:27 p.m.]

**Subject of Possible Rule Making:** The DSHS Division of Employment and Assistance Programs will amend WAC 388-450-0050 How are your cash and food assistance benefits determined when you are participating in the community jobs (CJ) program?

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** A variation of community jobs (CJ) called "career jump" is available to WorkFirst clients. WAC 388-450-0050 will be amended to include career jump rules.

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

**Process for Developing New Rule:** DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposed rules will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carole McRae, Program Manager, Division of Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3074, fax (360) 413-3493, e-mail MCRAECA@DSHS.WA.GOV.

November 7, 2002  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 02-23-015**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed November 8, 2002, 4:29 p.m.]

Subject of Possible Rule Making: Revising chapter 388-155 WAC, Minimum licensing requirements for family child day care homes.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The minimum licensing requirements for family child day care homes chapter is being rewritten to meet Governor Locke's clear rule-writing mandate. Consideration is being given to writing one chapter relative to "small" family child day care homes and one chapter to "large" family child day care homes, both under Title 388 WAC.

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

Process for Developing New Rule: All interested parties are invited to review and provide input on proposed draft language. Obtain draft material by contacting the identified representative below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pat Dickason, Program Manager, Division of Child Care and Early Learning, P.O. Box 45480, Olympia, WA 98504-5480, phone (360) 413-3291, fax (360) 413-3482, e-mail dickapj@dshs.wa.gov. Street Address: 1009 College S.E., Lacey, WA 98503.

November 7, 2002  
 Brian H. Lindgren  
 Manager

**WSR 02-23-026**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

(Securities Division)

[Filed November 12, 2002, 8:55 a.m.]

Subject of Possible Rule Making: The Securities Division proposes to amend WAC 460-42A-081 to exempt, for purposes of secondary trading, securities traded on the Toronto Stock Exchange from the securities registration requirements of the Securities Act, chapter 21.20 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.310(8), 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This amendment would exempt, for purposes of secondary trading, securities traded on the Toronto Stock Exchange (TSE) from the securities registration requirements of the Securities Act, chapter 21.20 RCW. The amendment would allow Washington residents to

trade securities listed on the TSE, which is subject to a regulatory regime that is substantially similar to the United States scheme of regulation to which the exchanges currently recognized by the rule are subject. The TSE is the third largest stock exchange in North America and is ranked eighth in the world by market capitalization.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This proposal is intended to be consistent with the North American Securities Administrators Association (NASAA) Model Secondary Trading Exemption for Qualifying Securities.

Process for Developing New Rule: The NASAA model rule upon which this amendment will be based was subjected to extensive public comment prior to adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting William M. Beatty, Securities Division, Department of Financial Institutions, P.O. Box 9033, Olympia, WA 98507-9033, (360) 902-8760, fax (360) 704-6923, bbeatty@dfi.wa.gov, Securities Division website <http://www.dfi.wa.gov/sd>.

November 8, 2002  
 Deborah R. Bortner  
 Director of Securities

**WSR 02-23-039**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**

[Filed November 14, 2002, 2:39 p.m.]

Subject of Possible Rule Making: Adopt new rules, and/or revise existing rules that would set standards for siting new natural gas-fired combustion turbine electrical generation facilities. The subjects under consideration will include: (1) Air quality, (2) fish and wildlife, (3) greenhouse gas mitigation, (4) noise, (5) seismicity, (6) socioeconomics, (7) water quality, (8) water quantity, (9) wetlands, (10) site certification expiration, (11) need for projects, and (12) mediation, stipulations and settlements. **This CR-101 supplements the CR-101 issued on June 19, 2001.**

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.50.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is in response to:

(1) A report on Energy Facility Site Evaluation Council (EFSEC) reform requested by Governor Locke entitled "Improving Washington Energy Facility Site Evaluation Council" by Charlie Earl, President of Everett Community College that included suggested changes to EFSEC including rule making to improve the application and review process;

(2) Governor's directive to establish clear and objective criteria for new energy facilities; and

(3) Results of a collaborative process involving stakeholders to develop suggested rules that would identify stan-

## WSR 02-23-065

PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ECOLOGY

[Order 02-17—Filed November 18, 2002, 4:36 p.m.]

PREPROPOSAL

dards for siting natural gas-fired combustion turbine electrical generation facilities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Ecology and the Department of Fish and Wildlife may regulate one or more of the subjects listed above. These agencies were participants in the collaborative effort for developing proposed standards and have membership on EFSEC. These agencies as well as other state agencies such as the Departments of Natural Resources, Health, Transportation, Community, Trade and Economic Development, Military, and the Utilities and Transportation Commission will automatically be notified of the rule making. The United States Environmental Protection Agency may also regulate one or more of the subjects listed above and will be notified of this rule making.

Process for Developing New Rule: EFSEC will first develop preferred rules from among the alternatives that were developed during the collaborative stakeholder process. After the preferred alternatives are developed, EFSEC will hold two or more public meetings during a specified comment period to elicit public comments on the alternative rules. Based on public comments regarding a preferred alternative rule(s), EFSEC will develop proposed rules and issue a CR-102 with the rules it intends to adopt. One or more public hearings will be held on the proposed rules contained in the CR-102. EFSEC will consider all the public comments and issue a CR-103 adopting the final rules. Based on level of interest on a specific subject, EFSEC may choose to issue a separate CR-102 for proposed rule(s) that pertain to one or more of the specific twelve subjects listed above. If there is a low level of concern or interest in one or more of the proposed rules, EFSEC may adopt a specific rule at an earlier date than those that elicit more comment and controversy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The council has developed an interested parties list from the June 19, 2001, CR-101. Any person who commented on the June 19, 2001, CR-101 or asked to be on EFSEC's rule-making list will receive notices and information regarding this notice. Any person wanting to be put on the rule-making list should call (360) 956-2121 or e-mail EFSEC at [efsec@ep.cted.wa.gov](mailto:efsec@ep.cted.wa.gov) and request to be placed on the rule-making list. Persons on this list will be notified of the comment periods and public meetings associated with this rule-making process.

Specific questions may be directed to Allen Fiksdal, EFSEC Manager, P.O. Box 43172, Olympia, WA 98504-3172, phone (360) 956-2152, e-mail [allenf@ep.cted.gov](mailto:allenf@ep.cted.gov).

November 14, 2002

Allen J. Fiksdal  
EFSEC Manager

Subject of Possible Rule Making: The Washington State Department of Ecology's (ecology) water resources program (program) is proposing to develop an instream resource protection program (IRPP) setting instream flows for certain streams and river segments and, in some cases, stream closures within the Stillaguamish River Basin. The Stillaguamish River Basin is named water resource inventory area (WRIA) 5 pursuant to chapter 173-500 WAC, and the proposed rule will be numbered chapter 173-505 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.21A.064(9), Department of Ecology; RCW 43.27A.090(11), Water resources; chapter 90.22 RCW, Minimum water flows and levels; chapter 90.54 RCW, Water Resources Act of 1971. Chapter 90.54 RCW provides that the quality of the natural environment shall be protected and, where possible, enhanced. In addition, perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of the instream flow rule for WRIA 5 is to establish a water right for instream flows to satisfy the statutory directive to protect the instream resources of fish, wildlife, water quality, navigation, recreation, scenic, aesthetic and other environmental values. Instream flow requirements will be a condition (by permit proviso) for new water right applications, or applications to change existing water rights that affect sources of water covered by the proposed rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other agencies, either federal or state, with the authority to adopt instream flows in the state of Washington.

Process for Developing New Rule: Administrative Procedure Act rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Parties affected by the rule will be informed and involved through a variety of tools, including printed materials (such as focus sheets), direct mail and e-mail, the news media, one-on-one meetings, public workshops, and hearings.

If you would like to participate in the rule-making activities or receive information about these activities you can contact Steve Hirschey, the ecology staff person with primary responsibility for this rule, at Northwest Regional Office, 3190 160th Avenue S.E., Bellevue, WA 98008-5452, (425) 649-7066 or [shir461@ecy.wa.gov](mailto:shir461@ecy.wa.gov).

November 18, 2002

Joe Stohr  
Program Manager  
Water Resources Program

**PREPROPOSAL**

**WSR 02-23-066**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BIG BEND**  
**COMMUNITY COLLEGE**

[Filed November 19, 2002, 8:38 a.m.]

Subject of Possible Rule Making: General revision of Title 132R WAC, rules and procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is a general need to revise outdated rules and procedures to bring them in line with current administrative policies, student rights and responsibilities. Student handbook, and residence hall handbook.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State Board for Community and Technical Colleges, Office of Financial Management, Office of the State Attorney General.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written responses may be sent to William C. Bonaudi, President, Big Bend Community College, 7662 Chanutte Street, Moses Lake, WA 98837-3299, phone (509) 762-6290, fax (509) 762-2853.

November 14, 2002

Ken Turner  
 Vice-President for  
 Administrative Services  
 Rules Coordinator

**WSR 02-23-069**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed November 19, 2002, 9:47 a.m.]

Subject of Possible Rule Making: The review of the designation standards for trauma care facilities (WAC 246-976-485 through 246-976-885 and 246-976-890).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.168.060 and 70.168.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 70.168.060 states that the department shall establish minimum standards for facility, equipment and personnel for level I, II, III, IV, and V trauma care services. WAC 246-976-930 General responsibilities of the department, requires the review of the rules at least every four years. These rules were last reviewed and amended in 1998. This review is intended to resolve several issues: (1) Provide clear rule-writing/improve housekeeping problems - structure, grammar, organization, and remove duplication or unnecessary repetition of the WAC; (2) correct some inconsistencies between levels, ensuring that the standards for all levels of designation are appropriate, and to

make general and pediatric facilities the same where appropriate; and (3) revise equipment requirements.

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

Process for Developing New Rule: Statutory and other EMS and trauma care committees, as well as other constituents and the public will participate in drafting, reviewing and commenting on the proposed rules through open public meetings and workshops. In addition, constituents may also receive in the mail or through e-mail appropriate draft rules for their review and input. Invitations to public WAC sessions and other information on the rules and updates are also provided at appropriate meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Open public meetings and public review sessions will be available throughout the state and the final draft of the proposed WAC amended language will be sent out to all affected and interested parties before the formal public hearing is held.

Any questions or concern regarding the designation standards for trauma care facilities (WAC 246-976-485 through 246-976-885 and 246-976-890) should contact Kathy Schmitt, Manager, Trauma Designation, Registry, and Quality Assurance Section, Office of Emergency Medical and Trauma Prevention at P.O. Box 47853, Olympia, WA 98504-7853, e-mail Kathy.Schmitt@doh.wa.gov, phone (360) 705-6730 or fax (360) 705-6706.

November 12, 2002

M. C. Selecky  
 Secretary

**WSR 02-23-086**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF TRANSPORTATION**

[Filed November 20, 2002, 8:23 a.m.]

Subject of Possible Rule Making: Adoption of the Manual on Uniform Traffic Control Devices, Millennium Edition, June 14, 2001.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW and RCW 47.36.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Adopt the most current version of the National Manual on Uniform Traffic Control Devices in order to meet Washington state laws, regulations and practice.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Highway Administration issues the Manual on Uniform Traffic Control Devices. The FHWA has reviewed the rules.

Process for Developing New Rule: The Department of Transportation has coordinated the development of rules with city, county and other transportation stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Mike Dornfeld, Washington State Department of Transportation, P.O. Box 47344, Olympia, WA 98504-7344, phone (360) 705-7288, fax (360) 705-6826, e-mail dornfem@wsdot.wa.gov.

November 20, 2002

John F. Conrad

**WSR 02-23-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed November 20, 2002, 10:18 a.m.]

**Subject of Possible Rule Making:** Establishing standards for delivery of education services to juvenile inmates in restricted or segregated adult corrections settings.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 28A.193.080(2).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** This filing is intended to generate discussion regarding the possible standards of education to juvenile inmates incarcerated in adult correctional facilities particularly assigned to restricted or segregated settings.

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

**Process for Developing New Rule:** Negotiated rule making; agency study; and to include agency representatives and interested parties including but not limited to the Department of Corrections, local school districts, parents, and other interested parties. The superintendent welcomes public participants in the development of these rules. Anyone interested in participating should contact the staff person indicated below.

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

November 8, 2002

Dr. Terry Bergeson  
 Superintendent of  
 Public Instruction

**WSR 02-23-094**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed November 20, 2002, 11:14 a.m.]

**Subject of Possible Rule Making:** To amend chapter 16-401 WAC, Nursery inspection fees, for fiscal year 2003 and fiscal year 2004.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 15.13 RCW, Horticultural plants and facilities.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** These fees fund the nursery inspection program and allow plant services staff to provide requested services to the industry. These services include phytosanitary certification for shipping nursery stock. An increase in applicable rates and charges and in miscellaneous charges equal or less than the fiscal growth factor is necessary to offset increased operational expenses.

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

**Process for Developing New Rule:** The Nursery Advisory Committee, representing affected stakeholders, recommended this proposal to Washington State Department of Agriculture.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, or e-mail mtoohey@agr.wa.gov; or Tom Wessels, Plant Services Program Manager, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, or e-mail twessels@agr.wa.gov.

November 20, 2002

Mary A. Martin Toohey  
 Assistant Director for  
 Plant Protection

**WSR 02-23-095**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed November 20, 2002, 11:14 a.m.]

**Subject of Possible Rule Making:** To amend WAC 16-470-900 through 16-470-921 (plant pest detection, testing and inspection fees and documentation) for fiscal year 2003 and fiscal year 2004.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 17.24 RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** These fees fund inspection and plant pathology testing of agriculture products for phytosanitary certification. The plant protection division provides these services on a fee for services basis. An increase in applicable rates and charges and in miscellaneous charges equal to or less than the fiscal growth factor is necessary to offset increased operational expenses.

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

**Process for Developing New Rule:** Washington State Department of Agriculture representatives discussed proposed rule change with affected stakeholders and then publish the rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, or e-mail [mtoohey@agr.wa.gov](mailto:mtoohey@agr.wa.gov); or Tom Wessels, Plant Services Program Manager, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, or e-mail [twessels@agr.wa.gov](mailto:twessels@agr.wa.gov).

November 20, 2002  
Mary A. Martin Toohey  
Assistant Director for  
Plant Protection

**WSR 02-23-097**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed November 20, 2002, 11:57 a.m.]

Subject of Possible Rule Making: **NEW SECTIONS:** WAC 458-16A-100 Senior citizen and disabled person exemption—Definitions, 458-16A-110 Senior citizen and disabled person exemption—Gross income, 458-16A-115 Senior citizen and disabled person exemption—Adjusted gross income, 458-16A-120 Senior citizen and disabled person exemption—Determining combined disposable income, 458-16A-130 Senior citizen and disabled person exemption—Qualifications for exemption, 458-16A-135 Senior citizen and disabled person exemption—Application procedures, 458-16A-140 Senior citizen and disabled person exemption—Exemption described—Exemption granted—Freezing property values, and 458-16A-150 Senior citizen and disabled person exemption—Requirements for keeping the exemption.

**REPEAL SECTIONS:** WAC 458-16-010 Senior citizen and disabled persons exemption—Definitions, 458-16-011 Senior citizen and disabled persons exemption—Gross Income, 458-16-012 Senior citizen and disabled persons exemption—Adjusted gross income, 458-16-013 Senior citizen and disabled persons exemption—Disposable income, 458-16-020 Senior citizen and disabled persons exemption—Qualifications for exemption, 458-16-022 Senior citizen and disabled persons exemption—Qualifications for cooperative housing, 458-16-030 Senior citizen and disabled persons exemption—Claims, 458-16-040 Senior citizen and disabled persons exemption—Denial—Appeal—Penalty—Perjury, 458-16-060 Senior citizen and disabled persons exemption—Transfer of exemption, 458-16-070 Senior citizen and disabled persons exemption—Cancellation, and 458-16-079 Senior citizen and disabled persons exemption—Refunds—Late filings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.36.383, 84.36.389, and 84.36.865.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules discussing property tax exemptions available for senior citizens and disabled persons provide both interpretive and procedural aid

for applicants and the counties. The information provided in these rules needs to be updated for legislative changes. We are considering repealing the existing rules and replacing them with similar rules in a chapter devoted to property tax exemptions and deferrals for seniors. We anticipate updating the existing information to identify what documents an applicant for an exemption must present and how the county may process these documents to maintain confidentiality and audit integrity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency manages property tax exemptions. The counties that maintain the property tax system have been notified or our interest in rule making and will be provided the same opportunities to suggest needed changes, review drafts, and provide comments on the proposed rules that are provided to the public.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, e-mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary discussion draft of possible new or revised rules is available upon request. Written comments on and/or requests for copies of the draft may be directed to Ed Ratcliffe, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6126, e-mail [EdR@dor.wa.gov](mailto:EdR@dor.wa.gov), fax (360) 664-0693.

Date and Location of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on December 19, 2002, at 10 a.m.

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

November 20, 2002  
Alan R. Lynn  
Rules Coordinator  
Legislation and Policy Division

**WSR 02-21-102**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed October 22, 2002, 12:08 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 02-01-136.

**Title of Rule:** Chapter 296-19A WAC, Vocational rehabilitation.

**Purpose:** Proposed chapter 296-19A WAC will make amendments and revisions to the existing chapter 296-19A WAC to clarify language and make technical and original changes. The proposed chapter will be the basis for vocational rehabilitation for industrial insurance.

The new section WAC 296-19A-025 moves language from the existing WAC 296-19A-020 to define criteria the department considers when determining whether vocational rehabilitation services will be offered to industrially injured or ill workers.

New section WAC 296-19A-065 establishes ability to work assessment (AWA) services criteria.

New section WAC 296-19A-125 clarifies the purpose of forensic services.

New section WAC 296-19A-135 sets forth the department's reporting requirements for forensic services.

New section WAC 296-19A-137 establishes the department's requirements for a stand alone job analysis referral type.

New section WAC 296-19A-191 establishes prejob accommodations available for injured workers.

New section WAC 296-19A-192 establishes funding available for prejob accommodations.

New section WAC 296-19A-193 establishes service requirements for prejob accommodations.

New section WAC 296-19A-245 moves provider protest appeal rights from WAC 296-19A-240.

**Statutory Authority for Adoption:** RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110.

**Statute Being Implemented:** RCW 51.32.095, 51.36.100, 51.36.110.

**Summary:** The proposed revisions to existing chapter 296-19A WAC will:

- Spell out additional detail on provider qualifications, billing processes and L&I auditing.
- Explain more clearly the department's expectations of what services will be provided for each type of vocational referral, what reports to the department contain and when they will be submitted.
- Address how providers are to be held accountable for the services they deliver (corrective actions and performance measurement).

**Reasons Supporting Proposal:** In 1998-99, the Department of Labor and Industries (L&I) conducted a study of its vocational purchasing practices. Based on the recommendation of the department's project consultant, William H. Mercer, Inc., L&I concluded that its purchasing method of contracting with private sector vocational providers should be discontinued and the requirements of the contract should be

placed in WAC. In addition, the Joint Legislative Audit and Review Committee conducted a performance audit of the department's workers' compensation activities. JLARC (21A) recommended that the department to "move toward higher standards of private vocational rehabilitation providers." In addition, other program improvements recommended both by JLARC and Mercer warranted significant changes to the vocational rehabilitation chapter 296-18A WAC. The department conducted a rule making and subsequently adopted chapter 296-19A WAC. A petition to repeal/amend chapter 296-19A WAC was filed with the Joint Administrative Rules Review Committee (JARRC). JARRC reviewed the petition and determined that the department has not provided an opportunity for meaningful input by department employees. JARRC recommended that the department review the chapter of rules and reopen the rules for further comment. Based on this recommendation, the department initiated a rule making by filing a CR-101. The department sought input from the public and its employees during the CR-101 phase. The input received was reviewed and considered during the preparation of the proposed amendments to chapter 296-19A WAC.

**Name of Agency Personnel Responsible for Drafting:** Roy Plaeger-Brockway, Tumwater, Washington, (360) 902-5052; **Implementation and Enforcement:** Linda Murphy, Program Manager, Tumwater, Washington, (360) 902-6699 or Jody Moran, Program Manager, Tumwater, Washington, (360) 902-4300.

**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:** The proposed revisions to existing chapter 296-19A WAC will:

- Spell out additional detail on provider qualifications, billing processes and L&I auditing.
- Explain more clearly the department's expectations of what services will be provided for each type of vocational referral, what reports to the department must contain and when they must be submitted.
- Address how providers are to be held accountable for the services they deliver (corrective actions and performance measurement).

The anticipated effects of the proposed revisions to existing chapter 296-19A WAC will include:

- More efficient service delivery through more detailed billing requirements.
- More highly qualified vocational providers delivering better quality service to injured workers.
- More consistent application of the rules through better, more consistent definitions and easier to understand language.
- Increased level of provider accountability for services rendered.

**Proposal Changes the Following Existing Rules:** The current proposal will make revisions to chapter 296-19A WAC on vocational rehabilitation. The proposed revisions will make several changes to existing rule:

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- It organizes the rules more clearly, places the rules in clear rule-writing format and defines terms used in the rules more clearly and consistently.
- Defines more clearly specific types of vocational rehabilitation services.
- Makes technical changes and corrections to chapter 296-19A WAC.
- Clarifies where providers can find their protest and appeal rights.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

Vocational rehabilitation rule amendments to chapter 296-19A WAC<sup>1</sup> have been reviewed. Although the costs imposed are more than minor, the costs do not have a disproportionate impact on an average small business. Nonetheless, cost minimization has been provided.

**Legal Background for Rule Amendments:** Each of the amendments to the existing WAC represents an effort to make the rules work better in order to attain the objectives and directives in the law. The Industrial Insurance Act (act) is to be liberally construed for the purposes of reducing to a minimum the suffering and economic loss caused by work related injuries and illnesses. RCW 51.04.010. To this end, one of the most important goals of the act is to enable injured workers to become employable at gainful employment. RCW 51.32.095(1). The department may provide vocational rehabilitation services to industrially injured workers where, in the department's sole discretion, vocational rehabilitation services are both necessary and likely to enable the injured worker to become employable at gainful employment. RCW 51.32.095(1). The department is directed to utilize the services of individuals and organizations whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance in the provision of vocational rehabilitation services. RCW 51.32.095(1). In addition, the department is required to establish criteria to monitor the quality and effectiveness of rehabilitation services provided by vocational rehabilitation providers. RCW 51.32.095(5). Likewise, the department is required by law to supervise the provision of prompt, efficient and quality vocational services rendered to injured workers by qualified vocational providers. RCW 51.04.020, 51.04.030(1), 51.36.100, and 51.36.110. A "provider" is defined as "any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker." RCW 51.08-.095.

Recognizing the strong public interest in ensuring that injured workers receive quality vocational services, the legislature enacted sweeping legislation in 1986 that gave the department broad authority to regulate and inspect vocational services under the act.

The legislature finds and declares it to be in the public interest of the residents of the state of Washington that a proper regulatory and inspection program be instituted in connection with the provision of medical, chiropractic, dental, vocational and other health services to industrially injured workers pursuant to Title 51 RCW. In order to effectively

accomplish such purpose and to assure that the industrially injured worker receives such services as are paid for by the state of Washington, the acceptance by the industrially injured worker of such services, and the request by a provider of services for reimbursement for providing such services, shall authorize the Department of Labor and Industries or the director's authorized representative to inspect and audit all records in connection with the provision of such services.

RCW 51.36.100. The legislature specifically authorized the department to "conduct audits and investigations of providers of medical, chiropractic, dental, vocational, and other health services" furnished to injured workers. RCW 51.36.-110(1). These audit provisions allow for post-payment evaluation of vocational services rendered to injured workers to ensure they conform with the act and rules adopted by the department. See *Department of Labor & Indus. v. Kantor*, 94 Wn. App. 764, 778, 973 P.2d 30 (1999). In addition, the department may "approve or deny applications to participate as a provider of services" to injured workers, as well as "terminate or suspend eligibility to participate as a provider of services" to injured workers based on the findings of an audit. RCW 51.36.110 (2), (3). In fulfilling the department's statutory responsibility to injured workers, the director is permitted to enact rules governing the provision of vocational services. RCW 51.04.030(1), 51.32.095.

**Overview of rule impacts:**

**Small Business Economic Impact Analysis:** The Regulatory Fairness Act, chapter 19.85 RCW, requires that the economic impact of proposed regulations on small businesses be examined relative to their impact on large businesses. The act outlines the requirements for a small business economic impact statement (SBEIS).<sup>2</sup> The agency must prepare an SBEIS when a proposed rule, or proposed rule amendments, have the potential of placing a more than minor economic impact on business.

The proposed rule would have an impact on Job Training or Vocational Rehabilitation Services (SIC #8331). The minor impact threshold for this sector is sixty-six dollars (2002 dollars) per business.<sup>3</sup> The SIC also has other activities such as job training and counseling for people who have not been injured. Only one hundred eight-nine out of the three hundred sixty-six companies provide vocational rehabilitation to workers insured through the department or self-insured providers. The SIC covers eight thousand seventy-three employees, where this rule affects only one thousand eight Vocational Rehabilitation Counselors (VRCs) or 12.5% of the SIC's employment.<sup>4</sup> This analysis therefore only covers the one hundred eighty-nine companies actually affected by the rule.

Affected Businesses in the SIC 8331

	Number	Total Employment	Average Employment of VRCs
Small Businesses	170	379	2.2
Large Businesses	19	629	33.1

Table 1.

The rule amendments affect providers of vocational rehabilitation services directly. The amendments also create

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indirect impacts to individuals receiving services and to those businesses, which self-insure.

The largest beneficial impacts of the rule come from these amendments:

- Proposed language change to WAC 296-19A-210 (1)(b) and (2)(b). The department is proposing that the deadline by which vocational rehabilitation providers must satisfy the educational and certification requirements be extended from December 1, 2006, to December 1, 2010.

The largest cost impacts of the rule come from these amendments:

- Proposed language change in WAC 296-19A-210(3). The proposed amendment provides that vocational providers must have five years experience in order to render forensic services as opposed to the prior three year requirement.
- Proposed language addition in WAC 296-19A-210(4). This reduces confusion and places the interpretive policy requirement in WAC. The proposal clarifies that the VRC is directly responsible for the intern's work product.
- Proposed addition of WAC 296-19A-137. The department is proposing the addition of a distinct referral type for a stand-alone job analysis. This will only affect the department providers and not self-insurers.
- Proposed language addition in WAC 296-19A-400(2). This reduces confusion and places the interpretive policy requirement in WAC. The rules will require that paper copies of all records be maintained for audit purposes.
- Proposed language change of WAC 296-19A-210 (4)(e). Previously there has been no limitation on length of internships in this chapter. The proposed rule limits an intern to work as an intern for up to sixty months full-time or part-time equivalent experience.

Many proposed amendments will have small impacts which reduce costs to businesses and which are cost minimization features of the rule. The following cost reducing impacts were not calculated:

- Proposed deletion of WAC 296-19A-030 (2)(b) and (c). The proposed revision establishes that the department will no longer be required to send reports to employers that do not request them. This will save employers who do not wish to receive these reports the time it takes to look at them before discarding them.
- Proposed language addition in WAC 296-19A-060(2). The proposed amendment acknowledges that not all of the documentation requested in this section is always obtainable. The proposed change recognizes that this information is not always available and allows providers to document the absence of the information in the closing report.
- Proposed language change in WAC 296-19A-100 (2)(h)(ii). This proposed amendment reduces confusion created by the word "form." The "form" mentioned is actually a statement requiring the signature of the provider and the injured worker. This change clarifies

the intention of the process and the document available from the department.

- Proposed language addition in WAC 296-19A-170(6). This proposed amendment would increase flexibility for providers and decreases costs. "Etc." is vague and ambiguous. The proposed language specifies the information required. Some providers believe that the DOT code is becoming outdated. However, no suitable replacement has yet been developed. The proposed language will allow providers to use the DOT code but also use other sources such as those used by the Bureau of Labor Statistics, as they become available. The proposed change will allow for advances in technology.
- Proposed language change in WAC 296-19A-170(7). This proposed amendment would increase flexibility for providers. This information is only needed for occupational exposure claims. This addition allows providers to use their professional judgment.
- Proposed language addition in WAC 296-19A-200(1). This proposed amendment would add flexibility to service provision. Some providers were confused regarding the applicability of this section to providers. The proposal clarifies that the provider's responsibility is to provide assistance to the employer when applying for job modification assistance.
- Proposed language change in WAC 296-19A-240. The number of days to send in materials for a desk audit is being extended from ten days to thirty days. This gives people more time to prepare their materials.

The following proposed amendments may impose costs for the handling of a case but the cost will be billed to the department so that no cost is actually imposed. The following cost shift items were not calculated:

- Proposed addition of WAC 296-19A-100 (3)(c). This proposal generates greater flexibility on a case. The addition of the proposed language enables the department to determine whether further services are appropriate without making an additional referral. Providers will bill the department for the time.
- Proposed language change in WAC 296-19A-110(1). The proposed language increases provider accountability by clarifying providers' responsibility to assist the injured worker in starting and progressing in the plan. Most providers do this already and the work is billed to the department.

Other proposed amendments have no impact for purposes of the small business economic impact statement. These were reviewed and are listed in Appendix 1, chapter 296-19A WAC - summary of proposed WAC changes.

Finally, the department decided not to include some suggested items in the proposed rule due to the burden they would place on providers.<sup>5</sup> The department received the suggestions below during the prenotice inquiry (CR-101) phase from vocational providers and other stakeholders. The decision not to include these features reduces the potential cost that would have been imposed by the suggested amendment and makes the rule less burdensome. The department's rationale for not including the suggestion follows the idea.

(1) Require current vocational providers to obtain a master's degree in any area with five graduate courses in rehabil-

itation or CRC. Require a master's degree in rehabilitation or a CRC for new hires to be able to render services to the department's injured workers.

The department chose not to incorporate this suggestion into the proposed rules for the following reasons:

- This requirement is unnecessarily burdensome to the vocational provider. The department is confident that the current requirements are sufficient to provide the vocational provider with the expertise to render quality services to Washington industrially injured or ill workers.
- The department has identified, in CDMS, the minimum education, experience and knowledge requirements that providers must satisfy to be qualified to provide quality vocational rehabilitation services. While requiring all providers to obtain a CRC or ABVE would address the department's need to ensure quality vocational services, the CDMS credential is nationally recognized for practicing vocational counseling in a workers' compensation setting.
- CDMS was developed out of a need to recognize rehabilitation counselors practicing in workers' compensation settings and other areas of disability management. The CDMS requirements are similar to the CRC requirements. Both require similar core knowledge, mentoring by a credentialed counselor, counseling experience, passing an exam, agreeing to a code of ethics, and maintaining continued professional education.
- One of the options only addresses educational requirements, which is only one component of credentialing. The vocational rehabilitation profession through the credentialing bodies has established minimum requirements for more than education. They have also established an exam to measure core knowledge, requirements for training from a credentialed professional, continuing education expectations, and an ethical code of conduct.

(2) The current audit notice allows providers to recreate records. Change the audit notice to forty-eight hours.

The department chose not to incorporate this suggestion into the proposed rules for the following reasons:

- The department believed that forty-eight hours was insufficient time to prepare materials and files for auditing and that this was unnecessarily burdensome to vocational providers.
- The current audit notice of ten days is consistent with the notice set forth in the *Medical Aid Rules and Fee Schedule* for nonvocational providers.
- The department believes that there should not be a concern in regard to the providers recreating records.

(3) The term "timely fashion" is not defined in WAC 296-19A-030(1). Increase specificity by giving a timeframe (i.e. fifteen working days).

The department chose not to incorporate this suggestion into the proposed rules for the following reasons:

- The department believed that this would be unnecessarily burdensome to medical providers.
- Enforcing timelines for medical providers would be burdensome to the department's claim staff.

**Analysis of Costs and Benefits to Small and Large Businesses:** The rule amendments increase costs for providers. The ten year net present value of cost increases for the average business is \$25,000 for small businesses and \$485,000 for large businesses. On a per employee basis this comes to a net present value of cost per employee of \$11,500 for small business and \$14,600 for large business. The cost impact is not disproportionate.

**Data:** The analysis uses data from two surveys.

1. Credential Status of Vocational Service Providers, 2002 survey - A survey by the Gilmore Group in 2000 found that 29% of Washington state's providers had obtained a national credential. As of March 2002, the number had risen to 46%. The department sent a survey to remaining uncredentialed 54% (N=484) of providers inquiring on their current credential status. The response rate was 57%. Participants were asked the following:

- Are you currently working on a national credential, planning to obtain one some time in the future, not planning on obtaining a credential, or undecided?
- What credential do you plan to obtain and when do you anticipate obtaining it or when do you plan on starting the process?

The results illustrated that of the remaining 64% of vocational providers that were uncredentialed, 31% were currently working toward a credential, twenty-six were planning to obtain a credential, 24% had no plans to obtain a credential and nineteen were undecided. 57% of respondents indicated that they would be obtaining a credential.

2. Small business economic impact statement, 2002 survey - This survey covered 100% of the nineteen largest vocational rehabilitation providers and random sampled the small business providers. The survey sample was further stratified into three sets based on sampling of vocational rehabilitation counselors (VRCs): VRCs, VRCs who are qualified to do forensic referrals, and VRCs who provide supervision of interns. Thus, the stratification has six subsets, first the two large and small business subsets and second the three VRC subsets within the large and small subsets. The two hundred sixty-five individuals called were selected based on random sampling within the subsets.<sup>6</sup> Gilmore Research conducted the survey in late September and early October 2002. They obtained two hundred one responses for a response rate of 76%. The numbers presented from this survey are weighted averages based on the proportion of the small and large businesses that fall into each of the VRC subsets.

**Impact Breakdown for the Proposed Amendments**

	Small Business	Large Business
<b>Cost Reduction</b>		
<b>Credential</b>		
Reduced Rehire Costs	\$ 139	\$ 2,066
Reduced Income Transfer Losses	\$ 3,048	\$ 49,532
Total	\$ 3,187	\$ 51,597
<b>Present Value of 10 Years Income from New Referral Code</b>		
Present Value of New Referral	\$ 4,238	\$ 114,724
Present Value of New Referral	\$ 4,238	\$ 114,724

PROPOSED

**Cost Increases**

Loss of Interns at the End of 60 Months (Present Value)			
Supervision of Interns (annual)	\$	3,801	\$ 63,509
Forensic			
Income Loss to Companies (annual)	\$	28.48	\$ 208.04
New Referral			
Average Cost without Income Offset (first year)	\$	1,751	\$ 1,639
Average Cost with Income Offset (first year)*	\$	1,496	\$ (5,284)
Maintaining Paper Copies			
Current and Record Conversion - Year 1	\$	920	\$ 59,289
Current Records - Following Years	\$	348	\$ 18,857
<b>Net Cumulative Impact</b>			
Average Net Impact Per Business			
- Year 1	\$	(6,245)	\$ (117,723)
- Year 2	\$	(4,177)	\$ (82,575)
Average Present Value	\$	(25,612)	\$ (484,898)
Average Number of Employees	\$	2.2	\$ 33.1
<b>Net Cost Present Value per Employee</b>	<b>\$</b>	<b>(11,488)</b>	<b>\$ (14,647)</b>

\*a cost for small business but a net for large business.

**Impact Breakdown for the Proposed Amendments**

Small Business Large Business

**Cost Reduction**

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Maintaining Paper Copies			
Current and Record Conversion - Year 1	\$	920	\$ 59,289
Current Records - Following Years	\$	348	\$ 18,857
<b>Net Cumulative Impact</b>			
Average Net Impact Per Business			
- Year 1	\$	(6,224)	\$ (117,567)
- Year 2	\$	(4,157)	\$ (82,419)
Average Present Value	\$	(25,377)	\$ (483,172)
Average Number of Employees	\$	2.2	\$ 33.1
<b>Net Cost Present Value per Employee</b>	<b>\$</b>	<b>(11,383)</b>	<b>\$ (14,595)</b>

\*a cost for small business but a net for large business.

Table 2.

**Breakdown by Cost Components:**

**Keeping Paper Copies of All Records** - Record Keeping Costs: The department currently requires providers to maintain paper copies of current referrals and records of the last five years of referrals. The proposed amendment moves this current interpretive policy requirement into WAC.

Most firms already comply with the amendment. Survey data shows that only 13% of small businesses and 18% of large businesses keep part of the current referral files in electronic form. Only 5% of small businesses and 9% of large businesses keep part of their archived records in electronic form. In the first year businesses will have to convert both current and archived records. Survey data indicates that it will cost small businesses an average of \$900 to shift to paper copies of all materials. The estimated cost to large businesses is \$59,000. In subsequent years the expected cost per small business is \$300 and for large business is \$19,000.<sup>7</sup>

While the information that the department has obtained indicates the results discussed above, the department has additional information that indicates that this may not be an accurate representation of the population sampled. However, because the department was unable to confirm this information, this will be an area the department investigates for the cost-benefit analysis.

Cost of Keeping Paper Copy of Records

	Small	Large
Total Cases Allocated per year ADJUSTED - 2002 so far x 4/3	5057	15303
Number of firms	170	19
Percent of firms keeping current files electronically	13.0%	17.6%
Percent of firms keeping records electronically	4.8%	9.2%
Weighted average cost per current file	\$ 11.71	\$ 23.41
Weighted average cost per record file	\$ 3.85	\$ 10.04
Average cost of records per firm	\$ 920.36	\$ 59,288.99
Cost of Current Files	\$ 348.24	\$ 18,857.30
Cost of Records	\$ 572.12	\$ 40,431.69
Annual cost of making all further records paper	\$ 114.42	\$ 8,086.34

\*Weighed average costs have a serious small numbers problem, especially for large firms keeping current files electronically. Here only 6 VRCs are reporting very high costs, where others in the same firm are reporting full compliance. By comparison 18 VRCs from small firms are reporting in cost of converting records group and further there is less likelihood that the VRCs are reporting from the same firm as others reporting full compliance. That number has a higher likelihood of validity.

Table 3.

**New Stand Alone Job Analysis Referrals** - Initial year costs of reporting and record-keeping, equipment, professional services and longer-term revenue increase: The proposed new referral type may impose new reporting and record-keeping costs. The intention of the new referral type is to generate faster resolution of a claim if either the injured worker or the business where the injury took place finds an opening and if all parties are amenable.

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The survey data indicates an estimated cost of upgrading the reporting and record-keeping systems for small business is approximately \$1,700 and for large business is approximately \$1,600.<sup>8</sup> These costs include labor and professional services necessary to upgrade the computer systems used for billing.

**New Stand Alone Job Analysis**

	Small Business	Large Business
Average Cost of Professional Services	\$ 1,916	\$ 1,348
% Using Professional Services	\$ 0	\$ 0
Cost	\$ 759	\$ 554
Average Hours of In-House Professional Services	\$ 17	\$ 25
Average Wage	\$ 47	\$ 25
Average Cost	\$ 803	\$ 616
Average Hours of In-House Clerical Services	\$ 13	\$ 21
Average Wage	\$ 14	\$ 23
Average Cost	\$ 190	\$ 469
Average Cost per Business	\$ 1,751	\$ 1,639

**New Referrals**

<b>Estimated first year shares of new referrals</b>	<b>\$ 43,469</b>	<b>\$ 131,531</b>
<b>Average income from new referrals</b>	<b>\$ 256</b>	<b>\$ 6,923</b>
Total Cost	\$ 297,732	\$ 31,141
Net Cost Year 1	\$ 254,263	\$ (100,390)
Per business basis	\$ 1,496	\$ (5,284)
<b>Estimated shares of subsequent annual new referrals</b>	<b>\$ 86,938</b>	<b>\$ 263,062</b>
Present value of subsequent 9 years of referrals	\$ 676,912	\$ 2,048,226
Net Present Value Per Business for first 10 years	\$ 4,238	\$ 114,724

Table 4.

The number of new referrals is generally lower in the first year and increases as needed.<sup>9</sup> The department estimates that there may be at least five hundred stand alone job analysis referrals the first year and perhaps as many as 1,000 per year thereafter.<sup>10</sup> The department expects that the new rate will be a flat rate of \$250 to \$450, however, the estimated rate of \$350 is being used in this analysis. Thus, it is possible that at least \$175,000 the first year in new referrals will be made. The amount may double in the next year. There is no special eligibility requirement for the stand alone job analysis referrals. Therefore, all providers will be eligible to receive the referrals.

Based on the ratio for current assignments small businesses can expect \$43,000 to \$87,000 per year in new income and large businesses can expect \$131,000 to \$263,000 per year in new income. In the first year this would allocate \$250 or \$7,000 to small and large businesses respectively. In this first year for the individual small businesses, this means an expected net loss of \$1,500 in the first year but a net increase in income for the remaining years. However, in the first year for large businesses this means an expected net gain of \$5,000 and a net increase in income for subsequent years.<sup>11</sup> The present value for the next nine years of subsequent refer-

als is \$4,000 and \$114,000 for an average small or large business respectively.<sup>12</sup>

While the information that the department has obtained indicates the results discussed above, the department has additional information that indicates that this may not be an accurate representation of the population sampled. However, because the department was unable to confirm this information, this will be an area the department investigates for the cost-benefit analysis.

**Increasing the experience required for forensic referrals** - Foregone Revenue: Small businesses are expected to lose on average \$28 and large businesses are expected to lose on average \$208 per year. These low numbers are due to the low frequency of the referral, the relatively small number of hours per referral and the relatively small hourly rate difference.

The rule amendment will require that unless a VRC is currently eligible to receive forensic referrals, the forensic referral go to a VRC with five years of experience rather than three years experience. Approximately 4.9% of the eligible VRCs working for small businesses and 4.4% of the eligible VRCs working for large businesses have the three years experience but do not have the five years of experience. This ratio is extrapolated to the ongoing population of VRCs.

For companies employing VRCs that will be unable to receive forensic referrals, this means that they will only be able to bill the VRCs time for five other categories of referral at a lower rate. A forensic referral is billed at \$91.50 per hour, where the other referrals would be billed at \$75.70 per hour. This is a billable rate shift of \$15.80 per hour.

These referrals are rare, constituting less than 0.3% of all referrals. Thus most eligible VRCs and businesses do not receive them. Further, not all the VRCs in a business, which is eligible to receive a forensic referral, are eligible to receive one. This year small businesses will receive approximately twenty-nine such referrals and large businesses receive approximately forty-three such referrals.<sup>13</sup> This means that an eligible small business will receive on average only .4 referrals per year and a large business would receive on average 2.5 referrals per year.

The number of hours worked on these referrals is low relative to total hours worked. Small businesses spend on average twenty-three hours on forensic referral. Large businesses spend on average twenty-nine hours on such a referral. Thus the income shift for a single referral lost to a business is \$365 for small businesses and \$466 for large businesses. However, the probability that a given firm will actually experience such a loss because they have a VRC who was not placed on the referral list and that that VRC would have received a referral is only 2.1% for small business and 11% for large business.

**Forensic Vocational Rehabilitation Counselor**

	Small Business	Large Business
Number of new VRCs that may do Forensics	18.2	11.5
Number of Businesses with at least 1 eligible FRC	67	17
VRCs per Business	1.5	3.8
% of VRCs Eligible per Business	68%	11%

PROPOSED

**Forensic Vocational Rehabilitation Counselor**

	Small Business	Large Business
Annual Referral Total	29	43
Probability of a VRC receiving a referral	0.29	0.66
Probability of a business receiving a referral	0.44	2.51
% Current FRCs without 5 years experience	4.9%	4.4%
Estimated Number of FRCs without 5 years experience	18	11
Probability that a company employs an FRC without 5 years experience	27.1%	67.5%
Probability that the removed FRC would have received a forensic referral	7.8%	44.6%
Hourly rate of pay		
VRC	\$ 75.70	\$ 75.70
Forensic VRC	\$ 91.50	\$ 91.50
Hourly income shift	\$ 15.80	\$ 15.80
Average Hours Billed	\$ 23.15	\$ 29.50
Estimated Average Income Shift per Referral	\$ 365.77	\$ 466.03
Estimated Average Income Shift/Company	\$ 28.48	\$ 208.04
Number of VRCs doing Forensics	84	53
Number of Businesses with at least 1 eligible FRC	67	17
VRCs per Business	1.3	3.1
% of VRCs Eligible per Business	56%	9%
Annual Referral Total	29	43
Probability of a VRC receiving a referral	0.35	0.81
Probability of a business receiving a referral	0.44	2.51
% Current FRCs without 5 years experience	4.9%	4.4%
Estimated Number of FRCs without 5 years experience	4	2
Probability that a company employs an FRC without 5 years experience	6.1%	13.8%
Probability that the removed FRC would have received a forensic referral	2.1%	11.1%
Hourly rate of pay		
VRC	\$ 75.70	\$ 75.70
Forensic VRC	\$ 91.50	\$ 91.50
Hourly income shift	\$ 15.80	\$ 15.80
Average Hours Billed	\$ 23.15	\$ 29.50
Estimated Average Income Shift per Referral	\$ 365.77	\$ 46.03
Estimated Average Income Shift/Company	\$ 7.81	\$ 51.94

Table 5.

**Requiring Review of 100% of Intern Work** - Labor costs and nonbillable expenditures: The proposed rule will require that a VRC review 100% of the work done on their referrals. The department estimates that this will cost the average small business \$5,000 and the average large business \$30,000 per year. However, this part of the analysis is characterized by anomalies in reporting and high variance.

Currently only 20% of VRCs working for small businesses report that they review 100% of the work done by interns on their referrals. 39% of VRCs working for large

businesses report that they review 100% of their intern's work. However, the average reported share of the work reviewed is 74% for small businesses and 78% for large businesses.

VRCs at small businesses report needing an additional 3.8 hours per intern per week to review 100% of the work. VRCs at large businesses report needing an additional 4.1 hours per intern per week to review 100% of the work.<sup>14</sup> This data was subject to high variance and those VRCs in large businesses who report reviewing 100% of the work actually report lower hours than those who do not review 100% of the intern's work. Thus, these values should be regarded with some skepticism.

Some businesses, 30% of the small and 34% of the large businesses, report nonreimbursable costs associated with reviewing the intern's work. This data was subject to the same high variance and uncertainty as the hours data. Again the VRCs at large businesses who reported reviewing 100% of the intern's work gave lower associated cost estimates (\$45 average) than those who reported reviewing less than 100% of the work (\$60 average). This would imply that the rule would reduce the nonreimbursable costs. However, the department does not believe this is the case. Indeed the costs are more likely to be positive. In order to be conservative the "savings" is not subtracted from the remaining total cost.

**Setting a 60 Month Limit for Interns** - No cost expected: The department currently allows interns three years to become certified. This policy is being moved into WAC but the deadline is being extended to five years.

**Cost of Reviewing 100% of Intern Work**

	Small Business	Large Business
% of VRCs with interns	46%	76%
Average number of interns per VRC with interns	1.69	2.18
Average number of VRCs	2.23	33.11
Percent of VRCs with interns reviewing 100% of intern work	20%	39%
Average percent of work reviewed	74%	78%
Average interns per business	0.41	3.09
Average number of hours of review per intern		
Reported Added Hours per Intern	3.79	4.09
VRCs reviewing 100% report these hours for review	4.18	1.86
VRCs reviewing less than 100% report these hours for review	3.17	2.80
Change in Hours from shift to 100%	1.01	(0.94)
Change in Hours from shift to 100% - based on Regression estimate	1.57	1.03
Additional cost incurred per intern		
% incurring cost	30%	34%
VRCs reviewing 100% report these costs for review	\$ 74.47	\$ 45.49

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**Cost of Reviewing 100% of Intern Work**

	Small Business	Large Business
VRCs reviewing less than 100% report these costs for review	\$ 72.30	\$ 60.48
Estimated change in cost from shift to 100%	\$ 2.18	\$ (14.99)
Value per hour of VRC time	\$ 75.70	\$ 75.70
Annual Cost for Businesses not Reviewing 100% of Intern Work Hours	\$ 6,171.11	\$ 49,663.08
Added cost incurred	\$ 14.11	\$ (822.71)
	\$ 6,185.22	\$ 48,840.37
<b>Average Annual Cost per Average Business</b>	4,950.09	29,766.74
<b>**Large Business Revised Estimate Ignoring Cost Reduction</b>	<b>4,950.09</b>	<b>\$ 30,268.15</b>
<b>Loss of interns at the end of 60 months</b>		
Average number of interns per VRC with interns	1.7	2.2
% of VRCs with interns	46%	76%
Average number of VRCs with Interns per Business	0.46	2.68
Average number of Interns per Business	0.79	5.86
Recently active interns	70.38	58.62
Average time from Intern Application to VRC in months	273	273
Standards Deviation time from Intern Application to VRC in Months	126	126
Probability of an intern remaining after 5 years given the Mean and Standard Deviation	3.59E-36	3.59E-36
Remaining Interns at cut off	2.53E-34	2.10E-34
Net Present Value of Billable hours	\$ 0	\$ 0

It is highly likely that all interns who wish to become VRCs will do so. The average time it takes to move from the internship application to the approved VRC stage is two hundred seventy-three days. The standard deviation is one hundred twenty-six days. Given this the probability that an intern will be unable to become a VRC in the time allowed is very close to zero.<sup>15</sup> Thus the probability that a company will experience any foregone income due to the loss of an intern is also close to zero.

**Analysis of Cost Reductions - Extending the deadline for obtaining a credential from 2006 to 2010 - Reduced labor costs and retained income:** Extending the deadline to obtain a credential will give VRCs an additional four years to obtain a credential. Currently the department expects that between 13% and 23% of the VRCs will not be ready by 2006.<sup>16</sup> This means that in 2006 businesses would have to replace up to two hundred thirty-four of their VRCs.<sup>17</sup> By extending the deadline to 2010 the VRCs will have twice the remaining time to obtain the credential. It is hoped that the lower end, 13% loss would occur due to the reduced cost of obtaining the classes each year. This would drop the number of VRCs that businesses would have to replace to one hundred thirty-one and postpone the reduction four years. The small and large businesses would save \$24,000 and \$39,000 in personnel replacement costs respectively. This would result in a cost savings of \$100 for the average small business and of \$2,000 for the average large business.

Some firms that get referrals based on a performance rating (CACO score) might lose referrals if they are assigned to a VRC, who does not obtain a credential by the deadline. The estimated average value of the loss of income for companies is \$50,000 for large businesses and \$3,000 for small businesses.<sup>18</sup>

This extension offsets some of the forecast costs above. However, it creates no benefit for firms that already employ only credentialed VRCs.

Table 6.

**Credential extension 2006 to 2010**

**Reduced Hiring Costs**

	Small Business	Large Business	Total
% VRCs that would not be ready in 2006			
High			23% <sup>3</sup>
Low			13% <sup>3</sup>
N of VRCs	379	629	1008 <sup>6</sup>
Current providers that would not be ready in 2006	88	146	234
Current providers remaining that would not be ready in 2010	49	82	131 <sup>2</sup>
Company: Reduced turn over cost per employee			
	2006		\$ 533
	2010		\$ 474
Total: Reduced Turn Over Cost			
	2006	\$ 46,914	\$ 77,860
	2010	\$ 23,265	\$ 38,611
			\$ 124,774
			\$ 61,876

Net		\$ 23,649	\$ 39,249	\$ 62,899
Reduction in average cost per company		\$ 139	\$ 2,066	
Reduction in average cost per employee		\$ 62	\$ 62	
<b>Reduced Retraction of Referrals</b>				
Total Referrals - Estimated 2002		5,057	15,303	
Average Number of Cases per VRC		19	19	
Likely number of cases retracted				
	2006	1,672	2,775	4,447
	2010	933	1,549	2,482
Average Revenue per Referral		\$ 1,384	\$ 1,514	
	2006	\$ 2,055,804	\$ 3,733,790	\$ 5,789,594 <sup>1</sup>
	2010	\$ 1,019,473	\$ 1,851,586	\$ 2,871,058 <sup>1</sup>
Net Revenue due to Avoided Retracted Referrals		\$ 1,036,331	\$ 1,882,205	\$ 2,918,536
Assume that referrals are half done		50%	50%	
Average net Revenue due to Reduced Retractions		\$ 3,048	\$ 49,532	

1. Discounted value

2. Assumes undecided VRCs would be able to obtain a credential given the annual cost reduction and the increased time.

3. Credential Status of Vocational Service Providers, 2002 survey

6. Vocational Rehabilitation Data Base

Table 7.

**Analysis of Disproportionate Impact:** The proposed amendments will not have a disproportionate impact on most affected companies. The analysis is based on the net present value of the costs for a ten year period. The average cost per small business employee is \$11,500, which is less than the average cost per employee for large business of \$14,600. Cost minimization is not required. However, the lack of a disproportionate impact is due to extensive cost minimization provided by the department. These are listed in pages 3 through 6.

**Involvement of Small Businesses in the Rule-Making Process:** Since December of 2001, the department has worked to ensure business has not only been informed but also involved in the rule-making process. All businesses have been and will be treated equally in this process. However, this statement specifically addresses the department's involvement of small businesses. In addition, over 90% of vocational firms meet the statutory definition of a small business, therefore, any mention of "business" is inclusive of small businesses. As a result, the following paragraphs are focused around the department's involvement with small businesses in the rule-making process.

Throughout the rule-making process the department has maintained a website notifying the public of progress and future developments in the rule making. Additionally, when the website has been updated the department has sent mass mailings to vocational providers and other interested parties notifying them of developments. The department has also updated the Vocational Technical Stakeholder Group (VTSG) at the group's bimonthly meetings. At the conclu-

sion of these meetings, the department offers an opportunity for public comment through a public forum. At this time, interested parties, including small businesses, are able to comment and ask questions about issues related to vocational practices. To date, the VTSG has met in January, March, May, July and September and is planning to meet in November. The minutes from these meetings are published on the department's website.

Further, the department conducted focus groups with the Washington State International Association of Rehabilitation Professionals (IARP) Management Group and VTSG in January and March of 2002 respectively. These focus groups were used to provide business an opportunity to provide commentary on the current chapter 296-19A WAC. In addition, all of Washington state vocational providers registered with the department were sent a survey in March of 2002 requesting commentary on the current chapter 296-19A WAC. Another survey was sent to vocational providers requesting information regarding the status of the credentialing process in March of 2002. In September of 2002, the department contracted with the Gilmore Research Group to conduct a phone survey to gather information for the SBEIS.

The proposed amendments to chapter 296-19A WAC will be implemented via the publication of a provider bulletin at the end of 2003. Additionally, the department will mail copies of the final rules to the providers and all interested persons. The provider bulletin will be mailed to providers and all interested parties no later than December 2003. The final adopted rules will be mailed to affected providers and interested parties no later than April 2003. The department will

publish final rules and supporting information on the department's Internet and Intranet homepage. In addition, the department will communicate final rules and supporting information to members of the Vocational Technical Stakeholder Group (VTSG). Further, the department will provide

training to its staff and will develop several training seminars to be offered to the vocational community. Finally, the department will have available a provider toll free hotline to the provider community for assistance with questions regarding the final rules.

Appendix 1

Chapter 296-19A WAC  
Summary of Proposed WAC Changes for SBEIS Analysis:

Proposal:	SBEIS	Significant Analysis	Rationale:
<b>Definitions</b>			
Language change in WAC 296-19A-010 (1)(c).	Not applicable	Not applicable	Some providers believed that the current word "limitations" was confusing. The proposed change from "limitations" to "restrictions" clarifies the intention that a worker may be found employable even if he/she has some limitations. Injured workers may get vocational services even though they have no permanent partial disability but they do have limitations. An example of a limitation would be if a worker needs to have an ergonomically correct workstation to prevent flare-ups of an old injury. The worker is employable at this job with limitations. Some commenters were concerned that using the word "limitation" would not allow the department to find an injured worker employable who otherwise had the physical and mental capacities to perform the job.
Rewording in WAC 296-19A-010(4) in the last bullet of the table.	Not applicable	Possible benefit to worker flexibility	Some providers were misinterpreting this language. The proposed change clarifies that when an injured worker moves to a different labor market as a result of a medical condition arising from the occupational injury or disease, the department will use the workers new labor market. The proposed change would improve the structure of the sentence.
Language additions to WAC 296-19A-010 (7) and (8).	Not applicable	Not applicable	These proposed additions clarify the intention of this paragraph and are less subjective than the current language.
Language additions to WAC 296-19A-010 (9) and (10).	Not applicable	Not applicable	These proposed additions define the purpose of their corresponding paragraphs to resolve provider confusion between the two distinct types of services. This change is based on the statute.
<b>General Information</b>			
Addition of WAC 296-19A-025.	Not applicable	Not applicable	This proposed change moves some of the language that was originally in WAC 296-19A-020 to a new section. The proposed change more clearly delineates factors the department may consider when exercising discretion to offer vocational rehabilitation services.
Deletion of WAC 296-19A-030 (2)(b) and (c).	Cost reduction	Cost reduction	The proposed change will reduce costs for vocational providers and businesses. Under the proposed change, vocational providers will only be required to send copies of reports to employers if the employers specifically request them. Likewise, employers will not be required to process information that they have not specifically requested. The department is obligated to notify injured workers if they are being noncooperative. Requiring vocational providers to additionally notify injured workers of noncooperation is a duplicative effort and unnecessary. Requiring the department to send closing reports to the employer in every situation and not upon request is administratively burdensome. The proposed

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Proposal:	SBEIS	Significant Analysis	Rationale:
			change is consistent with the statutory requirement that employers receive information when requested. This rule could eventually conflict with L&I's plans to expand employer electronic access to their injured workers' files.
Language addition in WAC 296-19A-040.	Not applicable	Not applicable	This proposed change would provide clarification that a stand alone job analysis requires authorization from the department. This is consistent with the statutory requirements and with the department's process for all other vocational rehabilitation services.
<b>Vocational Rehabilitation Referrals</b>			
Language addition in WAC 296-19A-060(2).	Cost reduction	Cost reduction	Some providers believed that not all of the documentation requested in this section is always obtainable. The proposed change recognizes that this information is not always available and allows providers to document the absence of the information in the closing report. Vocational providers will not be at risk of corrective action by the department if they are unable to obtain the required information. Rather, vocational providers can document efforts made to obtain the required information and the reasons the information was not available.
Language addition in WAC 296-19A-060 (2)(c).	Not applicable	Cost shift to department gain to injured worker	A concern arose that providers are making recommendations without a doctor's review and approval or disapproval of a job analysis. The proposed addition clarifies that providers are required to have the job analysis medically reviewed when submitting the closing report. The department reimburses the vocational provider for any services associated with obtaining the medical review. In addition, the department reimburses the medical provider for reviewing the job analysis and, therefore, there is no cost to the providers. The department will bear the cost and also will gain reduced long run liability for placement in inappropriate occupations.
Organizational changes and language addition in WAC 296-19A-060 (2)(e)-(h).	Not applicable	Not applicable	The proposed organization is more logical. Subsections (2)(g) and (h) of the proposal are mutually exclusive and the addition of "if applicable" in subsections (2)(g) and (h) clarifies this.
Language addition of WAC 296-19A-065.	Not applicable	Not applicable	The department received commentary requesting that this referral type be presented in a manner more consistent with the other referral types. To be consistent with sections defining other referral types in the chapter and in an effort to avoid confusion, WAC 296-19A-065 was added to define AWA services.
Language change in WAC 296-19A-070(1).	Not applicable	Not applicable	The proposed change makes WAC 296-19A-070(1) consistent with other referral types. The language stricken in WAC 296-19A-070(1) has been incorporated into the proposed WAC 296-19A-065. The word "report" was added in the proposed WAC 296-19A-070(1) for clarification.
Language addition in WAC 296-19A-070 (2)(a)(i).	Not applicable	Not applicable	The proposed amendment clarifies that providers may report one or more job possibilities for which the injured worker may be qualified.

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Proposal:	SBEIS	Significant Analysis	Rationale:
Language addition in WAC 296-19A-070 (2)(a)(ii).	Not applicable	Not applicable	A concern arose that providers are making recommendations without a doctor's review and approval or disapproval of a job analysis. The proposed addition in the first sentence requires providers to have the job analysis medically reviewed by a physician. The department reimburses the vocational provider for any services associated with obtaining the medical review. In addition, the department reimburses the medical provider for reviewing the job analysis and, therefore, there is no cost to the providers. The department will bear the cost and also will gain reduced long run liability for placement in inappropriate occupations. In addition, providers reported confusion regarding the last sentence of the original section. As a result, this sentence was revised to provide clarification.
Language change in WAC 296-19A-070 (2)(a)(iii).	Not applicable	Cost savings to the department	Some providers were confused by the sentence's structure and intention. This paragraph was revised to clarify that labor market surveys are not required in those instances when the injured worker returns to the job of injury at the previous work pattern. The proposed change will save providers time and effort in not preparing a labor market survey in the identified circumstances.
Language change in WAC 296-19A-070 (2)(b)(i).	Not applicable	Not applicable	This proposal clarifies the department's intention that vocational providers identify the reasons that injured workers will benefit from vocational rehabilitation services.
Language addition in WAC 296-19A-070 (2)(b)(ii).	Not applicable	Not applicable	This proposed addition clarifies that the provider should submit labor market information when it is necessary to support the vocational provider's determination.
Language change in WAC 296-19A-070 (2)(c)(ii).	Not applicable	Not applicable	The proposed changes clarify the department's intention that vocational providers identify barriers that make it unlikely that an injured worker will benefit from vocational services and become employable at gainful employment as a result of vocational services.
Language change in WAC 296-19A-070 (2)(c)(iii).	Not applicable	Not applicable	The proposed change clarifies the department's expectation that vocational providers submit all information necessary to support their determinations.
Addition of WAC 296-19A-070 (2)(d).	Not applicable	Not applicable	This addition provides consistency with other referral types and clarifies that return to work is a recommendation that can be made in AWA. Language was added in this paragraph from the original WAC 296-19A-070(4) to improve the organization.
Language change in WAC 296-19A-070 (3) and (4).	Not applicable	Not applicable	The remaining language in subsection (4) was combined with the original subsection (3). The proposed subsection (3) clarifies when the provider must inform the department that the injured worker is medically released to work and when a closing report is required.
Language addition in WAC 296-19A-090(3).	Not applicable	Not applicable	The section deals with the plan; however, some providers believed that this section did not clearly state that a plan should be developed. This addition increases the provider's accountability for developing a plan and thus assures it is a billable item.
Language change in WAC 296-19A-100 (2)(h)(ii).	Cost minimization	Minor cost reduction	The "form" mentioned is actually a statement requiring the signature of the provider and the injured worker. This change clarifies the intention of the process and the document available from the department.

Proposal:	SBEIS	Significant Analysis	Rationale:
Language change in WAC 296-19A-100(3).	Not applicable	Cost to the department	The original language is too specific as it assumes that no plan goal had been identified and/or developed prior to the interruption of plan development services. The proposed language is broader to require a closing report in a wider variety of situations. The proposed language clarifies that the vocational provider should submit closing reports even in circumstances when a proposed goal had not been identified. The proposed change will allow the department to determine at a later date whether the injured worker may be eligible for vocational services or likely to benefit without requiring the department to duplicate services. The department will reimburse providers for the professional time associated with preparing these reports.
Addition of WAC 296-19A-100 (3)(c).	Not applicable - costs to provider are billed to the department	Cost to department	The addition of the proposed language enables the department to determine whether further services are appropriate without making an additional referral. The department will reimburse providers for the professional time associated with preparing this report.
Language change in WAC 296-19A-110(1).	Not applicable - costs to provider are billed	Cost to department - benefit injured worker	The proposed language increases provider accountability by clarifying providers' responsibility to assist the injured worker in starting and progressing in the plan.
Language addition to WAC 296-19A-110(6).	Not applicable	Not applicable	The proposed change acknowledges that providers cannot resolve all possible barriers. The proposed change will ensure that providers are not sanctioned for circumstances outside of their control and allows the provider to explain why a barrier cannot be resolved and thereby avoid corrective action. Some providers were concerned that they cannot always solve all of the problems that may arise. The proposed language allows the department to receive the information it needs while acknowledging that the provider may not be able to resolve all barriers. Allows explanations such as reinjury or noncooperation to be used to explain case closure with no vocational result.
Addition of WAC 296-19A-110(7).	Not applicable	Not applicable	This proposed addition clarifies that providers may assist with job placement services when appropriate in plan implementation.
Addition of WAC 296-19A-110(10).	Not applicable	Not applicable	This addition allows providers to assist injured workers in obtaining preferred worker status if it is appropriate.
Addition of WAC 296-19A-125.	Not applicable	Not applicable	Some providers were unsure of the purpose of a forensic referral. Early language was vague. The proposed language was developed and was also incorporated from the original WAC 296-19A-130 to further define the purpose of this referral based on actual department use of the referral type.
Language changes in WAC 296-19A-130.	Not applicable	Not applicable	Some providers believed that the original language was confusing due to ambiguities that did not distinguish between forensic evaluations and other referral types. WAC 296-19A-130 was rewritten to more clearly describe the requirements for a forensic evaluation.

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<b>Proposal:</b>	<b>SBEIS</b>	<b>Significant Analysis</b>	<b>Rationale:</b>
Addition of WAC 296-19A-135.	Not applicable	Not applicable	The proposed new section was added to provide consistency with other referral types, and to explain the reporting requirements for a forensic referral. In addition, the proposed new section incorporates language from prior section WAC 296-19A-130 that discusses reporting requirements and is more appropriately addressed in this section. The proposed section clarifies the department's expectations regarding reporting for forensic referrals.
Addition of WAC 296-19A-137.	Cost imposed first year on small businesses - net income gain thereafter	Requires analysis	The proposed addition of this section authorizes the department to make a referral for a stand alone job analysis. This proposed change would allow the department to make a referral for a job analysis when a job analysis is the only vocational service necessary. The department will no longer be required to make a referral allowing a broader range of vocational services (e.g., early intervention or ability to work assessment) when no other services are necessary.
<b>Vocational Rehabilitation Tools</b>			
Organizational and language changes in WAC 296-19A-140.	Not applicable	Not applicable	Some providers were confused by the original language in this section because it did not directly correspond with the information requested by the department in practice. The original language in this section was clarified and reorganized to better reflect the information needed and the desired format for a labor market survey.
Language change in WAC 296-19A-170(1).	Not applicable	Not applicable	Some providers believe that the Dictionary of Occupational Titles (DOT) code is becoming outdated. However, no suitable replacement has yet been developed. The proposed language will allow providers to use the DOT code but also use other sources as they become available. The proposed change will allow for advances in technology.
Language change in WAC 296-19A-170(2).	Not applicable	Not applicable	The proposed change clarifies that vocational providers are only required to include the employer name and contact information in a job analysis when the analysis is based on site-specific information.
Language addition in WAC 296-19A-170(3).	Not applicable	Not applicable	Some providers were confused as to what was meant by the term "essential functions" in this requirement. This proposed addition defines this term and the product the department is requesting from the provider.
Language change in WAC 296-19A-170(5).	Not applicable	Not applicable	Some providers were unsure what was meant by "competencies." The proposed change is consistent with the other language in this WAC and clarifies the department's intention.
Language addition in WAC 296-19A-170(6).	Cost minimization	Cost reduction	"Etc." is vague and ambiguous. The proposed language specifies the information required. Some providers believe that the DOT code is becoming outdated. However, no suitable replacement has yet been developed. The proposed language will allow providers to use the DOT code but also use other sources as they become available. The proposed change will allow for advances in technology.
Language change in WAC 296-19A-170(7).	Cost minimization	Cost reduction	This information is only needed for occupational exposure claims. This addition allows providers to use their professional judgment.

<b>Proposal:</b>	<b>SBEIS</b>	<b>Significant Analysis</b>	<b>Rationale:</b>
Language change in title of WAC 296-19A-180.	Not applicable	Not applicable	The title was changed to provide consistency with the proposed WAC 296-19A-193. The proposed title is a clearer description of the content in WAC 296-19A-180.
Language additions in WAC 296-19A-180.	Not applicable	Not applicable	The proposed change moves requirements that were previously set forth in policy into WAC.
Language change and additions in WAC 296-19A-190.	Not applicable	Not applicable	The proposed change moves requirements that were previously set forth in policy into WAC. This change also clarifies the distinctions and the relationship between job modifications and pre-job accommodations.
Addition of WAC 296-19A-191.	Not applicable	Not applicable	This section was added to clearly state in rule that prejob accommodations services are available for injured workers. The proposed change moves requirements that were previously set forth in policy into WAC.
Addition of WAC 296-19A-192.	Not applicable	Not applicable	This section was added to clarify how much is available for a pre-job accommodation. The proposed change moves requirements that were previously set forth in policy into WAC.
Addition of WAC 296-19A-193.	Not applicable	Not applicable	This section was added to explain the requirements for a prejob accommodation. The proposed change moves requirements that were previously set forth in policy into WAC.
Language addition in WAC 296-19A-200(1).	Cost minimization	Cost reduction	Some providers were confused regarding whether they could or were required to assist employers with job modification application. The proposal clarifies the provider's responsibility is to provide assistance to the employer when applying for job modification assistance.
<b>Qualification</b>			
Language change in WAC 296-19A-210 (1)(b).	Cost reduction	Benefit to injured worker	The proposed change in this section extends the amount of time counselors have to meet the new requirements. This would mitigate costs to individuals (private counselors) and businesses (voc firms) by reducing annual costs associated with compliance (obtain certification) by approximately 1/3. Also, this would allow counselors already working full time to obtain a higher level credential (CRC) while continuing to work full time. In addition, the extension allows for and takes into consideration unexpected complications such as illness or injury, family emergencies, family responsibilities, unexpected work load increases.
Technical change and addition in WAC 296-19A-210 (2)(a).	Not applicable	Not applicable	The proposed change removes the backslashes and adds language to clarify the department's intention.
Language change in WAC 296-19A-210 (2)(b).	Not applicable	Not applicable	The proposed change in this section extends the amount of time counselors have to meet the new requirements. This would mitigate costs to individuals (private counselors) and businesses (voc firms) by reducing annual costs associated with compliance (obtain certification) by approximately 1/3. Also, this would allow counselors already working full time to obtain a higher level credential (CRC) while continuing to work full time. In addition, the extension allows for and takes into consideration unexpected complications such as illness or injury, family emergencies, family responsibilities, unexpected work load increases.
Deletion of language in WAC 296-19A-210(3).	Not applicable	Not applicable	Some providers believed this language was confusing. In the proposal, the language was stricken because it is duplicative of the proposed language in WAC 296-19A-130.

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Proposal:	SBEIS	Significant Analysis	Rationale:
Language change in WAC 296-19A-210(3).	Cost	Cost and benefit	The proposal changes the qualifications requirement to perform a forensic evaluation from three to five years. This change makes this section consistent with WAC 296-19A-210(2) and recognizes that forensic evaluations involve more difficult cases and demand more experience.
Language addition in WAC 296-19A-210 (4)(b).	Not applicable	Not applicable	The rule was unclear as to an intern's status upon completion of the internship. The proposal clarifies the department's intention that these individuals will remain in internship status until they have obtained a national certification. There was concern that the current language did not explain what the status of an intern was after they have completed their required internship. The proposal explains that interns not previously registered with the department will remain in internship status until they have obtained one of the required certifications.
Addition of WAC 296-19A-210 (4)(e).	Cost evaluated - zero cost	Not applicable	The intent of original WAC was to provide an internship opportunity for interns pursuing the goal of becoming a vocational counselor. This section was not intended to allow an individual to perpetually remain in internship status and to continue providing vocational rehabilitation services at an intern level. The proposal would prevent providers from maintaining internship status indefinitely.
Addition of WAC 296-19A-210(5).	Cost	Cost and benefit	The proposed language clarifies the department's intention that interns are not to directly receive or to be assigned referrals. In addition, there were concerns about accountability as it relates to the intern/supervisor relationship. Specifically whether there was a clear enough basis for expecting that supervisors will adequately train and monitor the work of an intern. The proposed language explains the responsibilities of the supervisor, VRC assigned to the referral and the intern.
Addition of WAC 296-19A-210(6).	Not applicable	Not applicable	There was concern that there was nothing in rule to clarify the responsibility of individual entities in regard to confidentiality issues around VocLink connect. Therefore, the department lacks a strong basis for sanctioning entities that violate this. The proposal addresses this by inserting language that explains the responsibilities of the provider as it relates to the electronic security requirements. The proposed language also allows the department to use more advanced technology as it comes available and retain the benefits of the provision.
<b>Auditing and Oversight</b>			
Language addition in WAC 296-19A-240(b).	Not applicable	Not applicable	There was concern regarding the lack of language in chapter 296-19A WAC to address the timeframe for providers when requests are made for copies during an audit. The proposed addition to WAC 296-19A-240(e) addresses this. However, there was concern that (b) would need to be clarified to ensure providers understood that during on-site audits, auditors may copy any files or records for their review. In this situation providers are not mailing any copies therefore the timeframe is not applicable.

<b>Proposal:</b>	<b>SBEIS</b>	<b>Significant Analysis</b>	<b>Rationale:</b>
Addition of WAC 296-19A-240(e).	Not applicable	Not applicable	There was concern that there was not any language in chapter 296-19A WAC that addresses the timeframe for providers when requests are made for copies during an audit. The proposal provides a timeframe to address this consistent with the medical aid rules.
Deletion of language in WAC 296-19A-240(2) and addition of WAC 296-19A-245.	Not applicable	Not applicable	Some providers commented that there was nothing in this WAC chapter that addressed appeal rights. The proposal moved the language from WAC 296-19A-240(2) to the new WAC 296-19A-245. The proposed change should make the information more evident.
Language change in WAC 296-19A-260(4).	Not applicable	Not applicable	This paragraph was revised to include the suspension or termination of a provider number. This section is consistent with WAC 296-20-015(4).
Addition of WAC 296-19A-270 (a) and (b).	Not applicable	Not applicable	The proposal includes situations that some commenters believed were not adequately covered by the current rules. The department is required by law to supervise the provision of prompt and efficient vocational services rendered to injured workers. RCW 51.04.020, 51.04.030(1), 51.36.100, and 51.36.110. The proposed additions establish additional situations in which the department may take corrective action for a provider's failure to render prompt and efficient services. The proposed additions therefore enable the department to achieve its statutory obligation.
Addition of WAC 296-19A-270(n).	Not applicable	Not applicable	There was concern that there is not specific language in chapter 296-19A WAC to address confidentiality issues associated with private health care information of injured workers. The department is adopting a "prudent practices" approach to the HIPPA regulations and this proposal adopts this level of compliance for vocational providers. The proposed change additionally allows the department to achieve its statutory obligation under RCW 51.27.070 and ensure the confidentiality of injured workers' claim information.
Deletion in WAC 296-19A-300(2).	Not applicable	Not applicable	There are two incorrect citations in this section that are stricken in the proposal.
<b>Billing and Documentation Section</b>			
Addition in WAC 296-19A-350(8).	Not applicable	Not applicable	This requirement is only necessary for providers who bill for services. For example, it is not necessary for internal staff to do this. The proposal addresses this by clarifying that only providers who bill for services must meet this requirement.
Language addition in WAC 296-19A-400(2).	Cost	Significant	The proposed change clarifies that providers must maintain paper copies of files. It has been the department's intention that providers maintain auditable files. In order for a file to be auditable, it must be in paper form. As a result, the proposed changes clarify the department's expectation that all retained files be kept in auditable, paper form. By doing this, the department can insure that files will be available for audit. The proposal also reinforces the current policy that providers must maintain files for five years.
Addition of new heading before WAC 296-19A-410.	Not applicable	Not applicable	WAC 296-19A-410 through 296-19A-470 are relating to vocational disputes. Currently these sections are under billing and documentation. This proposal will clarify any potential confusion.

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Proposal:	SBEIS	Significant Analysis	Rationale:
Addition of WAC 296-19A-440 (3) and (4).	Not applicable	Not applicable	Some confusion was expressed about whether plan modifications could be disputed. The proposal clarifies the scope of disputes and reinforces current policy.
Language change in WAC 296-19A-480.	Not applicable	Not applicable	The section was changed to identify the effective dates of the proposed amendments.

Appendix 2

SUMMARY OUTPUT

<i>Regression Statistics</i>	
Multiple R	0.739
R Square	0.546
Adjusted R Square	0.510
Standard Error	4.289
Observations	98.000

ANOVA

	df	SS	MS	F	Significance F
Regression	7.000	1987.937	283.991	15.437	0.000
Residual	90.000	1655.736	18.397		
Total	97.000	3643.673			

	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	Lower 95.0%	Upper
Intercept	-9.344	1.939	-4.820	0.000	-13.196	-5.493	-13.196	
pop	-1.427	0.943	-1.513	0.134	-3.301	0.447	-3.301	
N intern	1.578	0.272	5.806	0.000	1.038	2.118	1.038	
CAT2	-0.750	1.069	-0.701	0.485	-2.873	1.374	-2.873	
CAT3	0.165	0.346	0.476	0.635	-0.523	0.852	-0.523	
hrs/intern@100% est	0.757	0.101	7.484	0.000	0.556	0.959	0.556	
\$ for review	0.015	0.008	1.794	0.076	-0.002	0.031	-0.002	
% reviewed	10.281	1.495	6.875	0.000	7.310	13.252	7.310	

Based on Regression

6.04	4.29
8.70	6.54
1.69	2.18
3.57	1.97
5.14	3.00
1.57	1.03 Added Hours per intern needed

<sup>1</sup> Washington Administrative Code.

<sup>2</sup> For the purposes of an SBEIS the term small business is defined as a business entity that has the purpose of making a profit and has fifty or fewer employees. However, the law also requires that the department analyze the relative cost for the 10% largest businesses by comparison with small businesses. This analysis uses the largest nineteen providers and compares the impact to a sample drawn from the remaining one hundred seventy providers.

<sup>3</sup> The minimum value was set at \$50 in 1993 at the 25th percentile of .1% of profits for all businesses and has been indexed to year 2002 dollars.

<sup>4</sup> Based on 4 digit data from the Washington State Department of Employment Security, John Wines.

<sup>5</sup> There were many other suggestions. The ones listed here had high potential costs and burden. These were some of the primary reasons for not including them in the rule.

<sup>6</sup> Several VRCs were sampled more than once because some VRCs worked at more than one firm and many VRCs fit into more than one subset. This may have contributed to some refusals to participate. Further, some firms had more than one VRC who was called. Gilmore reported that the receptionist sometimes refused to put the second or third call through.

<sup>7</sup> The large business cost estimates have a small numbers problem and are very sensitive to assumptions about the range center-points taken from the survey data. Further, the VRCs reporting high costs are often in the same class of firm, and the same firm number as VRCs reporting full compliance.

<sup>8</sup> (A) 40% of small business and 41% of large businesses expect to use professional assistance to update their systems. Their costs may be higher than for other companies. The data for large businesses regarding professional service costs was edited to eliminate an outlier that was three standard deviations above the mean. Another outlier 2.6 standard deviations above the mean was eliminated, \$50,000, because the value is eight times the next highest value reported by the class of respondent and the respondent characterized the value as only fairly accurate. (B) Wage data for this analysis was difficult to use. Some people reported annual salaries as monthly (e.g. 15,000) and some reported hourly as monthly (e.g. 8). Some monthly salaries were clearly part time in that at full time the wage would have been below the minimum wage. After reallocating some data, wages over \$300 per hour were not allowed if the person indicated they were guessing and wages under minimum wage were not allowed.

<sup>9</sup> Estimation based on experience with the new forensic referrals.

<sup>10</sup> Jamie Scibelli. Early estimates are subject to change.

<sup>11</sup> Note the net does not include the cost of doing the work on the stand alone job analysis referral.

<sup>12</sup> Present value based on gross income and a 3% discount rate.

<sup>13</sup> Based on extrapolation from 2002 data.

<sup>14</sup> There are probably differences in interpretation between VRCs as to the meaning of 100% review. Among VRCs, who report reviewing 100% of the intern's work, the VRCs that work for small business report spending more hours (4.18) per intern per week on review than VRCs working for large businesses (1.86). Further the VRCs who work for large business, who do not review 100% of the work indicate that they spend more hours (2.8) in review. This unexpected result persists for reporting of costs associated with review. VRCs working for large companies who report reviewing 100% of an intern's work have lower costs per intern for review (\$45 per week) than VRCs who report reviewing less than 100% (\$61). All correlations of other intern related explanatory variables are weak. Further, the percentages and costs change depending on how missing data is handled. However, regression analysis on the reporting of actual hours, without the inclusion of the VRC's estimates of the number of hours of increase tend to support an increased level they report needing. See Appendix 2.

<sup>15</sup> NORMDIST calculates the probability at 3.6 E-36. This calculation, which is giving the result in scientific notation, is the probability that an event (not finishing) will occur, given the known mean and standard deviation. The scientific notation indicates that the value is 3.6 divided by 10 to the 36th power or approximately zero.

<sup>16</sup> The difference between these values is the number of VRCs who are undecided. In a four year period it is likely that a full time VRC would be unable to obtain the credential because of annual costs, distances, small children, caring for the elderly, or some other family or professional necessity. Doubling the remaining time frame may remove many temporary encumbrances and would mean that the VRC would have the annual costs including time and money reduced by 1/3.

<sup>17</sup> Credential Status of Vocational Service Providers, 2002 survey.

<sup>18</sup> Values are based on the assumption that the system will retract referrals from noncredentialed VRCs regardless of whether they are firm referral. This could be changed but the system as it is currently designed would automatically do this. Discount rate is 3%.

A copy of the statement may be obtained by writing to Carmen Moore, Rules Coordinator, phone (360) 902-4206, fax (360) 902-4202.

RCW 34.05.328 applies to this rule adoption. The proposed revisions to chapter 296-19A WAC constitute significant legislative rules of the Department of Labor and Industries.

Hearing Location: Yakima Double Tree, Naches Room, 1507 North First Street, Yakima, WA 98901, on January 2, 2003, at 11:30 a.m. - 1:30 p.m.; at the Vancouver Red Lion, West River Rooms 1 & 2, 100 Columbia Street, Vancouver, WA 98660, on January 3, 2003, at 11:00 a.m. - 1:00 p.m.; at the Everett Howard Johnson, Shaw/Lopez Room, 3105 Pine Street, Everett, WA 98201, on January 7, 2003, at 8:00 a.m. - 10:00 a.m.; at the Sea-Tac Double Tree, Room Cascade 11, 18740 Pacific Highway South, Seattle, WA 98188, on January 7, 2003, at 3:00 p.m. - 5:00 p.m.; at the Spokane West-Coast RidPath, Legend B Room, 515 West Sprague Avenue, Spokane, WA 99201, on January 8, 2003, at 11:00 a.m. - 1:00 p.m.; and at the Tumwater L&I Service Location, Auditorium, 7273 Linderson Way, Tumwater, WA 98501, on January 10, 2003, at 11:00 a.m. - 1:00 p.m.

Assistance for Persons with Disabilities: Contact Jamie Scibelli by December 20, 2002, TDD (360) 902-5797, or (360) 902-4791.

Submit Written Comments to: Jamie Scibelli, Research Analyst, Department of Labor and Industries, P.O. Box 44322, Tumwater, WA 98501, e-mail Scij235@lni.wa.gov, fax (360) 902-4249, by January 10, 2003, by 5:00 p.m.

Date of Intended Adoption: March 18, 2003.

October 22, 2002

Gary Moore

Director

**AMENDATORY SECTION** (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-010 Definitions. (1) What does it mean to say an injured worker is employable?**

(a) "Employable" means having the skills and training that are commonly and currently necessary in the labor market to be capable of performing and obtaining gainful employment on a reasonably continuous basis when considering the worker's:

- (i) Age, education, and experience;
- (ii) Preexisting physical and mental limitations; and
- (iii) Physical and mental limitations caused, at least in part, by the worker's industrial injury or occupational disease.

(b) Physical and/or mental conditions that arose after the industrial injury/occupational disease that were not caused or aggravated by the industrial injury/occupational disease are not considered in determining whether the worker is employable under the Industrial Insurance Act.

(c) If there are no physical or mental (~~limitations~~) restrictions caused by the worker's industrial injury/occupational disease, the worker must be found employable under the Industrial Insurance Act.

**(2) What are vocational rehabilitation services?** Vocational rehabilitation services are those provided by a vocational rehabilitation provider and include, but are not limited to, the following:

- (a) Gathering industrially injured or ill workers' work and/or education histories and physical capacities information;
- (b) Assessing industrially injured or ill workers' employability;
- (c) Developing, documenting, and writing vocational rehabilitation plans;
- (d) Monitoring injured workers' progress during training;
- (e) Writing progress reports;
- (f) Analyzing and documenting the transferable skills of the injured worker and writing transferable skills analyses;
- (g) Performing occupational research;
- (h) Conducting labor market surveys and writing labor market survey reports;
- (i) Conducting and writing job analyses;
- (j) Communicating with industrially injured or ill workers, employers, physicians and others;
- (k) Developing job modifications and work site modifications, as well as prejob accommodations, and writing reports for this work; and

(l) All work done to obtain any job with any employer for injured workers referred for vocational rehabilitation services.

**(3) What is a vocational rehabilitation provider (provider)?** A provider is any person, firm, partnership, corporation, or other legal entity that provides vocational rehabilitation services to industrially injured or ill workers, pursuant to

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RCW 51.32.095. A provider must meet the qualifications listed in WAC 296-19A-210.

(4) **What is an injured worker's labor market?** Generally, the worker's relevant labor market is the geographic area where the worker was last gainfully employed. The labor market must be within a reasonable commuting distance and be consistent with the industrially injured or ill worker's physical and mental capacities. The exceptions to this rule are listed in the table below:

When a worker:	Then the department:
<ul style="list-style-type: none"> <li>Relocates to a labor market other than at the time of injury and</li> <li>Returns to work and</li> <li>Suffers an aggravation of the work-related condition.</li> </ul>	Uses the labor market where the industrially injured or ill worker worked at the time of the aggravation. This applies whether the department closed and reopened the claim or whether the claim remained open during the period of aggravation.
<ul style="list-style-type: none"> <li>Relocates after the industrial injury/illness or aggravation and</li> <li>Now lives in a labor market with more employment opportunities than where the industrially injured or ill worker worked at the time of injury.</li> </ul>	Uses the industrially injured or ill worker's current labor market. For example, an industrially injured or ill worker was injured in Forks but after the injury, moves to Tacoma. Provider would use Tacoma as the industrially injured or ill worker's labor market.
<ul style="list-style-type: none"> <li>Relocates to a labor market other than at the time of injury or onset of illness and</li> <li>The <del>((industrial injury or occupational disease was a proximate cause of the))</del> move <u>was proximately caused by the medical condition arising from the occupational injury or disease.</u></li> </ul>	Uses the injured or ill worker's current labor market. For example, an industrially injured or ill worker moves to a drier climate due to an accepted asthma condition. Provider would use the labor market in the drier climate.

(5) **What is a labor market survey (LMS)?** It is a survey of employers in an industrially injured or ill worker's labor market to obtain specific information (such as physical demands and qualifications) related to job possibilities.

(6) **What is a job analysis (JA)?** It is the gathering, evaluating, and recording of accurate, objective data about the characteristics of a particular job.

(7) **What is a transferable skill?** Transferable skills are any combination of learned or demonstrated behavior, education, training, work traits, and work-related skills that can be readily applied by the worker. They are skills that are interchangeable among different jobs and workplaces. Nonwork-related talents or skills that are both demonstrated and applicable may also be considered.

(8) **What is a transferable skills analysis?** It is a systematic study of the transferable skill or skills a worker has demonstrated to see if that skill set makes him/her employable.

(9) **What are job modifications?** Job modifications are adjustments or alterations made to the way a job is performed to accommodate the restrictions imposed by an industrial injury or occupational disease. The purpose of job modification benefits is to encourage employers to modify jobs to retain or hire injured workers. Job modifications are used when an employer-employee relationship exists, and they may include worksite adjustment; job restructuring; and/or tools, equipment or appliances.

(10) **What are prejob accommodations?** Prejob accommodations are adjustments or alterations made to the way a job is performed to accommodate the restrictions imposed by an industrial injury or occupational disease. The purpose of prejob accommodation benefits is to make it possible for the worker to perform the essential functions of a job. Accommodations are used when an industrially injured or ill worker is engaged in a vocational rehabilitation plan or in a job search, and they may include tools, equipment or appliances.

**AMENDATORY SECTION** (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-020 When may the department offer vocational rehabilitation services?** The department may, at its sole discretion, authorize vocational rehabilitation services that are necessary and likely to make the worker employable. ~~((In exercising its discretion the department considers, but is not limited to:~~

~~(1) Whether the worker took advantage of and utilized vocational rehabilitation services offered in this or other claims;~~

~~(2) The worker's ability and willingness to participate in and benefit from vocational rehabilitation services; and~~

~~(3) The likelihood that the worker will be employable after the vocational rehabilitation services are completed.))~~

**NEW SECTION**

**WAC 296-19A-025 What information does the department consider when exercising discretion?** In exercising its discretion the department considers, but is not limited to:

(1) Whether the worker took advantage of and utilized vocational rehabilitation services offered in this or other claims;

(2) The worker's ability and willingness to participate in and benefit from vocational rehabilitation services; and

(3) The likelihood that the worker will be employable after the vocational rehabilitation services are completed.

PROPOSED

**AMENDATORY SECTION** (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-030 What are the responsibilities of the parties?** All parties will have the following responsibilities in assisting the injured worker to become employable at gainful employment:

(1) The attending physician shall maintain open communication with the industrially injured or ill worker's assigned vocational rehabilitation counselor and the referral source. The attending physician shall respond to any requests for information in a timely fashion and will do all that is possible to expedite the vocational rehabilitation process, including making an estimate of the worker's physical or mental capacities that affect the worker's employability.

(2) The claims unit within the department shall ~~((~~ notify the employer of the referral to a vocational rehabilitation provider ~~(;~~  
~~(b) Send the employer a copy of the closing report; and~~  
~~(c) Give written notice to an injured worker if a complaint of noncooperation has been made)).~~

(3) The employer shall assist the vocational rehabilitation counselor in any way necessary to collect data regarding the former gainful employment of the injured worker. Further, the employer will assist the vocational rehabilitation counselor and attending physician to determine whether or not a modified job could be made available for employment of the injured worker.

(4) The injured worker shall cooperate with all reasonable requests from all responsible individuals in determining disability, developing and implementing the rehabilitation process. Should the injured worker fail to be cooperative, the sanctions as set out in RCW 51.32.110 shall be applied.

(5) In assisting the injured worker to become employable at gainful employment, the provider is to follow the priorities as set out in RCW 51.32.095 and the requirements as set out in this chapter.

**AMENDATORY SECTION** (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-040 What vocational rehabilitation services require authorization?** All vocational rehabilitation services must be preauthorized. The department may make one or more of the following type of referrals: Early intervention; ability to work assessment ("AWA" or "assessment"); plan development; plan implementation; ~~((~~ forensic services or stand alone job analysis. Each referral is a separate authorization for vocational rehabilitation services.

**AMENDATORY SECTION** (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-060 What reports does the department require when early intervention services are provided at its request?** (1) Progress reports. The vocational rehabilitation provider must submit a written progress report to the department, and upon request, to the injured worker or the injured worker's representative, every thirty days from the date of the referral summarizing progress during the most

recent reporting period. The progress report must include the following:

(a) Summarized results of all contacts the provider had with the industrially injured or ill worker, employer of injury or current employer, and medical provider(s);

(b) Summary of all actions taken including progress on previously recommended actions;

(c) Identification and analysis of any barriers preventing completion of the referral; and

(d) Description of the specific actions the provider intends to take to overcome barriers and the expected time frame to complete those actions.

(2) Closing reports. The provider must always submit an early intervention closing report at the conclusion of services. In the report the provider must include or address:

(a) A brief description of the industrially injured or ill worker's work history ~~((;~~;

(b) Summary of the industrially injured or ill worker's education, training, licenses, and certificates;

(c) A medically reviewed job analysis for the job of injury and any other return to work options;

(d) Description of the worker's medical status and physical capacities;

~~(e) ((The date the worker returned to work and the monthly salary or wage, or document attempts to obtain this information;~~

~~(f) Indication of which return to work priority relates to the situation;~~

~~(g) Documentation that no return to work options exist with the employer of injury or current employer, if applicable;~~

~~(h) Any other supporting documentation.))~~ Indication of which return to work priority relates to the situation;

(f) Any other supporting documentation;

(g) The date the worker returned to work and the monthly salary or wage, or document attempts to obtain this information, if applicable;

(h) Documentation that no return to work options exist with the employer of injury or current employer, if applicable.

(3) The provider must notify the department orally and in writing within two working days after learning of an unsuccessful return to work by the injured worker.

(4) The provider must notify the department orally and in writing within two working days after learning of a return to work by the injured worker.

#### **NEW SECTION**

**WAC 296-19A-065 What are ability to work assessment (AWA) services?** AWA services are used by the department to determine if an industrially injured or ill worker should receive vocational rehabilitation plan development services. AWA services may include, but are not limited to, the following:

(1) Performing job analyses;

(2) Conducting labor market surveys;

(3) Assessing transferable skills;

(4) Obtaining work restrictions;

PROPOSED

(5) Evaluating the injured worker's ability to work at the job of injury or any other job;

(6) Coordinating with medical providers to obtain physical capacities and restriction information and a release to participate in vocational rehabilitation plan development services;

(7) With authorization from the department, vocational testing may be used to evaluate the industrially injured or ill worker's ability to benefit from vocational rehabilitation services.

**AMENDATORY SECTION** (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-070 What is an ability to work assessment?** (1) ~~((An AWA is a written report used by the department to determine if an industrially injured or ill worker should receive vocational rehabilitation services.))~~ The AWA report must include an evaluation of the industrially injured or ill worker's:

- (a) Age, education and experience;
- (b) Transferable skills;
- (c) Preexisting physical and mental conditions and the effect of those conditions on the worker's employability;
- (d) Physical and mental conditions proximately caused by the worker's industrial injury or occupational disease and the effect of those conditions on the worker's employability;
- (e) Wage at the time of injury;
- (f) Work pattern;
- (g) Significant barriers to employment;
- (h) Labor market; and
- (i) Complete work history, in addition to information about education level, courses or transcripts, licenses, certifications or registrations that the worker may have obtained in the past.

(2) The AWA must also include one of the following recommendations:

(a) Able to work: The injured worker is employable at gainful employment. The report must include:

(i) Whether the worker is employable with the employer of injury or current employer, or if not, ~~((the))~~ a list of job ~~((possibility(ies)))~~ possibilities for which the worker is qualified;

(ii) A medically approved job analysis. When this is not obtainable or physical capacities information ((when a JA is not possible)) regarding the worker's ability to perform the job may be used; and

(iii) Labor market information supporting the provider's recommendation. Labor market information is not necessary when ((not returning to the employer of injury or current employer)) the injured worker is medically released to work for their job of injury at their previous work pattern;

(b) Further services appropriate: Vocational rehabilitation services are necessary and likely to enable the injured worker to become employable at gainful employment. The report must include:

(i) An analysis demonstrating ~~((why the worker is unlikely to return to work without vocational rehabilitation services))~~ how vocational rehabilitation plan development

services are necessary and likely to enable the injured worker to become employable at gainful employment;

(ii) The specific return to work possibilities investigated and the reasons why they were ruled out including labor market information when necessary; or

(c) Further services not appropriate: The injured worker is not likely to benefit from vocational services. The report must include:

(i) An analysis explaining why vocational rehabilitation services are not appropriate;

(ii) ~~((Any))~~ Identifying barriers that will ((interfere with the worker's return to work or)) make it unlikely the worker will benefit from vocational rehabilitation services, consistent with the requirements in WAC 296-19A-010(1);

(iii) ~~((If appropriate))~~ Medical, labor market, and/or other information, as necessary, supporting the provider's recommendations.

(d) Return to work: The injured worker has returned to work. The report must specify and/or document attempts to obtain the following information:

(i) A description of the job the worker returned to;

(ii) The name of the employer;

(iii) The date that the worker returned to work;

(iv) The worker's monthly wages.

(3) ~~((The provider must notify the department in writing within two working days if the worker is medically released to work without restrictions.))~~ The provider must immediately inform the department orally if the worker is medically released without restrictions or has returned to work and must follow the oral notification with written notification within two working days. The provider must attach documentation showing the worker was medically released to work without restrictions. Except for completing the closing report, the provider should not perform any other work on the AWA without the prior authorization of the referral source.

~~((4))~~ The provider must notify the department orally and in writing within two working days if the worker has returned to work. This report must specify and/or document attempts to obtain the following information:

(a) A description of the job the worker returned to;

(b) The name of the employer;

(c) The date that the worker returned to work;

(d) The worker's monthly wages.))

**AMENDATORY SECTION** (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-090 What are vocational rehabilitation plan development services?** Vocational rehabilitation plan development services are authorized to obtain the vocational rehabilitation provider's assistance in producing a vocational rehabilitation plan for an industrially injured or ill worker. The provider will work with the industrially injured or ill worker in the development of the plan. Covered services include, but are not limited to, the following:

(1) Vocational counseling and occupational exploration;

(2) Identifying job goal, training needs, resources, and expenses;

(3) Vocational rehabilitation plan development services are authorized for the vocational rehabilitation provider to

produce a recommended vocational rehabilitation plan for an industrially injured or ill worker.

(4) Coordinating with medical providers to obtain physical capacities and restrictions information and a release to participate in a vocational rehabilitation plan; and

~~((4))~~ (5) Vocational testing.

**AMENDATORY SECTION** (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-100 What reports does the department require when vocational rehabilitation plan development services are provided at its request?** (1) Progress reports. The vocational rehabilitation provider must submit a written progress report to the department, and upon request, to the injured worker or the injured worker's representative, every thirty days from the date of the referral summarizing progress during the most recent reporting period. The progress report must include the following:

(a) Description of the return to work goals explored, accepted or ruled out;

(b) Review of the return to work priorities being addressed;

(c) Summary of all actions taken, including progress on previously recommended actions;

(d) Identification and analysis of any barriers preventing completion of the referral; and

(e) Description of the specific actions the provider intends to take to overcome barriers and the expected time frame to complete those actions.

(2) Vocational rehabilitation plan. The provider must address the return to work priorities listed in RCW 51.32.-095(2) in the plan and explain why each preceding priority would not help the industrially injured or ill worker return to work. The vocational plan must also include the following information:

(a) An assessment of the industrially injured or ill worker's skills and abilities considering the industrially injured or ill worker's physical capacities and mental status, aptitudes and transferable skills gained through prior work experience, education, training and avocation;

(b) The services necessary to enable the industrially injured or ill worker to become employable in the labor market;

(c) Labor market survey supportive of the industrially injured or ill worker's employability upon plan completion;

(d) Documentation of the time and costs required for completion of the plan;

(e) A direct comparison of the industrially injured or ill worker's skills, both existing and those to be acquired through the plan, with potential types of employment to demonstrate a likelihood of plan success;

(f) A medically approved job analysis for the proposed retraining job goal;

(g) Any other information that may significantly affect the plan; and

(h) An agreement signed by the provider and industrially injured or ill worker that:

(i) Acknowledges that the provider and the industrially injured or ill worker have reviewed, understand and agree to the vocational rehabilitation plan; and

(ii) Sets forth the provider's and industrially injured or ill worker's responsibilities for the successful implementation and completion of the vocational rehabilitation plan.

The provider must use a ~~((form))~~ statement approved by, or substantially similar to a ~~((form))~~ statement used by, the department in order to document this agreement.

(3) Closing report. If the provider has to stop plan development before ~~((reaching a vocational goal))~~ a rehabilitation plan is submitted and/or approved, submit a plan development closing report. The report must include:

(a) A list of the reasons the provider cannot proceed with vocational rehabilitation plan development activities; ~~((and))~~

(b) Supporting documentation, such as: Goals researched, job analyses developed, and/or labor market research conducted; and

(c) Address whether or not further vocational rehabilitation services may be necessary and likely to enable the injured worker to become employable.

**AMENDATORY SECTION** (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-110 What are vocational rehabilitation plan implementation and monitoring services?** Vocational rehabilitation plan implementation and monitoring services are those services a vocational rehabilitation provider provides to assist an industrially injured or ill worker to successfully complete a vocational rehabilitation plan. These services may include, but are not limited to, the following:

(1) Maintain sufficient contact with the industrially injured or ill worker, trainer and medical providers to make sure the worker ~~((is))~~ successfully ~~((progressing))~~ enters and progresses in the vocational rehabilitation plan;

(2) Confirm that the industrially injured or ill worker has received all necessary equipment and supplies;

(3) Contact the industrially injured or ill worker and trainer at least every thirty days to identify potential problems;

(4) Notify the department if the plan needs to be interrupted;

(5) Notify the department when the industrially injured or ill worker completes the plan;

(6) Monitor the industrially injured or ill worker's progress and resolve any problems that might arise or address by submitting supporting documentation regarding why it cannot be brought to resolution;

(7) Assisting in placement services prior to the completion of the vocational rehabilitation plan.

(8) Document the industrially injured or ill worker's acquisition of skills; and

~~((8))~~ (9) Notify the department if the plan needs to be terminated.

(10) Obtain preferred worker status for worker, if appropriate.

**NEW SECTION**

**WAC 296-19A-125 What is the purpose of forensic services?** The department may make a referral for forensic services to obtain an independent and objective evaluation of the vocational rehabilitation components of a complex claim. The department will only authorize a forensic evaluation when previous vocational referrals have not resolved an injured worker's vocational issues, except when necessary to make a determination regarding whether a deceased worker was totally and permanently disabled at the time of death. The forensic evaluation shall define what additional services, if any, are necessary and likely to enable an industrially injured or ill worker to become employable at gainful employment. A forensic evaluation shall also include collecting information relevant to making a vocational recommendation, according to the provisions in WAC 296-19A-130.

**AMENDATORY SECTION** (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-130 What are the requirements for a forensic evaluation?** (~~Vocational forensic services are authorized to obtain the vocational rehabilitation provider's assistance in reviewing the claim file and making recommendations to resolve vocational issues. Except when necessary to make a determination regarding whether a deceased worker was totally and permanently disabled at the time of death, the department will only authorize a forensic evaluation when previous vocational referrals have not resolved an injured worker's vocational issues.~~)

(1) ~~The recommendations may include, but are not limited to:~~

~~(a) Vocational rehabilitation services are not appropriate. The vocational rehabilitation provider will provide the rationale for the recommendation.~~

~~(b) Vocational rehabilitation services are appropriate. The vocational rehabilitation provider will provide specific suggestions for the type of vocational rehabilitation services recommended.~~

~~(c) Able to work.~~

~~(d) Further clarification of medical or vocational issues is needed. The vocational rehabilitation provider will identify issues impacting the vocational rehabilitation process and requiring clarification.~~

~~(2) Covered services include, but are not limited to:~~

~~(a) Reviewing medical and vocational records;~~

~~(b) Identifying barriers to employment and possibilities for resolving the barriers;~~

~~(c) Coordinating with providers to obtain physical, mental and vocational capacities and restrictions;~~

~~(d) Identifying training needs and resources.~~

~~Vocational recommendations must follow department guidelines and have supporting documentation attached.)~~ (1) A forensic evaluation constitutes an analysis of prior vocational services and the medical conditions of an injured worker, including pre and post injury, to determine whether any further vocational services are necessary and likely to enable the injured worker to become employable at gainful

employment. Services that may be conducted in order to make a recommendation to the department may include, but are not limited to:

(a) Reviewing medical and vocational records;

(b) Obtaining, clarifying, and/or evaluating an industrially injured or ill worker's:

(i) Work and/or education history;

(ii) Skills, knowledge and aptitudes;

(iii) Physical capacities information related to the injury or other medical conditions;

(c) Identifying barriers to employment and possibilities for resolving the barriers;

(d) Identifying potential training needs and resources;

(e) Performing recommended services as needed to make a recommendation. These services may include conducting and writing job analyses, conducting labor market surveys, performing transferable skills analysis and performing occupational research.

(2) Recommendations must address the return to work priorities in RCW 51.32.095(2) and be documented by providing evidence of previous services and/or services performed under this referral.

(3) Development of a vocational rehabilitation plan is specifically precluded during a forensic evaluation.

(4) Any vocational provider that has provided any vocational rehabilitation services to the industrially injured or ill worker may not receive a referral for a forensic evaluation of that industrially injured or ill worker. Any vocational provider who begins a forensic evaluation cannot receive further vocational referrals for that worker.

**NEW SECTION**

**WAC 296-19A-135 What reports does the department require when forensic services are provided?** A forensic evaluation requires thirty-day progress report(s) and a final report.

(1) Progress reports. Each progress report must include:

(a) A detailed explanation why the forensic referral was not completed as of the date of the report;

(b) A summary of all activities taken in the past thirty days, including progress on previously recommended actions;

(c) Identification and analysis of any barriers preventing completion of the referral; and

(d) A description of the specific actions the provider intends to take to overcome barriers and the expected time frame to complete those actions.

(2) Final report. The final report must include recommendations and a recommended outcome. The report must comprehensively evaluate the vocational and medical aspects of the claim so that the adjudicator can make an appropriate vocational decision. The vocational provider must designate an outcome in the closing report when the forensic evaluation is complete. The recommendations may include, but are not limited to:

(a) Able to work: The injured worker is employable at gainful employment. The report must include:

(i) Whether the worker is employable with the employer of injury or current employer, or if not, a list of job possibilities for which the worker is qualified;

(ii) A medically approved job analysis. When this is not obtainable, medically approved physical capacities information supporting the worker's ability to perform the job may be used; and

(iii) Labor market information supporting the provider's recommendation. Labor market information is not necessary when the injured worker is medically released to work for their job of injury at their previous work pattern.

(b) Further services appropriate: Vocational rehabilitation services are necessary and likely to enable the injured worker to become employable at gainful employment. The report must include:

(i) An analysis demonstrating how vocational rehabilitation plan development services are necessary and likely to enable the injured worker to become employable at gainful employment.

(ii) The specific return to work possibilities investigated and the reasons why they were ruled out, including labor market information when necessary.

(c) Further services not appropriate: The injured worker is not likely to benefit from vocational services. The report must include:

(i) An analysis explaining why vocational services are not appropriate;

(ii) Identifying barriers that will make it unlikely the worker will benefit from vocational services, consistent with the requirements in WAC 296-19A-010(1);

(iii) Medical, labor market, and/or other information, as necessary, supporting the provider's recommendations.

(d) Return to work: The injured worker has returned to work. The report must specify and/or document attempts to obtain the following information:

(i) A description of the job the worker returned to;

(ii) The name of the employer;

(iii) The date that the worker returned to work;

(iv) The worker's monthly wages.

(e) Further clarification of medical issues is needed. The vocational rehabilitation provider will identify issues impacting the vocational rehabilitation process and requiring clarification.

## NEW SECTION

**WAC 296-19A-137 When can the department request a stand alone job analysis?** The department can request a stand alone job analysis to analyze the requirements and characteristics of a job(s), an injured worker's ability to perform job functions and duties, and whether the injured worker requires further vocational rehabilitation services in order to become employable at gainful employment. Stand alone job analysis services are distinct services from any other referral type and may not be performed in conjunction with another referral for vocational rehabilitation services. A referral for a stand alone job analysis may be made at any time while the claim is open or in provisional status. The provider shall conduct an on-site job analysis whenever possible. Stand alone job analysis services must be completed and sub-

mitted to the department within fifteen calendar days of the referral assignment. The provider shall prepare a report addressing all elements set forth in WAC 296-19A-170.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-140 What information must a provider include in a labor market survey?** (1) The following information must be included in a labor market survey((:

~~(a) The specific job title surveyed;~~

~~(b) If the provider completes a LMS on a referral, include a summary;~~

~~(c) Indicate in the summary whether the industrially injured or ill worker has the physical and mental/cognitive capacities to perform the job, based on either the industrially injured or ill worker's attending physician or the preponderance of medical information; and~~

~~(d) The LMS must note the name of the surveyor and list all employer contacts, positive and negative, and the dates of contact.~~

~~(2) A positive labor market exists if one of the following circumstances is present:~~

~~(a) If the provider performs a LMS to assess the industrially injured or ill worker's employability, it is considered positive if the LMS shows enough jobs suitable for that injured worker, consistent with WAC 296-19A-010(1); or~~

~~(b) If the provider performs a LMS for a vocational rehabilitation plan, it is considered positive if the LMS shows the proposed job goal, and jobs suitable for that injured worker, consistent with WAC 296-19A-010(1), exist in sufficient numbers to reasonably conclude that the worker will be employable at successful plan completion.~~

~~(3) The labor market survey report must include, or document attempts to obtain:)) that is submitted to the department as documentation in support of a vocational recommendation. This information must be presented in the form of a summary report and accompanied by the results of the individual employer contacts:~~

(a) The specific job title surveyed and its DOT code. If the DOT code is not an accurate reflection/description of the job, then list the specific job surveyed, the occupational code and the source from which the occupational code was obtained;

(b) The name of the surveyor;

(c) A summary of all contacts and the dates of contact;

(d) A summary of whether or not the industrially injured or ill worker has the physical and mental/cognitive capacities to perform the job, based upon information from the attending physician or from a preponderance of medical information;

(e) A summary of whether the labor market matches the industrially injured or ill worker's work pattern;

(f) A summary of whether the labor market is considered positive or negative, as follows:

(i) If the labor market survey is conducted during an ability to work assessment, a labor market is considered positive if it shows that there are sufficient job opportunities in the worker's relevant labor market to enable the injured worker to become employable.

(ii) If the labor market is conducted during a plan development, a labor market is considered positive if it shows that jobs suitable for the injured worker for the proposed job goal exist in sufficient numbers to reasonably conclude that the worker will be employable at plan completion.

(g) Additional information may be presented in the summary, but only as a supplement to the labor market survey. Additional information may include, but is not limited to, published statistical data regarding occupations and projected job openings.

(2) The following information must be obtained from the individual employer contacts and submitted to the department with the summary report. If the information is not available, the VRC should document attempts made to obtain the information and why it was not available.

- (a) The specific job title surveyed;
- (b) All specific employer contacts, including their firm names, phone numbers, contact name and job title;
- (c) Physical and mental/cognitive demands of the job in relation to the industrially injured or ill worker's physical and mental/cognitive capacities;
- (d) Minimum hiring requirements and the skills and training commonly and currently necessary to be gainfully employed in the job;
- (e) Work patterns;
- (f) Number of positions per job title;
- (g) Wage;
- (h) Date of last hire;
- (i) Number of current openings; and
- (j) ((A summary of the labor market survey results and whether the survey is)) An indication of whether each contact was considered positive or negative. The provider must include specific documentation to support why a contact was positive or negative for the recommended occupation or proposed vocational goal.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-170 What information must a provider include in a job analysis?** When completing a job analysis, the vocational rehabilitation provider must:

(1) Include identifying information on each page. This information includes the worker's name and claim number, and ~~((job title and DOT number))~~ the specific job title surveyed and its DOT code. If the DOT code is not an accurate reflection/description of the job, then list the specific job surveyed, the occupational code and the source from which the occupational code was obtained;

(2) Note the name of the vocational rehabilitation provider who completed the job analysis, where the provider completed the job analysis and the date of the job analysis. If the analysis is ~~((done on-site))~~ based on site specific information, include the employer name and employer contact person(s) name(s) with phone number(s);

(3) Describe the essential functions and all other tasks required to perform the job. Essential job functions are the basic, necessary, and integral parts of a job performed by a worker;

(4) List the tools and equipment required to do the job;

(5) Evaluate and describe the ~~((competencies))~~ skills required to perform the job;

(6) Evaluate and describe the physical demands and their frequency required to perform the job ~~((This must include demands for sitting, standing, lifting, etc))~~, utilizing the physical demands listing consistent with the DOT. If the DOT does not represent an accurate reflection/description of the job, then list the specific job surveyed, the physical demands and the source from which the physical demands listing was obtained. The vocational rehabilitation provider should pay special attention to any job duties and physical demands that may be affected by the industrially injured or ill worker's condition;

(7) Describe, if pertinent, any environmental hazards encountered on the job;

(8) Describe possible modifications to the job for employer job offers or job modifications;

(9) A section for medical approval, signature, and comments; and

(10) The signature of the vocational rehabilitation provider presenting the job analysis for review and date signed.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-180 What ~~((job modification assistance benefits are available))~~ are the requirements for job modifications?** As provided for in section 13, chapter 63, Laws of 1982 (RCW 51.32.250), the supervisor or supervisor's designee in his or her discretion may pay job modification costs. The injured worker's attending physician must certify that the job modification is medically necessary due to restrictions imposed by the accepted industrial injury or condition and that the proposed job modification will meet the injured worker's needs. This payment is intended to be a cooperative participation with the employer and funds shall be taken from the appropriate account within the second injury fund. Any equipment and/or appliances purchased for a job modification remain the property of the department until the injured worker successfully completes the return to work activity. Once the return to work activity is successfully completed, the equipment will be owned and maintained by the parties designated in the ownership agreement. Unless the equipment is covered by warranty, the owner is responsible for repair or replacement if the equipment wears out or needs repair.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-190 How much is available for job modification assistance?** An amount not to exceed five thousand dollars from the department is available per worker per ~~((modification))~~ job or job site. If combined with prejob accommodations for the same return to work goal, the maximum combined benefit available for job modification and prejob accommodation is five thousand dollars. The employer may add to this amount with its own contribution.

NEW SECTION

**WAC 296-19A-191 What prejob accommodations are available?** As provided for in RCW 51.32.095(4), the supervisor or the supervisor's designee may, in his or her sole discretion, authorize prejob accommodation costs.

NEW SECTION

**WAC 296-19A-192 How much is available for prejob accommodations?** An amount not to exceed five thousand dollars from the department is available per worker per claim. If combined with job modifications for the same return to work goal, the maximum combined benefit available for job modification and prejob accommodation is five thousand dollars. Any equipment and/or appliances purchased for a prejob accommodation remains the property of the department until the injured worker has been released for work or has successfully completed the retraining plan. Once the injured worker has been released to work or has successfully completed the retraining plan, the injured worker retains the equipment and/or appliances according to the signed ownership agreement. Unless the equipment is covered by warranty, the owner is responsible for repair or replacement if the equipment wears out or needs repair.

NEW SECTION

**WAC 296-19A-193 What are the requirements for prejob accommodations?** Prejob accommodations may only be authorized in the following circumstances:

- (1) The prejob accommodation is medically necessary to enable the industrially injured or ill worker to participate in an approved retraining program; or
- (2) The prejob accommodation is necessary to enable the industrially injured or ill worker to perform the essential functions of a job or a return to work goal in which the injured worker is seeking employment consistent with:
  - (a) A completed retraining plan; or
  - (b) The recommendations of an ability to work assessment. The injured worker's attending physician must certify that the prejob accommodation is medically necessary due to restrictions imposed by the accepted industrial injury or condition and that the proposed prejob accommodation will meet the injured worker's needs.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-200 How does an employer apply for job modification assistance?** (1) An employer requesting job modification assistance must submit to the department a job modification assistance application. A vocational provider may assist the employer with the application.

- (2) The job modification assistance application shall include, but not be limited to:
  - (a) A document supporting the need for job modification;
  - (b) A description of the job modification; and

(c) An itemized account of each expense to be incurred in the job modification. Job modification assistance applications shall be submitted on a form prescribed by the department.

(3) The supervisor or supervisor's designee shall accept, reject or modify the job modification application within thirty days of receipt. Notification of the supervisor's acceptance, rejection, or modification shall be in writing.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 12/1/00)

**WAC 296-19A-210 What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers?** Provider community commentary, expert opinion and best practices suggest that there is a correlation between a higher quality level of vocational rehabilitation services and higher qualifications of vocational rehabilitation providers. To ensure the provision of the highest possible quality of vocational rehabilitation services, the department shall only issue a provider number to persons, firms, partnerships, corporations, and other legal entities that meet the following qualification requirements:

- (1) Vocational rehabilitation counselor (VRC).
  - (a) VRCs not registered with the department and applying for a provider number with the department effective on or after December 1, 2000, must meet the following minimum qualifications:

Education Masters Degree	Experience 1 year full-time industrial insurance experience	Certification and CRC or CDMS or ABVE
OR		
Bachelors Degree	2 years full-time industrial insurance experience	and CRC or CDMS

CRC = Certified Rehabilitation Counselor  
 CDMS = Certified Disability Management Specialist  
 ABVE = American Board of Vocational Experts

(b) VRCs registered with the department prior to December 1, 2000, will be required to ~~((apply for a provider number and will be given six years from December 1, 2000, to meet the above requirements))~~ meet the qualification criteria in (a) of this subsection no later than November 30, 2010.

- (2) VRC supervisor.
  - (a) In order to supervise interns providing vocational rehabilitation services to industrially injured or ill workers beginning on or after December 1, 2000, the VRC~~((A))~~ supervisor must provide proof of five years full-time experience working with Washington state injured workers. The VRC supervisor must meet all of the qualification requirements in subsection (1) of this section.
  - (b) Supervisors registered with the department prior to December 1, 2000, will be required to ~~((apply for a provider number and will be given six years from December 1, 2000, to meet all VRC/supervisor requirements))~~ meet the qualifi-

PROPOSED

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cation criteria in (a) of this subsection no later than November 30, 2010.

(c) The VRC supervisor is responsible for ensuring that all work performed by an intern for the department or self-insurer conforms with Title 51 RCW, department rules and department policies.

(3) Forensic services—In order to provide forensic services to the department (~~on claims other than those for which the VRC provided the vocational rehabilitation services~~), a VRC must provide proof of ~~((three))~~ five years full-time experience working with Washington state industrially injured or ill workers, and must possess a CRC or ABVE certification.

(4) Intern.

(a) Interns not registered with the department and applying for a provider number with the department on or after December 1, 2000, must meet the following minimum qualifications:

Degree	Internship Length
Masters Degree in field acceptable to CRC or CDMS or ABVE	Equal to required experience to obtain CRC or CDMS or ABVE certification including at least 1 year working with industrially injured or ill workers.
OR	
Bachelors Degree in field acceptable by CDMS	Equal to required experience to obtain CDMS certification including at least 2 years working with industrially injured or ill workers.

(b) Interns not registered with the department and applying for a provider number with the department on or after December 1, 2000, must obtain one of the required VRC certifications within one year of completing their required internship. Interns will remain in internship status during this time frame.

(c) Interns registered with the department prior to December 1, 2000, will be required to apply for a provider number with the department and may work as an intern until the end of their current internship. Upon completion of the internship the intern may submit an application to the department as a VRC. These providers must obtain one of the required VRC certifications by November 30, 2006.

(d) All interns are required to conform to Title 51 RCW, department rules, and department policies. All interns granted a provider number by the department must be supervised by a VRC supervisor.

~~((5))~~ (e) No person shall serve as an intern under these rules for more than sixty months of full-time experience, or its equivalent, working with industrially injured or ill workers. The intern must notify the department when there is a change in the status of an internship.

(5) Interns may not receive referrals directly from the department or self-insured employers. Interns may perform aspects of vocational rehabilitation services under the supervision of a VRC supervisor. The VRC assigned to the referral must review and attest to all work performed by an intern on that referral.

(6) Providers who receive or are assigned referrals must comply with all electronic security requirements in place for accessing department files.

(7) Providers registered with the department prior to December 1, 2000, who do not meet the above qualification requirements within the six-year period will no longer be eligible to provide vocational rehabilitation services to industrially injured or ill workers and the department will terminate their provider number(s).

~~((6))~~ (8) Business requirements.

(a) Providers must comply with all federal and state laws, regulations and other requirements with regard to business operations. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(b) Providers must be covered by general liability insurance, automobile liability insurance, errors and omission insurance, malpractice insurance, and industrial insurance if required by Title 51 RCW.

(c) Providers must have services and facilities that provide injured workers a private and professionally suitable location in which to discuss vocational rehabilitation services issues. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(d) Providers must have telephone-answering capability during regular business hours, Monday through Friday. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(e) In order to receive referrals made by the department, providers must maintain or have access to equipment that can utilize the department's remote access system for transmitting vocational referrals.

~~((7))~~ (9) The department may assign a provider number to a vocational rehabilitation firm, partnership, corporation or other legal entity so long as substantial control over the daily management of the vocational rehabilitation firm, partnership, corporation or other legal entity is performed by a VRC that satisfies the qualifications set forth in this rule.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-240 What authority does the department have to audit vocational rehabilitation providers?**

~~((1))~~ The department has the authority to:

~~((a))~~ (1) Conduct audits of a provider, either for cause or at random;

~~((b))~~ (2) Conduct audits at a provider's place of business using copies and originals of all files and records maintained by the provider;

~~((c))~~ (3) Conduct audits away from a provider's place of business, using copies of all files and records supplied by the provider;

~~((d))~~ (4) Require a provider to submit legible copies of all files and records requested for audit;

~~((e))~~ (5) When the department requires the provider to submit copies of records and files to the department, the provider shall submit the requested material within thirty calendar days of the request;

(6) Inspect and audit all of the provider's vocational rehabilitation files and records relating to services delivered under Title 51 RCW;

~~((f))~~ (7) Inspect and audit a provider's documentation supporting charges billed for vocational rehabilitation services delivered.

~~((2))~~ ~~For information regarding the formal appeals process refer to chapter 51.52 RCW.)~~

## NEW SECTION

**WAC 296-19A-245 What is the department's formal appeal process?** For information regarding the formal appeals process refer to chapter 51.52 RCW.

**AMENDATORY SECTION** (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-260 What are the possible consequences for a provider that does not comply with the RCWs, WACs, or department policies?** The department may order corrective action(s) when it determines that a provider is not in compliance with department statute, rule, or written department policy. Possible corrective actions include, but are not limited to:

(1) Submission and implementation of a written corrective action by the provider showing how the provider will come into compliance;

(2) Recoupment of payments, plus interest, made to the provider;

(3) Requirement that the provider satisfactorily complete remedial education courses and/or other educational or training programs;

(4) Suspension or termination of ~~((the))~~ a provider's provider number and ability to receive payment for vocational rehabilitation services rendered to industrially injured or ill workers under the Industrial Insurance Act;

(5) Rejection of a provider's application to provide vocational rehabilitation services to industrially injured or ill workers under the Industrial Insurance Act;

(6) Denial or rejection of a request for payment submitted by or on behalf of the provider;

(7) Placement of the provider on prepayment review status requiring the submission of supporting documents prior to payment;

(8) Assessment of penalties.

**AMENDATORY SECTION** (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-270 In what situation(s) can the department take corrective action(s)?** (1) Reasons the department can order corrective actions against a vocational rehabilitation provider include, but are not limited to, the following:

(a) Failure to take reasonable and necessary steps under this chapter to ensure a successful completion of a referral;

(b) Charging the department for services that do not contribute to the completion of a vocational referral, including, but not limited to:

(i) Preparation and submission of job analyses during plan development for jobs that are beyond the worker's documented or expected capacities and physical abilities as demonstrated by the medical information in the file at the time the job analysis was performed;

(ii) Preparation and submission of job analyses or labor market surveys during early intervention or assessment that are not supported by the injured worker's education, work history and/or transferable skills as demonstrated by the information in the file at the time the job analysis and/or labor market survey was performed;

(iii) Hand delivery of records when other less expensive means of delivery are reasonably appropriate and available;

(c) Commission of an act involving moral turpitude, dishonesty, or corruption relating to the provision of vocational rehabilitation services whether the act constitutes a crime or not;

~~((b))~~ (d) Misrepresentation or concealment of a material fact in obtaining a department provider number, or in response to any request for information about service delivery made by the department;

~~((e))~~ (e) Provision of vocational rehabilitation services without having a department provider number;

~~((d))~~ (f) Use of persons that do not possess a department provider number to deliver vocational rehabilitation services;

~~((e))~~ (g) Operation of a vocational firm, partnership, corporation, or other legal entity in violation of the business requirements set forth in RCW, WAC, or written department policy;

~~((f))~~ (h) Use of false, fraudulent, or misleading advertising;

~~((g))~~ (i) Commission of any incompetent or negligent action which presents the significant risk of resulting in harm to an industrially injured or ill worker, the referral source, or an employer;

~~((h))~~ (j) Submission of a false or misleading report or document as part of delivering vocational rehabilitation services;

~~((i))~~ (k) Failure to supervise a vocational rehabilitation intern in accordance with RCW, WAC, or written department policy;

~~((j))~~ (l) Failure to comply with any order issued by the department;

~~((k))~~ (m) Disclosure of confidential information on vocational rehabilitation services to a person who is not entitled to it;

~~((l))~~ (n) Unauthorized disclosure of confidential claim information, including, but not limited to, private health care information;

(o) Charges an industrially injured or ill worker or employer a fee for delivering vocational rehabilitation services on a referral from the referral source; and

~~((m))~~ (p) Bills an industrially injured or ill worker or state fund employer for providing services under the Industrial Insurance Act.

(2) The department can take corrective action(s) for other violations of RCW, WAC, or written department policy not specifically mentioned above.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-300 How does the department evaluate performance when a vocational rehabilitation provider does not have either a performance rating with the department or previous experience delivering services to Washington injured workers?** (1) Several situations exist in which a vocational rehabilitation provider may not have a performance rating with the department or may not have sufficient experience with Washington industrially injured or ill workers covered by the department to establish a performance rating.

(2) Provider community commentary, expert opinion and best practices suggest that there is a correlation between a higher level of vocational rehabilitation services and higher qualifications of vocational rehabilitation providers. Based upon this information, the department concludes that referrals to providers who satisfy these minimum qualification criteria set forth in WAC 296-19A-210 (1)(a) ~~((and (2)(a)))~~, but who do not have a performance rating with the department, may be appropriate. The department will ensure that these providers are complying with department statutes, rules, and policies and furnishing a high level of service through close and continued monitoring. The department may consider making referrals to vocational rehabilitation providers, on a trial basis, for whom the department does not have performance rating data, under the following circumstances:

(a) The provider fulfills the qualification requirements set forth in WAC 296-19A-210 (1)(a) ~~((and (2)(a)))~~; and

(b) The department may consider making referrals sufficient to develop a reliable performance rating.

(3) If the department elects to refer and monitor a limited number of cases to the provider(s) in order to evaluate a provider's performance and develop performance rating, the department makes no guarantee of future referrals to the provider.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-350 What are the requirements for case notes?** Vocational rehabilitation providers must maintain case notes. Case notes must:

(1) Include the first and last name of the industrially injured or ill worker being served and the worker's claim number at the top of each page;

(2) Include the first and last name of the vocational rehabilitation provider providing each service documented on each page;

(3) Be kept in a claimant file corresponding to the reports, medical information, correspondence, and other materials that they provide documentation for;

(4) Testing and other records with special confidentiality requirements may be kept in separate files;

(5) Be legible;

(6) Be in chronological order;

(7) Record the date each service was provided month/month/day/year year;

(8) For providers who bill for vocational services, include the amount of time, recorded in tenths of an hour, required to provide each service;

(9) Describe each service sufficiently to allow the referral source to verify the purpose, level, type, and outcome of each service provided and substantiate the charges billed for them.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-400 What records are vocational rehabilitation providers required to maintain?** (1) A vocational rehabilitation provider must maintain adequate documentation in claimant-specific files to verify the level, type, and extent of the vocational rehabilitation services provided to and on behalf of industrially injured or ill workers.

(2) A vocational rehabilitation provider who requests payment from the referral source for vocational rehabilitation services must maintain all records necessary for the director's authorized auditors to audit the provision of services. Providers need to keep all records necessary to disclose the specific nature and extent of all services provided for an industrially injured or ill worker, along with the amounts billed to the department, for those services. Paper copies of records must be maintained for audit purposes for a minimum of five years from the date of closure by the provider.

## VOCATIONAL DISPUTES

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-440 What elements of a vocational determination may be disputed?** (1) A finding that an industrially injured or ill worker is eligible for vocational rehabilitation services, or a finding that he or she is ineligible for vocational rehabilitation services, may be disputed.

(2) An approved vocational rehabilitation plan may also be disputed.

(3) An approved plan modification may also be disputed.

(4) A previously approved vocational rehabilitation plan may not be disputed through a plan modification dispute process.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

**WAC 296-19A-480 When must providers comply with these rules?** (1) The amendments to the following sec-

tion of chapter 296-19A WAC becomes effective on ~~((December 1, 2000:~~

~~WAC 296-19A-210 What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers?~~

~~(2) The following sections of chapter 296-15 WAC become effective on December 1, 2000:~~

~~(a) WAC 296-15-500 What vocational rehabilitation reports are required for self-insured employers?~~

~~(b) WAC 296-15-510 What is the process used for vocational rehabilitation with regard to self-insured employers?~~

~~(3) All remaining sections of chapter 296-19A WAC become effective on June 1, 2001.)~~ May 1, 2003:

(a) WAC 296-19A-210;

(b) WAC 296-19A-137.

(2) All other amendments to chapter 296-19A WAC become effective January 1, 2004.

(3) All remaining sections of chapter 296-19A WAC shall remain in full force and effect.

### WSR 02-22-088

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed November 5, 2002, 4:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-16-098.

Title of Rule: Organic food standards and certification.

Purpose: Chapter 16-157 WAC adopts the National Organic Program, establishes a fee structure for organic certification and provides organic certification logos for producers, processors and handlers certified under the chapter. The proposal increases fees for organic certification in order to cover the costs of the program and adopts all sections of the 2001 National Organic Program.

Statutory Authority for Adoption: Chapters 15.86 and 34.05 RCW.

Statute Being Implemented: Chapters 15.86, 34.05 RCW.

Summary: The proposed amendments to chapter 16-157 WAC increases fees for organic certification, establish a fee structure for retail certification, and adopt additional sections of the 2001 National Organic Program so that Washington state organic standards are fully compliant with the National Organic Program.

Reasons Supporting Proposal: The Washington state legislature amended RCW 15.86.070 to authorize the Department of Agriculture to increase fees in excess of the fiscal growth factor in order to ensure that fees cover the full cost of the organic program. Fees must be increased to cover the cost of certifying organic producers, processors, and handlers.

The additional sections of the National Organic Program must be adopted in order for Washington state to be in compliance with the National Organic Program and continue to provide organic certification services to the organic food

industry and enable producers, processors and handlers to maintain access to the organic market.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Miles McEvoy, Olympia, (360) 902-1924.

Name of Proponent: Organic Food Program, Washington State Department of Agriculture, governmental.

Rule is necessary because of federal law, Title 7 C.F.R. Part 205.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 16-157 WAC, Organic food standards and certification, adopts the National Organic Program and provides certification for producers, processors and handlers wishing to obtain organic certification. The rule sets fees for obtaining certification and provides organic certification logos for those parties certified under the rule. Organic certification is also offered for retail food stores.

The purpose of the rule amendments are to adopt additional sections of the 2001 National Organic Program, increase fees to cover the cost of the program, make some technical corrections to the rule, provide a fee schedule for certification for retail food stores, and repeal sections of the rule that are no longer in compliance with the federal organic standards.

Some new fees are established to cover the costs of services. Fees for certification are increased to cover the costs of providing the service.

The amendments will provide sufficient funding for the Washington State Department of Agriculture organic food program to continue to provide organic certification services.

Proposal Changes the Following Existing Rules:

**Briefing Memo:** The National Organic Program (NOP) sets uniform standards for the production, handling and labeling of organic food products in the United States. As of October 21, 2002, all organic food products must be produced, handled and labeled in compliance with the NOP.

Prior to the implementation of the National Organic Program, organic standards in Washington state were set in the Washington Administrative Code (WAC). The Washington State Department of Agriculture (WSDA) set organic standards and provided certification to organic producers, processors and handlers. With the implementation of the NOP, organic standards are now set at the federal level. WSDA continues to provide organic certification as an NOP accredited organic certification agency. The organic rules in Washington state (chapter 16-157 WAC) adopt the NOP and establish fees for obtaining organic certification to the National Organic Program.

#### JUSTIFICATION FOR PROPOSED AMENDMENTS

**Adopting additional sections of the National Organic Program:** Washington state adopted the National Organic Program in April 2002. Not all sections of the NOP were adopted in April because we thought that the Washington state regulations covered those sections of the NOP. In July, the WSDA organic food program was audited by the NOP and it was determined that additional sections of the NOP needed to be adopted by WSDA. These sections need to be adopted so that the Washington state organic standards are fully compliant with the National Organic Program. The fed-

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eral National Organic Program preempts the state from having standards that differ from the federal standards. Therefore, the proposal adopts the entire National Organic Program, 7 C.F.R. Part 205, by reference in order to fully adopt the federal program.

**Increasing fees:** The organic food industry has quadrupled in value in Washington state over the last five years. Sales of organic food products have increased from \$50 million in 1997 to \$200 million in 2001. During this same time period the number of certified organic producers, processors and handlers has doubled from 381 to 764 and acreage in organic production has more than tripled from 12,000 acres in 1997 to over 40,000 acres in 2001.

Over the last few years, the WSDA organic food program has struggled to keep up with the increased demand for organic certification. New inspectors and administrative staff have been hired and trained to handle the increased workload. New requirements such as ISO Guide 65 and the National Organic Program have increased the program's cost of providing organic certification. As a result, expenses have exceeded revenue by about \$100,000 over the last three years. In order to address this budget shortfall, the program has reduced the number of samples collected and unannounced inspections conducted. Some farms are not inspected until September rather than earlier in the growing season when organic control points can be more readily verified. The program is stretched thin and currently does not have the resources to investigate complaints or adequately enforce violations of organic standards.

By statute, the WSDA organic food program is required to recover the full cost of the program from organic certification fees. The program does not receive any general fund support and is required by statute to develop a fee schedule to pay for the cost of organic certification. Fees for organic producers have not increased since 1998. The fee schedule for organic handlers has remained the same since it was established in 1992. The fee schedule for organic processors was reduced in 1997. Earlier this year, the Washington state legislature amended RCW 15.86.070 to authorize WSDA to increase fees in excess of the Office of Financial Manage-

ment (OFM) fiscal growth factor for fiscal year 2003 in order to ensure that fees recover the full cost of the program.

In order to address the budget shortfall, provide quality organic certification services, and protect the integrity of organic food products, WSDA is proposing to increase fees and establish new fees for the 2003 certification year. It is estimated that the new fees and fee increases will bring in \$60,000 in additional revenue. The additional revenue will be used to address the budget shortfall and to put more program resources into conducting inspections and strengthening enforcement.

**Organic Food Program Budget:** The organic food program's budget for the current fiscal year (July 1, 2002 - June 30, 2003) is around \$600,000. Administrative overhead (personnel, fiscal, information technology) accounts for \$45,000 of the budget. Travel expenses are budgeted at around \$33,000. Goods and services (office space, phone, postage, printing) expenses are \$90,600. Salaries and benefits for the five full time and six part time staff are budgeted at \$430,000.

**New minimum organic certification fee:** There are a number of costs involved in providing organic certification services to the applicant. Staff time is needed to review applications, data must be entered into the program's record-keeping system, certificates must be issued, inspection reports must be reviewed, applicants must be billed, and files must be copied for inspectors. Inspection costs include travel costs and the time involved in scheduling inspections, conducting the inspection and completing the inspection report. Currently the minimum fee for organic certification runs from \$165 for organic producers to \$75 for organic handlers. The program has found that a minimum certification fee of \$200 for all organic producers, processors and handlers is necessary to cover the cost of providing a basic organic certificate.

The program is proposing to establish a minimum \$200 fee for all types of certification. By comparison, the minimum certification fee from other nonsubsidized organic certification agencies runs from \$335 for NOFA-New Jersey to \$2,705 for Quality Assurance International. The minimum fee for Oregon Tilth certification is \$225 plus the cost of the inspection.

Certification type	WSDA current minimum fee	WSDA proposed 2003 minimum fee	Oregon Tilth	California Certified Organic Farmers
Producer	\$165	\$200	\$225 + inspection costs	\$110 + 0.5% of sales + inspection costs
Processor	\$150	\$200	\$500 + inspection costs	\$415 + inspection costs
Handler	\$75	\$200	\$500 + inspection costs	\$265 + inspection costs

**Retail certification fee:** Chapter 16-157 WAC does not require retail food stores to obtain organic certification. However, some retailers have requested organic certification to provide verification to their customers that they are properly handling and labeling organic food products. In response to this request, the program is proposing WAC 16-157-245 Retailer fee schedule, which allows for the organic certification of retailers. The retail certification fee schedule

is designed to cover the cost of providing organic certification to retailers of organic food products. The fee schedule establishes a minimum fee of \$330 and eight fee categories based on organic sales. Retail food stores have multiple departments that handle organic food products including produce, bulk foods, and delis. A minimum fee of \$330 is established due to the complex nature of retail food stores.

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**Increase in new applicant fees:** The proposed amendments increase the new applicant fee from \$75 to \$100. There are a number of unique costs associated with providing certification to new applicants. New database files, office files and field files must be created. The time involved in conducting inspections and reviewing inspection reports and system plans is more extensive for new applicants than for renewal applicants. The cost of providing certification to new applicants exceeds the current \$75 fee, therefore, the new applicant fee must be increased to more accurately reflect the cost of providing the service. Other organic certification agencies charge an average of \$130 for new applications.

**Late fees:** Renewal applications are due on March 1 of each year. Once applications are received they need to be processed, copied and prepared for inspectors. Inspectors then receive the applications and schedule their inspections in order to be efficient with their time. Late applications cause the inspector's schedules to be altered in order to cover the additional workload. Late applications can also cause less efficient use of travel time as inspectors may need to make special trips to inspect a late applicant. The proposed amendments increase late fees from \$50 to \$75 for all late applicants to cover the additional costs associated with the late renewal of an application. Late application fees can be avoided by simply filing a timely application.

**Inspection fees:** The proposed amendments increase inspection fees to \$40/hour to cover the current cost of providing inspections. The current inspection fee schedule provides two inspections within the state of Washington. The proposed amendments provide for an annual inspection and any additional inspections needed to collect samples and for routine surveillance. Additional inspections for determining compliance or when requested by the applicant for foreign market requirements will cost \$40/hour. Routine additional inspections would be covered by application and certification fees. Additional inspections due to compliance issues or when necessary for the applicant's marketing purposes would be billed directly to the applicant.

**Export certificate fees:** The cost of providing export certificates has risen due to the increased complexity of foreign organic certification requirements. The proposal increases the cost of export certificates from \$30 to \$40 per certificate to cover these additional costs.

**NOTES ON PROPOSED CHANGES**

**WAC 16-157-020 Adoption of the National Organic Program:** The amendments adopt additional sections of the National Organic Program to the Washington state organic standards. These sections include:

NOP 205.100 What has to be certified: Requires all organic production and handling operations to be certified unless they are exempt or excluded from certification. Provides for continuation of certification if the production or handling operation is certified by an accredited certifier prior to October 21, 2002. Specifies that knowingly selling a product as organic that is not in compliance with the NOP may result in a \$10,000 civil penalty.

NOP 205.101 Exemptions and exclusions from certification: Exempts producers and handlers that sell less than

\$5,000 worth of organic products from certification. Organic products from exempt producers may not be used in processed organic foods but may be sold at farmers markets and retail stores. Retail food stores are exempt from certification. Processors that produce products with less than 70% organic ingredients or limit their organic claims to the information panel are exempt from certification. Handlers that only sell packaged organic food products are not required to obtain certification.

The adoption of NOP 205.101 exempts a number of producers, processors and handlers from certification requirements.

Business category	Currently required to be certified under WSDA rules?	Required to be certified under NOP rules?
Small producer with under \$5,000 in organic sales	Exempt only if all sales are consumer direct (e.g. farmers markets, farm stand, u-pick, Community Supported Agriculture)	No
Small handler with under \$5,000 in sales	Yes	No
Retail food store	No	No
Processor with less than 70% organic ingredients	Yes	No
Processor that limits organic claims to information panel	Yes	No
Handler that only handles organic products in packaged form (e.g. grocery and produce distributors, brokers)	Yes	No
Retail food store that processes organic food products	Yes	No

NOP 205.642 Fees and other charges for certification: This section requires certification agencies to provide details regarding certification fees including any nonrefundable fees to applicants.

NOP 205.660 - 668 Compliance: These sections provide the compliance procedures for violations of the National Organic Program.

NOP 205.670 - 672 Inspection and Testing, Reporting, and Exclusion from Sale: These sections set parameters for inspections, sampling and residue analysis. Agricultural products that have prohibited pesticide residues in excess of 5 percent of the Environmental Protection Agency's regulatory tolerances are prohibited from being sold as organic. Crops and livestock that are treated under emergency pest treatment programs are excluded from sale as organic.

NOP 205.680 - 681 Adverse Action Appeals Process: These sections outline procedures to appeal noncompliance decisions to the National Organic Program and the Administrator of the USDA Agricultural Marketing Service.

**WAC 16-157-030 Definitions,** this section is amended to be consistent with the National Organic Program. Fourteen definitions are eliminated because they are defined under subpart A of the National Organic Program.

**WAC 16-157-100 Land requirements**, this section is repealed as these requirements are covered within the National Organic Program, subpart C.

**WAC 16-157-110 Records**, this section is repealed as record-keeping requirements are specified in NOP 205.103.

**WAC 16-157-200 Application for certification**, this section is repealed as the requirements are covered by the National Organic Program.

**WAC 16-157-220 Producer fee schedule**, the proposed amendments establish a minimum \$200 certification fee for producers with sales under \$15,000. Fees are increased in all other fee categories at varying rates according to recommendations of the Organic Advisory Board. Fees are increased by \$5 per fee category for sales between \$15,001 and \$42,500. Fees are increased by \$10 per fee category for sales between \$42,501 and \$100,000. Above \$100,000 in sales, fees are increased by variable rates in order to provide a fee schedule that has regular incremental fees from one fee category to the next.

The current fee schedule has irregular fees from one fee category to the next. For instance, for sales of \$100,001 - \$125,000 the current fee is \$1,100. The next fee category (\$125,001 - \$150,000) has fees of \$1,150, a \$50 higher fee than the previous category. The next fee category (\$150,001 - \$175,000) has fees of \$1,320, a \$170 higher fee than the previous fee category. The next fee category (\$175,001 - \$200,000) has a \$1,375 fee, a \$55 higher fee.

The proposed fee schedule removes the irregularities within the current fee schedule. Each fee category has a \$150 higher fee for the nine fee categories between \$80,001 and \$375,000 in sales. The fee categories between \$375,001 and \$500,000 in sales have a \$250 higher fee between each fee category. Fees are \$300 higher for the \$500,001 - \$750,000 fee category. Fees for sales between \$750,001 and \$7,000,000 are increased by 10%. The current fee is \$2,000 plus 0.10% of sales; the new fee will be \$2,200 plus 0.11% of sales. A maximum fee of \$10,000 is set for sales above \$7,000,000. There are no organic producers that are currently in the maximum fee category.

Additional changes to the producer fee schedule include increasing late fees from \$50 to \$75 and new applicant fees from \$75 to \$100. A spreadsheet showing the fee increases in each fee category is attached.

**WAC 16-157-230 Processor fee schedule**, establishes a minimum facility fee of \$200. Late fees are increased from \$50 to \$75 for renewal applications postmarked after March 1. New applicant fees are increased from \$75 to \$100. Organic certification fees are increased in most fee categories. The amendments clarify that producers that process their own organic products pay fees under the producer fee schedule and do not need to pay fees under both the processor and producer fee schedules.

Processor certification fees are increased in all categories by approximately 10%.

Label category	Old certification fee	New certification fee
100% organic and organic products	0.275% for first one million dollars in sales 0.10% for sales above one million dollars	0.30% for first one million dollars in sales 0.11% for sales above one million dollars
Made with organic food products	0.175% for first one million dollars in sales 0.06% for sales above one million dollars	0.20% for first one million dollars in sales 0.07% for sales above one million dollars
Food products that limit organic claims to the information panel	0.10% for first one million dollars in sales 0.3% for sales above one million dollars (Note: This previous assessment rate was a technical mistake in the old rule. There has never been a certified party that has paid within this fee category.)	0.11% for first one million dollars in sales 0.04% for sales above one million dollars (Note: This corrects the mistake in the previous rule.)
Custom processing	0.35% for first one million dollars in service fees 0.10% for service fees above one million dollars	0.40% for first one million dollars in service fees 0.11% for service fees above one million dollars

**WAC 16-157-240 Handler fee schedule**, late fees are increased from \$50 to \$75 for renewal applications postmarked after March 1. New applicant fees are increased from \$75 to \$100. Establishes a minimum application fee of \$200. The new minimum application fee is identical to the minimum application fee for producers and processors seeking organic certification. Organic certification fees are increased by 10% in all fee categories above the first two fee categories where fees are increased to the minimum \$200 fee. A fee schedule showing the fee increases in each fee category is shown in the small business economic impact statement below.

**WAC 16-157-245 Retailer fee schedule**, this is a new section that establishes fees for retail food stores that wish to obtain organic certification. Though retail food stores are exempt from certification under the National Organic Program, there are retailers that have requested organic certification.

**WAC 16-157-250 Inspections**, the hourly rate for inspections is increased from \$30/hour to \$40/hour. The hourly inspection charge does not apply to routine inspections within the state of Washington. The hourly inspection charge only applies to out-of-state inspections, inspections done per the request of the applicant, or when additional inspections are required to determine compliance with the organic standards.

**WAC 16-157-255 Sampling**, charges for collecting samples are eliminated. The costs of collecting samples and conducting pesticide residue tests are now covered by the application and certification fees.

**WAC 16-157-260 Organic and transitional producer certification**, this section is amended to be compliant with

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the criteria for certification under the National Organic Program.

**WAC 16-157-270 Organic processor and handler certification**, this section is amended to be compliant with the criteria for certification under the National Organic Program.

**WAC 16-157-280 Decertification**, this section is repealed. Compliance, decertification and appeals procedures are covered in the National Organic Program.

**WAC 16-157-290 Export and transaction certificates**, this section is amended to allow export certificates to be issued to verify compliance with foreign organic standards. Increases fees for export and transaction certificates from \$30 to \$40 due to the increased complexity of verifying compliance with foreign organic standards.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

**Introduction:** The organic food program is proposing changes to chapter 16-157 WAC, Organic standards and certification. The proposed amendments increase fees and adopt additional National Organic Program (NOP) requirements. The increased fees are needed to stabilize the funding for the WSDA organic food program. Additional sections of the NOP need to be adopted so that the Washington state organic standards are fully compliant with the National Organic Standards.

**BACKGROUND INFORMATION:** The National Organic Program (NOP) sets uniform standards for the production, handling and labeling of organic food products in the United States. As of October 21, 2002, all organic food products must be produced, handled and labeled in compliance with the NOP.

Prior to the implementation of the National Organic Program, organic standards in Washington state were set in the Washington Administrative Code (WAC). The Washington State Department of Agriculture (WSDA) set organic standards and provided certification to organic producers, processors and handlers. With the implementation of the NOP, organic standards are now set at the federal level. WSDA continues to provide organic certification as an NOP accredited organic certification agency. The organic rules in Washington state (chapter 16-157 WAC) adopt the NOP and establish fees for obtaining organic certification to the National Organic Program.

#### PURPOSE OF THE PROPOSED RULE AMENDMENTS

**Adopting additional sections of the National Organic Program:** Washington state adopted the National Organic Program in April 2002. Not all sections of the NOP were adopted in April because we thought that the Washington state regulations covered those sections of the NOP. In July, the WSDA organic food program was audited by the NOP and it was determined that additional sections of the NOP needed to be adopted by WSDA. These sections need to be adopted so that the Washington state organic standards are fully compliant with the National Organic Program. The federal National Organic Program preempts the state from having standards that differ from the federal standards. There-

fore, the proposal adopts the entire National Organic Program, 7 C.F.R. Part 205, by reference in order to fully adopt the federal program.

**Increasing fees:** The organic food industry has quadrupled in value in Washington state over the last five years. Sales of organic food products have increased from \$50 million in 1997 to \$200 million in 2001. During this same time period the number of certified organic producers, processors and handlers has doubled from 381 to 764 and acreage in organic production has more than tripled from 12,000 acres in 1997 to over 40,000 acres in 2001.

Over the last few years, the WSDA organic food program has struggled to keep up with the increased demand for organic certification. New inspectors and administrative staff have been hired and trained to handle the increased workload. New requirements such as ISO Guide 65 and the National Organic Program have increased the program's cost of providing organic certification. As a result, expenses have exceeded revenue by about \$100,000 over the last three years. In order to address this budget shortfall, the program has reduced the number of samples collected and unannounced inspections conducted. Some farms are not inspected until September rather than earlier in the growing season when organic control points can be more readily verified. The program is stretched thin and currently does not have the resources to investigate complaints or adequately enforce violations of organic standards.

By statute, the WSDA organic food program is required to recover the full cost of the program from organic certification fees. The program does not receive any general fund support and is required by statute to develop a fee schedule to pay for the cost of organic certification. Fees for organic producers have not increased since 1998. The fee schedule for organic handlers has remained the same since it was established in 1992. The fee schedule for organic processors was reduced in 1997. Earlier this year, the Washington state legislature amended RCW 15.86.070 to authorize WSDA to increase fees in excess of the Office of Financial Management (OFM) fiscal growth factor for fiscal year 2003 in order to ensure that fees recover the full cost of the program.

In order to address the budget shortfall, provide quality organic certification services, and protect the integrity of organic food products, WSDA is proposing to increase fees and establish new fees for the 2003 certification year. It is estimated that the new fees and fee increases will bring in \$60,000 in additional revenue. The additional revenue will be used to address the budget shortfall and to put more program resources into conducting inspections and strengthening enforcement.

**New minimum organic certification fee:** There are a number of costs involved in providing organic certification services to the applicant. Staff time is needed to review applications, data must be entered into the program's record-keeping system, certificates must be issued, inspection reports must be reviewed, applicants must be billed, and files must be copied for inspectors. Inspection costs include travel costs and the time involved in scheduling inspections, conducting the inspection and completing the inspection report. Currently the minimum fee for organic certification runs

from \$165 for organic producers to \$75 for organic handlers. The program has found that a minimum certification fee of \$200 for all organic producers, processors and handlers is necessary to cover the cost of providing a basic organic certificate.

The program is proposing to establish a minimum \$200 fee for all types of certification. By comparison, the mini-

mum certification fee from other nonsubsidized organic certification agencies runs from \$335 for NOFA-New Jersey to \$2,705 for Quality Assurance International. The minimum fee for Oregon Tilth certification is \$225 plus the cost of the inspection.

Certification type	WSDA current minimum fee	WSDA proposed 2003 minimum fee	Oregon Tilth	California Certified Organic Farmers
Producer	\$165	\$200	\$225 + inspection costs	\$110 + 0.5% of sales + inspection costs
Processor	\$150	\$200	\$500 + inspection costs	\$415 + inspection costs
Handler	\$75	\$200	\$500 + inspection costs	\$265 + inspection costs

**Retail certification fee:** Chapter 16-157 WAC does not require retail food stores to obtain organic certification. However, some retailers have requested organic certification to provide verification to their customers that they are properly handling and labeling organic food products. In response to this request, the program is proposing WAC 16-157-245 Retailer fee schedule, which allows for the organic certification of retailers. The retail certification fee schedule is designed to cover the cost of providing organic certification to retailers of organic food products. The fee schedule establishes a minimum fee of \$330 and eight fee categories based on organic sales. Retail food stores have multiple departments that handle organic food products including produce, bulk foods, and delis. A minimum fee of \$330 is established due to the complex nature of retail food stores.

**Increase in new applicant fees:** The proposed amendments increase the new applicant fee from \$75 to \$100. There are a number of unique costs associated with providing certification to new applicants. New database files, office files and field files must be created. The time involved in conducting inspections and reviewing inspection reports and system plans is more extensive for new applicants than for renewal applicants. The cost of providing certification to new applicants exceeds the current \$75 fee, therefore, the new applicant fee must be increased to more accurately reflect the cost of providing the service. Other organic certification agencies charge an average of \$130 for new applications.

**Late fees:** Renewal applications are due on March 1 of each year. Once applications are received they need to be processed, copied and prepared for inspectors. Inspectors then receive the applications and schedule their inspections in order to be efficient with their time. Late applications cause the inspector's schedules to be altered in order to cover the additional workload. Late applications can also cause less efficient use of travel time as inspectors may need to make special trips to inspect a late applicant. The proposed amendments increase late fees from \$50 to \$75 for all late applicants to cover the additional costs associated with the late renewal of an application. Late application fees can be avoided by simply filing a timely application.

**Inspection fees:** The proposed amendments increase inspection fees to \$40/hour to cover the current cost of providing inspections. The current inspection fee schedule pro-

vides two inspections within the state of Washington. The proposed amendments provide for an annual inspection and any additional inspections needed to collect samples and for routine surveillance. Additional inspections for determining compliance or when requested by the applicant for foreign market requirements will cost \$40/hour. Routine additional inspections would be covered by application and certification fees. Additional inspections due to compliance issues or when necessary for the applicant's marketing purposes would be billed directly to the applicant.

**Export certificate fees:** The cost of providing export certificates has risen due to the increased complexity of foreign organic certification requirements. The proposal increases the cost of export certificates from \$30 to \$40 per certificate to cover these additional costs.

**Producer fee schedule:** The proposed amendments establish a minimum \$200 certification fee for producers with sales under \$15,000. Fees are increased in all other fee categories at varying rates according to recommendations of the organic advisory board. Fees are increased by \$5 per fee category for sales between \$15,001 and \$42,500. Fees are increased by \$10 per fee category for sales between \$42,501 and \$100,000. Above \$100,000 in sales, fees are increased by variable rates in order to provide a fee schedule that has regular incremental fees from one fee category to the next.

The current fee schedule has irregular fees from one fee category to the next. For instance, for sales of \$100,001 - \$125,000 the current fee is \$1,100. The next fee category (\$125,001 - \$150,000) has fees of \$1,150, a \$50 higher fee than the previous category. The next fee category (\$150,001 - \$175,000) has fees of \$1,320, a \$170 higher fee than the previous fee category. The next fee category (\$175,001 - \$200,000) has a \$1,375 fee, a \$55 higher fee.

The proposed fee schedule removes the irregularities within the current fee schedule. Each fee category has a \$150 higher fee for the nine fee categories between \$80,001 and \$375,000 in sales. The fee categories between \$375,001 and \$500,000 in sales have a \$250 higher fee between each fee category. Fees are \$300 higher for the \$500,001 - \$750,000 fee category. Fees for sales between \$750,001 and \$7,000,000 are increased by 10%. The current fee is \$2,000 plus 0.10% of sales; the new fee will be \$2,200 plus 0.11% of sales. A maximum fee of \$10,000 is set for sales above

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\$7,000,000. There are no organic producers that are currently in the maximum fee category.

Additional changes to the producer fee schedule include increasing late fees from \$50 to \$75 and new applicant fees from \$75 to \$100. A spreadsheet showing the fee increases in each fee category is attached.

**Processor fee schedule:** Establishes a minimum facility fee of \$200. Late fees are increased from \$50 to \$75 for renewal applications postmarked after March 1. New applicant fees are increased from \$75 to \$100. Organic certification fees are increased in most fee categories. The amendments clarify that producers that process their own organic products pay fees under the producer fee schedule and do not need to pay fees under both the processor and producer fee schedules.

Processor certification fees are increased in all categories by approximately 10%.

Label category	Old certification fee	New certification fee
100% organic and organic products	0.275% for first one million dollars in sales 0.10% for sales above one million dollars	0.30% for first one million dollars in sales 0.11% for sales above one million dollars
Made with organic food products	0.175% for first one million dollars in sales 0.06% for sales above one million dollars	0.20% for first one million dollars in sales 0.07% for sales above one million dollars
Food products that limit organic claims to the information panel	0.10% for first one million dollars in sales 0.3% for sales above one million dollars (Note: This previous assessment rate was a technical mistake in the old rule. There has never been a certified party that has paid within this fee category.)	0.11% for first one million dollars in sales 0.04% for sales above one million dollars (Note: This corrects the mistake in the previous rule.)
Custom processing	0.35% for first one million dollars in service fees 0.10% for service fees above one million dollars	0.40% for first one million dollars in service fees 0.11% for service fees above one million dollars

**Handler fee schedule:** Late fees are increased from \$50 to \$75 for renewal applications postmarked after March 1. New applicant fees are increased from \$75 to \$100. Establishes a minimum application fee of \$200. The new minimum application fee is identical to the minimum application fee for producers and processors seeking organic certification. Organic certification fees are increased by 10% in all fee categories above the first two fee categories where fees are increased to the minimum \$200 fee. A fee schedule showing the fee increases in each fee category is shown below.

**Businesses Affected by the Rule Amendment:** Chapter 16-157 WAC affects all individuals and businesses that produce, process or handle organic and transitional food products.

**Reporting and Record-keeping Requirements:** The record-keeping requirements are simplified by repealing WAC 16-157-110 Records. Record-keeping requirements under the National Organic Program (NOP) are specified under section 205.103. Prior to the repeal of WAC 16-157-110 Records, producers, processors and handlers have had to comply with record-keeping requirements under the NOP and under the state organic rules. Eliminating duplicative record-keeping requirements should help mitigate the increased compliance costs.

**Compliance Requirements:** Most of the National Organic Program was adopted by Washington state in April 2002. The additional sections of the NOP that are being adopted do not impose any additional compliance requirements, rather they reduce the compliance requirements. The adoption of NOP 205.101 exempts a number of producers, processors and handlers from certification requirements.

Business category	Currently required to be certified under WSDA rules?	Required to be certified under NOP rules?
Small producer with under \$5,000 in organic sales	Exempt only if all sales are consumer direct (e.g. farmers markets, farm stand, u-pick, Community Supported Agriculture)	No
Small handler with under \$5,000 in sales	Yes	No
Retail food store	No	No
Processor with less than 70% organic ingredients	Yes	No
Processor that limits organic claims to information panel	Yes	No
Handler that only handles organic products in packaged form (e.g. grocery and produce distributors, brokers)	Yes	No
Retail food store that processes organic food products	Yes	No

**Professional Services:** The reporting, record-keeping and compliance requirements in chapter 16-157 WAC do not require the use of professional services by any business regulated by the chapter. No professional service expenses would be incurred by the small businesses affected by chapter 16-157 WAC.

**Industries Impacted by the Rule Amendment:** Chapter 16-157 WAC applies to all Washington state producers, transitional producers, processors and handlers of organic food products within the following SIC codes:

SIC Code	Industry Description
019	General farms, primarily crop
0241	Dairy farms
029	General farms, primarily livestock and animal specialties
201	Meat products
202	Dairy products

SIC Code	Industry Description
203	Canned, frozen, preserved fruits, vegetables & food specialties
205	Bakery products
515	Farm product-raw materials

SIC Code	Industry Description
542	Meat and fish (seafood) markets
545	Dairy product stores

In 2002, WSDA certified 558 producers, 143 processors and 127 handlers of organic food products.

**Cost of Compliance:**

Fee	Cost of Compliance	Rationale
Organic producer late application renewal fee (WAC 16-157-220 (1)(a))	Increased fee from \$50 to \$75	Increase is necessary to cover the cost of processing late application. Fee can be avoided by filing a timely application for renewal.
Organic producer new applicant fee (WAC 16-157-220 (1)(b))	Increased fee from \$75 to \$100	Increase is necessary to cover the cost of processing first-time applications.
Organic producer application fee schedule (WAC 16-157-220 (1)(b))	Based upon Year 2001 applications and the proposed producer fee schedule, organic producers would incur an increased compliance cost of \$0.08 per \$100 of sales	Increase is necessary to comply with RCW 15.86.070(1), which mandates that the "rules shall include a fee schedule that will provide for the recovery of the full cost of the organic food program." The proposed increase will cover the cost of services that the organic program provides organic food producers in Washington state.
Organic processor late application renewal fee (WAC 16-157-230 (1)(a))	Increased fee from \$50 to \$75	Increase is necessary to cover the cost of processing late application. Fee can be avoided by filing a timely application for renewal.
Organic processor new applicant fee (WAC 16-157-230 (1)(b))	Increased fee from \$75 to \$100	Increase is necessary to cover the cost of processing first-time applications.
Organic processor certification fees (WAC 16-157-230(2))	The proposed processor certification fees will increase processor compliance cost by \$0.09 per \$100 of sales	Increase is necessary to comply with RCW 15.86.070(1), which mandates that the "rules shall include a fee schedule that will provide for the recovery of the full cost of the organic food program." The proposed increase will cover the cost of services that the organic program provides organic food processors in Washington state.
Organic handler late application renewal fee (WAC 16-157-240(1))	Increased fee from \$50 to \$75	Increase is necessary to cover the cost of processing late application. Fee can be avoided by filing a timely application for renewal.
Organic handler new applicant fee (WAC 16-157-240(2))	Increased fee from \$75 to \$100	Increase is necessary to cover the cost of processing first-time applications.
Organic handler application fee schedule (WAC 16-157-240(3))	Based upon reported Year 2000 organic handler sales and the proposed handler fee schedule, organic handlers would incur an increased compliance cost of \$0.02 per \$100 of sales	Increase is necessary to comply with RCW 15.86.070(1), which mandates that the "rules shall include a fee schedule that will provide for the recovery of the full cost of the organic food program." The proposed increase will cover the cost of services that the organic program provides organic food handlers in Washington state.
Organic retailer certification fee schedule (WAC 16-157-245(3))	New certification fees for retailers who wish to obtain an organic food certification	Fee applies only to those retailers who wish to obtain an organic food certification. The fee is necessary to cover the cost of processing a retailer's application.

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Fee	Cost of Compliance	Rationale
Organic retailer late application renewal fee (WAC 16-157-245(1))	New fee of \$75	Fee is necessary to cover the cost of processing late application. Fee can be avoided by filing a timely application for renewal.
Organic retailer new applicant fee (WAC 16-157-245(2))	New fee of \$100	Fee is necessary to cover the cost of processing first-time applications.
Inspection fees (WAC 16-157-250)	Increased fee from \$30 to \$40 per hour	Increase is necessary to cover the increased cost of conducting inspections.
Fee for export and transaction certificates (WAC 16-157-290(3))	Increased fee from \$30 to \$40 per application	Increase is necessary to cover the increased cost of processing applications.

**Impact on Small Businesses:** It is clear that the proposed fee amendments will increase the cost of doing business for those businesses regulated by chapter 16-157 WAC and it is equally clear that many of the businesses in the Washington state organic food industry are "small businesses" as defined by RCW 19.85.020(1). However, RCW 15.86.070 mandates that the department fully recover, from fees charged, the full cost of operating the organic certification program. Therefore, the department has concluded that the proposed new fees and increases in current fees are necessary.

RCW 19.85.040 requires that the department determine if its proposed fees have a disproportionate impact on small businesses by comparing "the cost of compliance for small businesses with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rule." The department used "cost per one hundred dollars of sales" to determine if the proposed fees had a disproportionate impact. As a result, the department found a slight disproportionate impact between "small" and "large" producers and handlers as illustrated in the following table:

ORGANIC PRODUCERS	Cost per \$100 of Sales
Small producers (494 producers with total sales of \$17,647,777 and an increased compliance cost of \$17,894)	\$0.10 per \$100 of sales
Large producers (50 producers with total sales of \$29,263,751 and an increased compliance cost of \$18,299)	\$0.06 per \$100 of sales

The disproportionate impact is the result of establishing a minimum producer certification fee of \$200. This mini-

um fee is needed in order to recover the cost of providing organic certification to the very smallest producers. If the smallest producers are dropped from the calculations, the cost per \$100 of sales for small producers is \$0.05 and for large producers, \$0.06.

ORGANIC HANDLERS	Cost per \$100 of Sales
Small handlers (109 handlers with total sales of \$247,587,244 and an increased compliance cost of \$7,313)	\$0.03 per \$100 of sales
Large handlers (12 handlers with total sales of \$46,264,377 and an increased compliance cost of \$4,550)	\$0.01 per \$100 of sales

Again, the disproportionate impact is the result of establishing a minimum handler certification fee of \$200. This minimum fee is needed in order to recover the cost of providing organic certification to the very smallest handlers. If the smallest handlers are dropped from the calculations, the cost per \$100 of sales for both small and large handlers is \$0.01.

In addition, many of the producers in the lowest fee category may be exempt from certification due to the adoption of NOP 205.101, which exempts producers with less than \$5,000 in organic sales from certification. Handlers with less than \$5,000 in organic sales are also exempt under NOP 205.101 and, therefore, may also be exempt from certification requirements.

**Presolicitation and Research Efforts:** The organic food program has worked with the WSDA appointed organic advisory board in the development of the proposed fee increases. The proposed fee increases were sent to all certified organic producers, processors and handlers for comment in August 2002.

**Producer Fee Increase Proposal**

Fee Schedule	Current fee	Number of producers in 2001	2001 Revenue	Proposed fees	Proposed Revenue	Oregon Tilth fees*
\$ -	\$ 12,000	165	\$ 38,445	\$ 200	\$ 46,600	\$ 262
\$ 12,001	\$ 15,000	26	\$ 5,200	\$ 200	\$ 5,200	\$ 298
\$ 15,001	\$ 20,000	39	\$ 8,580	\$ 225	\$ 8,775	\$ 352

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Fee Schedule		Current fee	Number of producers in 2001	2001 Revenue	Proposed fees	Proposed Revenue	Oregon Tilth fees*	
\$ 20,001	\$ 25,000	\$ 275	19	\$ 5,225	\$ 280	\$ 5,320	\$ 352	
\$ 25,001	\$ 30,000	\$ 330	16	\$ 5,280	\$ 335	\$ 5,360	\$ 424	
\$ 30,001	\$ 35,000	\$ 385	20	\$ 7,700	\$ 390	\$ 7,800	\$ 424	
\$ 35,001	\$ 42,500	\$ 465	21	\$ 9,765	\$ 470	\$ 9,870	\$ 424	-\$ 514
\$ 42,501	\$ 50,000	\$ 550	10	\$ 5,500	\$ 560	\$ 5,600	\$ 514	
\$ 50,001	\$ 65,000	\$ 660	16	\$ 10,560	\$ 670	\$ 10,720	\$ 623	
\$ 65,001	\$ 80,000	\$ 825	16	\$ 13,200	\$ 835	\$ 13,360	\$ 731	
\$ 80,001	\$ 100,000	\$ 990	17	\$ 16,830	\$ 1,000	\$ 17,000	\$ 857	
\$ 100,001	\$ 125,000	\$ 1,100	12	\$ 13,200	\$ 1,150	\$ 13,800	\$ 895	
\$ 125,001	\$ 150,000	\$ 1,150	12	\$ 13,800	\$ 1,300	\$ 15,600	\$ 1,048	
\$ 150,001	\$ 175,000	\$ 1,320	10	\$ 13,200	\$ 1,450	\$ 14,500	\$ 1,200	
\$ 175,001	\$ 200,000	\$ 1,375	13	\$ 17,875	\$ 1,600	\$ 20,800	\$ 1,353	
\$ 200,001	\$ 240,000	\$ 1,540	14	\$ 21,560	\$ 1,750	\$ 24,500	\$ 1,506	-\$ 1,527
\$ 240,001	\$ 280,000	\$ 1,595	10	\$ 15,950	\$ 1,900	\$ 19,000	\$ 1,527	-\$ 1,735
\$ 280,001	\$ 325,000	\$ 1,650	10	\$ 16,500	\$ 2,050	\$ 20,500	\$ 1,735	-\$ 1,957
\$ 325,001	\$ 375,000	\$ 1,720	7	\$ 12,040	\$ 2,200	\$ 15,400	\$ 1,957	
\$ 375,001	\$ 425,000	\$ 2,200	5	\$ 11,000	\$ 2,450	\$ 12,250	\$ 1,957	-\$ 2,207
\$ 425,001	\$ 500,000	\$ 2,300	3	\$ 6,900	\$ 2,700	\$ 8,100	\$ 2,207	
\$ 500,001	\$ 750,000	\$ 2,750	9	\$ 24,750	\$ 3,000	\$ 27,000	\$ 2,207	plus 0.1% of sales
\$ 750,001	\$ and up	\$ 2,000	6	\$ 23,127	\$ 2,200	\$ 25,440	\$ 2,207	plus 0.1% of sales
		plus 0.10% of sales			plus 0.11% of sales			

Totals	544	\$ 316,187.00	Revenue	\$ 352,495	*Oregon Tilth fees do not include the cost of inspection.
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**Handler Fee Increase Proposal**

Fee schedule (low end)	Fee schedule (high end)	Annual fee	Number of handlers	2001 Revenue	Proposed fees	Proposed Revenue
\$ -	\$ 25,000.00	\$ 75.00	51	\$ 3,825.00	\$ 200.00	\$ 10,200.00
\$ 25,001.00	\$ 50,000.00	\$ 150.00	10	\$ 1,500.00	\$ 200.00	\$ 2,000.00
\$ 50,001.00	\$ 75,000.00	\$ 225.00	7	\$ 1,575.00	\$ 250.00	\$ 1,750.00
\$ 75,001.00	\$ 100,000.00	\$ 300.00	3	\$ 900.00	\$ 330.00	\$ 990.00
\$ 100,001.00	\$ 200,000.00	\$ 400.00	11	\$ 4,400.00	\$ 440.00	\$ 4,840.00
\$ 200,001.00	\$ 300,000.00	\$ 500.00	7	\$ 3,500.00	\$ 550.00	\$ 3,850.00
\$ 300,001.00	\$ 400,000.00	\$ 600.00	0	\$ -	\$ 660.00	\$ -
\$ 400,001.00	\$ 500,000.00	\$ 700.00	4	\$ 2,800.00	\$ 770.00	\$ 3,080.00
\$ 500,001.00	\$ 750,000.00	\$ 900.00	3	\$ 2,700.00	\$ 990.00	\$ 2,970.00
\$ 750,001.00	\$ 1,000,000.00	\$ 1,000.00	3	\$ 3,000.00	\$ 1,100.00	\$ 3,300.00
\$ 1,000,001.00	\$ 1,250,000.00	\$ 1,250.00	1	\$ 12,500.00	\$ 1,375.00	\$ 1,375.00
\$ 1,250,001.00	\$ 1,500,000.00	\$ 1,500.00	4	\$ 6,000.00	\$ 1,650.00	\$ 6,600.00
\$ 1,500,001.00	\$ 2,000,000.00	\$ 2,000.00	4	\$ 8,000.00	\$ 2,200.00	\$ 8,800.00
\$ 2,000,001.00	\$ 2,500,000.00	\$ 2,500.00	2	\$ 5,000.00	\$ 2,750.00	\$ 5,500.00
\$ 2,500,001.00	\$ 3,000,000.00	\$ 3,000.00	2	\$ 6,000.00	\$ 3,300.00	\$ 6,600.00
\$ 3,000,001.00	\$ 4,000,000.00	\$ 3,500.00	5	\$ 17,500.00	\$ 3,850.00	\$ 19,250.00
\$ 4,000,001.00	\$ 5,000,000.00	\$ 4,000.00	1	\$ 4,000.00	\$ 4,400.00	\$ 4,400.00
\$ 5,000,001.00	\$ 6,000,000.00	\$ 5,000.00	1	\$ 5,000.00	\$ 5,500.00	\$ 5,500.00
\$ 6,000,001.00	\$ 7,000,000.00	\$ 6,000.00	0	\$ -	\$ 6,600.00	\$ -

Fee schedule (low end)	Fee schedule (high end)	Annual fee	Number of handlers	2001 Revenue	Proposed fees	Proposed Revenue
\$ 7,000,001.00	\$ 8,000,000.00	\$ 7,000.00	0	\$ -	\$ 7,700.00	\$ -
\$ 8,000,001.00	\$ 9,000,000.00	\$ 8,000.00	1	\$ 8,000.00	\$ 8,800.00	\$ 8,800.00
\$ 9,000,001.00	\$ 10,000,000.00	\$ 9,000.00	0	\$ -	\$ 9,900.00	\$ -
10,000,001.00		10,000.00	0		11,000.00	

Totals	120	\$ 84,950.00	Proposed Revenue	\$ 99,805.00
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PROPOSED

A copy of the statement may be obtained by writing to Miles McEvoy, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1805, fax (360) 902-2087.

RCW 34.05.328 does not apply to this rule adoption. WSDA is not a listed agency in section 201.

Hearing Location: Natural Resources Building, Room 259, 1111 Washington Street, 2nd Floor, Olympia, WA 98504-2560, on December 26, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by December 19, 2002, TDD (360) 902-1996 or (360) 902-1880.

Submit Written Comments to: Miles McEvoy, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2087, by 5:00 p.m., December 26, 2002.

Date of Intended Adoption: No earlier than January 3, 2003.

November 5, 2002  
K. Diane Dolstad  
Acting Assistant Director

**AMENDATORY SECTION** (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

**WAC 16-157-020 Adoption of the National Organic Program.** The 2001 National Organic Program final rule, ~~((subparts A, C, D, E, sections 205.102 through 205.105, and sections 205.600 through 205.606))~~ 7 CFR Part 205, effective April 21, 2001, is adopted by reference as Washington state standards for the production and handling of organic crops, livestock and processed food products. The ~~((applicable sections of the))~~ 2001 National Organic Program final rule may be obtained from the department.

**AMENDATORY SECTION** (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

**WAC 16-157-030 Definitions.** As used in this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department of agriculture or his or her duly authorized representative.
- (3) ~~((("Distribute" means to offer for sale, hold for sale, sell, barter, deliver, or supply materials in this state.~~
- (4)) "Facility" includes, but is not limited to, any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food is prepared, handled, or processed in any manner for resale or distribution

to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer.

~~((5))~~ "Growing medium" means the material utilized by fungi as a substrate for growth.

~~(6)~~ "Growing medium amendment" means a nutritional supplement added to the growing medium to enhance vigor and yields.

~~(7)~~ "Handle" means to sell, arrange the sale of, represent, process, distribute or package organic food products.

~~(8)~~ "Handler" means any person who sells, arranges the sale of, represents, processes, distributes, or packs organic food products.

~~(9)~~ "Label" means all written, printed, or graphic material on the immediate container or accompanying or representing the product.

~~(10)~~ "Labeling" means all labels and other written, printed, or graphic matter (a) upon any article or any of its containers or wrappers, or (b) accompanying or representing such article.

~~(11))~~ (4) "New applicant" means any person that applies for organic certification for the first time, or when previous certification status has expired for at least one year.

~~((12))~~ "Organic food product" means any agricultural product, including fruit, vegetable, meat, dairy, beverage and grocery, that is marketed using the term organic or any derivative of the term organic in its labeling or advertising, including using the term organic on the principal display panel, ingredients list or other locations on the label.

~~(13)~~ "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

~~(14)~~ "Principal display panel" means that portion of the package label that is most likely seen by the consumer at the time of purchase.

~~(15))~~ (5) "Processor" means any handler engaged in the canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, slaughtering or otherwise processing organic food.

~~((16))~~ "Producer" means any person or organization who or which grows, raises or produces an agricultural product.

~~(17)~~ "Prohibited" means any material or practice which does not meet the required criteria or standards for use in the production or handling of organic or transitional agricultural products.

PROPOSED

~~(18))~~ (6) "Renewal applicant" means any person that has received organic certification from the department in the previous year.

~~((19) "Retail facility" means any facility, in whole or in part, that sells organic food products directly to consumers.~~

~~(20))~~ (7) "Retailer" means any handler that sells organic food products directly to consumers.

~~((21))~~ (8) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

~~((22))~~ (9) "Site" means a defined field, orchard, block, pasture, paddock, garden, circle, plot or other designated area.

~~((23) "Spawn" means a medium that has been colonized with the desired fungal mycelia. It is used to inoculate growing medium.~~

(24)) (10) "Transitional (~~food~~) product" means any agricultural product that (a) is marketed using the term transitional in its labeling and advertising and (b) satisfies all of the requirements of organic (~~food~~) except that it has had no applications of prohibited substances within one year prior to the harvest of the crop.

**AMENDATORY SECTION** (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

**WAC 16-157-220 Producer fee schedule.** Producers who wish to apply for the organic food certification program must apply to the department each year.

(1) The cost per application shall be based on the following fee schedule.

(a) Renewal applicants -

Application fees (~~are~~) must be based on the previous calendar year's sales of organic food. In the event that the current calendar year's sales exceed the previous year's sales, the department may bill the producer for the additional fee. In the event that the current calendar year's sales are less than the previous year's sales, the producer may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1, (~~shall~~) must pay a late fee of (~~fifty~~) seventy-five dollars. Renewal applicants that are adding additional sites to their organic certification must pay a new site fee of fifty dollars for each additional site.

(b) New applicants -

Application fees (~~shall~~) must be based on an estimate of the current year's sales of organic food. In the event that the current calendar year's sales exceed the estimate, the department may bill the producer for the additional fee. In the event that the current calendar year's sales are less than the estimate, the producer may request a refund for the reduced fee. In addition, new applicants must pay a (~~seventy-five~~) one hundred dollar new applicant fee. New applicants that are seeking organic certification for more than one site must pay a site fee of fifty dollars for each additional site. The fee shall accompany the application.

SALES		ANNUAL FEE
\$ 0 -	(\$ 12,000	.....\$ 165
\$ 12,001 -)	\$ 15,000	.....\$ 200
\$ 15,001 -	\$ 20,000	.....\$ ((220)) 225
\$ 20,001 -	\$ 25,000	.....\$ ((275)) 280
\$ 25,001 -	\$ 30,000	.....\$ ((330)) 335
\$ 30,001 -	\$ 35,000	.....\$ ((385)) 390
\$ 35,001 -	\$ 42,500	.....\$ ((465)) 470
\$ 42,501 -	\$ 50,000	.....\$ ((550)) 560
\$ 50,001 -	\$ 65,000	.....\$ ((660)) 670
\$ 65,001 -	\$ 80,000	.....\$ ((825)) 835
\$ 80,001 -	\$ 100,000	.....\$ ((990)) 1,000
\$ 100,001 -	\$ 125,000	.....\$ ((1,100)) 1,150
\$ 125,001 -	\$ 150,000	.....\$ ((1,150)) 1,300
\$ 150,001 -	\$ 175,000	.....\$ ((1,320)) 1,450
\$ 175,001 -	\$ 200,000	.....\$ ((1,375)) 1,600
\$ 200,001 -	\$ 240,000	.....\$ ((1,540)) 1,750
\$ 240,001 -	\$ 280,000	.....\$ ((1,595)) 1,900
\$ 280,001 -	\$ 325,000	.....\$ ((1,650)) 2,050
\$ 325,001 -	\$ 375,000	.....\$ ((1,720)) 2,200
\$ 375,001 -	\$ 425,000	.....\$ ((2,200)) 2,450
\$ 425,001 -	\$ 500,000	.....\$ ((2,300)) 2,700
\$ 500,001 -	\$ 750,000	.....\$ ((2,750)) 3,000
(\$ 750,001	and up	.....\$ 2,000
		plus 0.10% of gross organic sales)
		.....\$ 2,200
\$ 750,001 :	\$ 7,000,000	plus 0.11% of gross organic sales
over	\$ 7,000,000	.....\$ 10,000

(2) Transitional acreage fee - In addition to the producer application fee, each applicant (~~shall~~) must pay a fee of five dollars per acre for the land for which they are requesting transitional certification.

**AMENDATORY SECTION** (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

**WAC 16-157-230 Processor fee schedule.** Processors who wish to apply for the organic food certification program must apply to the department each year. Producers that process their own organic products pay application and certification fees under WAC 16-157-220.

(1) **Application fee.**

(a) **Renewal applicants** - Application fees are (~~one~~) two hundred (~~fifty~~) dollars per facility. In addition, renewal applications postmarked after March 1, must pay a late fee of (~~fifty~~) seventy-five dollars.

(b) **New applicants** - Application fees are (~~one~~) two hundred (~~fifty~~) dollars per facility. In addition, new applicants must pay a (~~seventy-five~~) one hundred dollar new applicant fee.

(2) **Certification fee** - A certification fee based on the following fee schedule must accompany the application. Certification fees are assessments on the organic products in each category. New applicants must base certification fees on an estimate of sales in each category. Renewal applicants must base certification fees on the previous calendar year's sales in each category. Applicants may have food products in more than one category.

**Category I - Organic food products:** Products labeled as "organic" or "one hundred percent organic" are assessed ~~((at 0.275%))~~ 0.30% of the previous calendar year's sales for the first million dollars and ~~((0.10%))~~ 0.11% for sales above one million dollars.

**Category II - Made with organic food products:** Products labeled as "made with organic ingredients" are assessed ~~((0.175%))~~ 0.20% of the previous calendar year's sales for the first million dollars and ~~((0.06%))~~ 0.07% for sales above one million dollars.

**Category III - Food products with organic ingredients:** Products packaged for retail sales that limit their organic claims to the information panel are assessed ~~((0.10%))~~ 0.11% of the previous calendar year's sales for the first million dollars and ~~((0.30%))~~ 0.04% for sales above one million dollars.

**Category IV - Custom organic food products:** Products produced by processors who charge a service fee to organic manufacturers for processing organic food are assessed at ~~((0.35%))~~ 0.40% of the previous calendar year's service fees received for processing organic food for the first million dollars and ~~((0.10%))~~ 0.11% for service fees above one million dollars.

In the event that the current calendar year's sales (or service fees) exceed the previous year's sales (or service fees) or estimate of sales, the department may bill the applicant for the additional certification fee. In the event that the current calendar year's sales (or service fees) are less than the previous year's gross sales (or service fees) or estimate of sales, the applicant may request a refund for the reduced certification fee.

**AMENDATORY SECTION** (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

**WAC 16-157-240 Handler fee schedule.** Handlers who wish to apply for the organic food certification program must apply to the department each year. Handlers that process organic food products must apply for organic certification under WAC 16-157-230. Retailers who wish to apply for the organic food certification program must apply for organic certification under WAC 16-157-245. Producers that handle only their own organic products do not need to obtain separate certification as handlers. All other handlers of organic food products may apply for organic certification under this section.

(1) Renewal applicants. Application fees must be based on the previous calendar year's sales of organic food. In the event that the current calendar year's sales exceed the previous year's sales, the department may bill the handler for the additional fee. In the event that the current calendar year's sales are less than the previous year's sales, the ~~((producer))~~ handler may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1 must pay a late fee of ~~((fifty))~~ seventy-five dollars.

(2) New applicants. Application fees must be based on an estimate of the current year's sales of organic food. In the event that the current calendar year's sales exceed the estimate, the department may bill the handler for the additional

fee. In the event that the current calendar year's sales are less than the estimate, the handler may request a refund for the reduced fee. In addition, new applicants must pay a ~~((seventy-five))~~ one hundred dollar new applicant fee.

(3) The cost per facility must be based on the following fee schedule. The appropriate fee must accompany the application.

ORGANIC SALES	FEE
<del>((Sales under \$ 25,000))</del> \$ 0 -	\$ 75
\$ 25,001 -	\$ ((150)) 200
\$ 50,001 -	\$ ((225)) 250
\$ 75,001 -	\$ ((300)) 330
\$ 100,001 -	\$ ((400)) 440
\$ 200,001 -	\$ ((500)) 550
\$ 300,001 -	\$ ((600)) 660
\$ 400,001 -	\$ ((700)) 770
\$ 500,001 -	\$ ((900)) 990
\$ 750,001 -	\$ ((1,000)) 1,100
\$ 1,000,001 -	\$ ((1,250)) 1,375
\$ 1,250,001 -	\$ ((1,500)) 1,650
\$ 1,500,001 -	\$ ((2,000)) 2,200
\$ 2,000,001 -	\$ ((2,500)) 2,750
\$ 2,500,001 -	\$ ((3,000)) 3,300
\$ 3,000,001 -	\$ ((3,500)) 3,850
\$ 4,000,001 -	\$ ((4,000)) 4,400
\$ 5,000,001 -	\$ ((5,000)) 5,500
\$ 6,000,001 -	\$ ((6,000)) 6,600
\$ 7,000,001 -	\$ ((7,000)) 7,700
\$ 8,000,001 -	\$ ((8,000)) 8,800
\$ 9,000,001 -	\$ ((9,000)) 9,900
over	\$ ((10,000,001)) 11,000
	<u>10,000,000</u>

**NEW SECTION**

**WAC 16-157-245 Retailer fee schedule.** Retailers who wish to apply for the organic food certification program must apply to the department each year.

(1) Renewal applicants. Application fees must be based on the previous calendar year's sales of organic products. In the event that the current calendar year's sales exceed the previous year's sales, the department may bill the retailer for the additional fee. In the event that the current calendar year's sales are less than the previous year's sales, the retailer may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1 must pay a late fee of seventy-five dollars.

(2) New applicants. Application fees must be based on an estimate of the current year's sales of organic food. In the event that the current calendar year's sales exceed the estimate, the department may bill the retailer for the additional fee. In the event that the current calendar year's sales are less than the estimate, the retailer may request a refund for the reduced fee. In addition, new applicants must pay a one hundred dollar new applicant fee.

PROPOSED

(3) The cost per facility must be based on the following fee schedule. The appropriate fee must accompany the application.

ORGANIC SALES		FEE
\$ 0 -	\$100,000	..... \$330
\$100,001 -	\$500,000	..... \$500
\$500,001 -	\$1,000,000	..... \$750
\$1,000,001 -	\$2,000,000	..... \$1,000
\$2,000,001 -	\$3,000,000	..... \$1,500
\$3,000,001 -	\$4,000,000	..... \$2,000
\$4,000,001 -	\$5,000,000	..... \$2,250
over -	\$5,000,000	..... \$2,500

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

**WAC 16-157-250 Inspections.** The director shall make at least one inspection and any additional inspections deemed necessary to each applicant each year to determine compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW. This inspection may entail a survey of required records, examination of fields, facilities and storage areas, and any other information deemed necessary by the requirements of this chapter.

~~((Two inspections))~~ The annual on-site inspection and any additional inspections conducted for collecting samples or for surveillance within the state of Washington are provided for under the application and certification fees. Additional inspections, if necessary to determine compliance or requested, will be charged to the applicant at the rate of ~~((thirty))~~ forty dollars per hour plus mileage set at the rate established by the state office of financial management. Out-of-state inspections, if necessary or requested, shall be at the rate of ~~((30))~~ \$40/hr. plus transportation costs.

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

**WAC 16-157-255 Sampling.** A representative sample of the product may be tested for pesticide or other contaminants whenever the director deems it necessary for certification or maintenance of certification. ~~((One))~~ Sample analysis is provided under the application and certification fees. ~~((Additional samples, if required for certification or maintenance of certification by the director, or requested by the applicant, will be charged to the applicant at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it will be charged at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.))~~

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

**WAC 16-157-260 Organic and transitional producer certification.** (1) ~~((The conditions for obtaining organic and transitional producer certification are the following:~~

~~(a) Inspection of the applicant by the department of agriculture showed no use of prohibited materials or practices as defined in chapter 15.86 RCW or rules adopted thereunder; and~~

~~(b) Recordkeeping practices meet the requirements specified in rules adopted under chapter 15.86 RCW; and~~

~~(c) Analysis of samples taken by the department of agriculture showed no prohibited substance usage or contamination; and~~

~~(d) No application of prohibited substances, as defined in chapter 16-154 WAC, has been applied to the site being certified for:~~

~~• At least three years prior to the harvest of organic food; or~~

~~• At least one year prior to the harvest of transitional food.))~~

Organic producers certified under this chapter may use the ~~((attached))~~ organic producer logo, found in WAC 16-157-275, to identify organic ~~((food))~~ products.

Transitional producers certified under this chapter may use the ~~((attached))~~ transitional producer logo, found in WAC 16-157-275, to identify transitional ~~((food))~~ products.

~~(2) ((For each site,))~~ The director must review the application, inspection report and results of any samples collected to determine that the producer has complied with the conditions for organic or transitional ((food)) certification ((on that site)). ~~((For each site,))~~ A certificate will be issued when the director determines that the producer has complied with the conditions for organic or transitional ((food)) producer certification ((on that site)).

~~((3) In no event shall organic food products be distributed or sold prior to the issuing of an organic food certificate by the department of agriculture for that year. New applicants and new sites must be inspected by the department before an organic food certificate is issued.~~

~~(4) Beginning in the year 2002, each site must meet the following conditions prior to the issuance of an organic food producer certificate for that site:~~

~~(a) The site must have been previously certified as organic; or~~

~~(b) The site must have been certified as second year transitional in the previous year; or~~

~~(c) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous two years; or~~

~~(d) The department determines that the site was producing organic crops in the previous year and the producer was exempted from certification under RCW 15.86.090 (2)(b).~~

~~(5) Beginning in the year 2003, prior to the issuance of a second year transitional food producer certificate:~~

~~(a) The site must have been certified as first year transitional in the previous year; or~~

~~(b) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous year; or~~

~~(c) The department determines that the site was producing first year transitional crops in the previous year and the producer was exempted from certification under RCW 15.86.090 (2)(b).))~~

PROPOSED

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

**WAC 16-157-270 Organic food processor and handler certification.** (1) ~~((The conditions of organic food processor and handler certification are the following:~~

~~(a) Inspection of the processor or handler by the department of agriculture showed no use of prohibited materials or practices as defined in chapter 15.86 RCW or rules adopted thereunder; and~~

~~(b) Recordkeeping practices meet the requirements specified in rules adopted under chapter 15.86 RCW; and~~

~~(c) Analysis of samples taken by the department of agriculture showed no prohibited substance usage or contamination.~~

(2)) The director must review the application, inspection report and results of any samples collected to determine that the processor or handler has complied with the conditions for organic food certification. An organic food certificate will be issued when the director determines that the processor or handler has complied with the conditions for organic food certification.

~~((3) In no event shall organic food products be processed or handled by a facility prior to the issuing of an organic food certificate by the department of agriculture for that year. New applicants must be inspected by the department before an organic food certificate is issued.~~

(4)) (2) Processors certified under this chapter may use the ~~((attached))~~ organic processor logo, found in WAC 16-157-275, to identify organic ~~((food))~~ products processed by the facility.

~~((5))~~ (3) Handlers certified under this chapter may use the ~~((attached))~~ organic handler logo, found in WAC 16-157-275, to identify organic ~~((food))~~ products handled by the facility.

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

**WAC 16-157-290 Export and transaction certificates.** (1) Organic export and transaction certificates are issued to verify that a specific shipment of organic food products has been produced, processed, and handled in accordance with ~~((chapter 15.86 RCW and rules adopted thereunder))~~ the 2001 National Organic Program, 7 CFR Part 205 or a foreign organic standard.

(2) Applications for export and transaction certificates must be submitted on forms furnished by the department. The applicant must furnish all information requested on the application. A separate application must be made for each export and transaction certificate.

(3) The fee for export and transaction certificates shall be ~~((thirty))~~ forty dollars per application.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 16-157-100 Land requirements.

WAC 16-157-110

Records.

WAC 16-157-200

Application for certification.

WAC 16-157-280

Decertification.

**WSR 02-23-006  
PROPOSED RULES  
COUNTY ROAD  
ADMINISTRATION BOARD**

[Filed November 7, 2002, 11:38 a.m.]

Original Notice.

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

Title of Rule: Title 136 WAC.

Purpose: Amends WAC 136-163-030.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Name of Agency Personnel Responsible for Drafting: Randy Hart, 2404 Chandler Court S.W., Suite 240, 753-5989; Implementation: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, 753-5989; and Enforcement: Jay Weber, 2404 Chandler Court S.W., Suite 240, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 136-163-030 Limitations and conditions—Emergency projects, revision is only to correct typo.

Proposal does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Suite 280, Olympia, WA 98504-0913, on January 16, 2003, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Karen Pendleton by January 8, 2003, TDD (800) 833-6384 or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, fax (360) 586-0386, by January 8, 2003.

Date of Intended Adoption: January 16, 2003.

November 7, 2002

Jay P. Weber

Executive Director

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-163-030 Limitations and conditions—Emergency projects.** To be eligible for emergency project approval, the county must declare an emergency as provided for in RCW ~~((36.04.180))~~ 36.40.180. If there is not yet a state declaration of emergency, the county must also, in consultation with the state military department, emergency management division and the WSDOT, evaluate the probability of receiving a state declaration of emergency. A state declara-

PROPOSED

tion of emergency is required as a condition of receiving federal funding for road-related damages via the Emergency Relief Program or FEMA. If such federal funding has been approved or is likely to be approved, the county road administration board may provide up to one hundred percent of a county's required matching funds for such federal funding but only after the approval of the federal funds.

Should such federal funding not be forthcoming, or if the emergency is of such a scope and size that federal funding is clearly improbable, the county road administration board may provide up to eighty percent or ninety percent of the estimated eligible damages depending upon the regional limitations as provided for in WAC 136-161-090, with the total project cost limited to the actual expenditures by the county.

**WSR 02-23-007**  
**PROPOSED RULES**  
**COUNTY ROAD**  
**ADMINISTRATION BOARD**  
 [Filed November 7, 2002, 11:39 a.m.]

Original Notice.

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

Title of Rule: Title 136 WAC.

Purpose: Amends WAC 136-150-023, 136-150-030 and 136-150-040; new sections WAC 136-150-050 and 136-150-060; and repeals WAC 136-150-024 Constraint of contract execution.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Name of Agency Personnel Responsible for Drafting: Chris Mudgett, 2404 Chandler Court S.W., Suite 240, 753-5989; Implementation: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, 753-5989; and Enforcement: Jay Weber, 2404 Chandler Court S.W., Suite 240, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Ascertaining the expenditures for fish passage barrier removal.

Proposal Changes the Following Existing Rules: Revisions to chapter 136-150 WAC, Eligibility for rural arterial trust account, will be revised to include compliance with revised statutes regarding removal of barriers to fish passage.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Suite 280, Olympia, WA 98504-0913, on January 8, 2003, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Karen Pendleton by January 8, 2003, TDD (800) 833-6384 or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, fax (360) 586-0386, by January 8, 2003.

Date of Intended Adoption: January 16, 2003.

November 7, 2002

Jay P. Weber

Executive Director

AMENDATORY SECTION (Amending WSR 01-17-104, filed 8/21/01, effective 9/21/01)

WAC 136-150-023 ((Identifying eligible counties.)) ~~Ascertaining the expenditures for fish passage barrier removal.~~ ((Counties eligible to receive RATA funds shall be:

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

~~(2) Those in which the actual expenditures for traffic law enforcement have been equal to or greater than either the amount of diverted road levy budgeted for traffic law enforcement or the amount of road funds transferred to current expense to fund traffic law enforcement;~~

~~(3) Those in which road funds have been transferred to other funds and have been used for legitimate road purposes;~~

~~(4) Those with a population of less than eight thousand; and~~

~~(5) Those expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050.)) In those counties in which road funds have been used for removal of barriers to fish passage and accompanying streambed and stream bank repair as specified in RCW 36.82.070, the county engineer shall submit a certification showing that activities related to the removal of barriers to fish passage performed beyond the county right of way did not exceed twenty-five percent of the total costs for activities related to fish barrier removal on any one project, and that the total annual cost of activities related to the removal of barriers to fish passage performed beyond the county rights of way did not exceed one-half of one percent of the county's annual road construction budget. Such certification shall be submitted to the county road administration board no later than March 15 of each year.~~

AMENDATORY SECTION (Amending WSR 01-17-104, filed 8/21/01, effective 9/21/01)

WAC 136-150-030 ((Certification required.)) ~~Identifying eligible counties.~~ ((The contract between the county road administration board and a county relative to a RAP project shall contain a certification, signed by the county executive or chair of the board of county commissioners, as appropriate, that the county is in compliance with the provisions of this chapter.)) Counties eligible to receive RATA funds shall be:

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

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

(3) Those in which the amount of county road funds used beyond the county right of way for activities clearly associated with removal of fish passage barriers that are the responsibility of the county did not exceed twenty-five percent of the total cost of activities on any one project and the total cost of activities related to fish barrier removal beyond the county right of way did not exceed one-half of one percent of the county's total annual road construction budget;

(4) Those in which road funds have been transferred to other funds and have been used for legitimate road purposes;

(5) Those with a population of less than eight thousand; and

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

AMENDATORY SECTION (Amending WSR 01-17-104, filed 8/21/01, effective 9/21/01)

WAC 136-150-040 ((Post audit penalty.)) **Constraint of contract execution.** ((Every RAP project shall be subject to final examination and audit by the state auditor. In the event such an examination reveals an improper certification on the part of a county relative to compliance with provisions of this chapter, the matter shall be placed on the agenda of the next meeting of the county road administration board and may be cause for the board to withdraw or deny the certificate of good practice of that county. The board may also require that all or part of the RATA funds received by the county be returned to the county road administration board.)) **The county road administration board shall not execute a contract with any county for any RAP project unless the appropriate certifications have been submitted and unless the county has been identified as being eligible to receive RATA funds.**

#### NEW SECTION

**WAC 136-150-050 Certification required.** The contract between the county road administration board and a county relative to a RAP project shall contain a certification signed by the county executive or chair of the board of county commissioners, as appropriate, that the county is in compliance with the provisions of this chapter.

#### NEW SECTION

**WAC 136-150-060 Post audit penalty.** Every RAP project shall be subject to final examination and audit by the state auditor. In the event such an examination reveals an improper certification on the part of a county relative to compliance with provisions of this chapter, the matter shall be placed on the agenda of the next meeting of the county road administration board and may be cause for the board to withdraw or deny the certificate of good practice of that county. The board may also require that all or part of the RATA funds received by the county be returned to the county road administration board.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 136-150-024 Constraint of contract execution.

**WSR 02-23-008  
PROPOSED RULES  
COUNTY ROAD  
ADMINISTRATION BOARD**  
[Filed November 7, 2002, 11:40 a.m.]

Original Notice.

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

Title of Rule: Title 136 WAC.

Purpose: Amends WAC 136-60-010, 136-60-020, 136-60-030, 136-60-040, 136-60-050, and 136-60-060 regarding the county road log.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Name of Agency Personnel Responsible for Drafting: Dave Whitcher, 2404 Chandler Court S.W., Suite 240, 753-5989; Implementation: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, 753-5989; and Enforcement: Jay Weber, 2404 Chandler Court S.W., Suite 240, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provides that the County Road Administration Board shall maintain the county road log for the purpose of computing estimated county road replacement costs and estimated annual maintenance costs for county fuel tax allocations.

Proposal Changes the Following Existing Rules: WAC 136-60-010, included additions to the roadlog as a changed that needs validation prior to inclusion in the roadlog.

WAC 136-60-020, subsection (4) Control fields, specifies which fields are the control fields, used in the computation of gas tax allocations and subsection (5) Master county roadlog, the master county roadlog contains the roadlogs of all the counties, not just the updates.

WAC 136-60-040, included CAPP allocation factors and RAP Region allocation factors as additional uses of the roadlog by CRAB. These programs were enacted subsequent to the adoption of chapter 136-60 WAC.

WAC 136-60-050 Validation requirements for control fields.

WAC 136-60-060, changed DOS-compatible microcomputer to Windows-compatible microcomputer.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Suite 280, Olympia, WA 98504-0913, on January 16, 2003, at 2:00 p.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Karen Pendleton by January 8, 2003, TDD (800) 833-6384 or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, fax (360) 586-0386, by January 8, 2003.

Date of Intended Adoption: January 16, 2003.

November 7, 2002

Jay P. Weber

Executive Director

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-60-010 Purpose and authority.** RCW 46.68.124(2) provides that the county road administration board shall maintain the county road log for the purpose of computing estimated county road replacement costs and estimated annual maintenance costs for county fuel tax allocations. It further provides that each county shall submit changes, corrections, additions, and deletions (i.e., "updates") to the county road administration board which in turn are subject to validation prior to inclusion in the road log maintained by the county road administration board. This chapter describes the manner in which the county road administration board will administer this responsibility.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-60-020 Definitions.** For purposes of implementing procedures for updating, validating and maintaining the county road log, the following definitions shall apply:

(1) County road log - the listing, by county, of all roads under county jurisdiction including their description, length, milepost identification, functional class, surface type, traffic volume, and other administrative and physical inventory items that may be included.

(2) Computer data base (~~((CDB))~~) application software - the computer data base application software by which the county road log data is updated and maintained by all counties and the county road administration board.

(3) Updates - periodic changes to the county road log involving any or all of the included data elements.

(4) Control fields - those fields within the county road log for which all updates need to be verified by the county road administration board prior to inclusion in the master county road log. Control fields are ~~((only))~~ those fields utilized for the computation of gas tax allocations in accordance with RCW ~~((46.68.120))~~ 46.68.124. The control fields are: Unique identifier (county road number, beginning milepost, ending milepost), jurisdiction, length, function class, surface type, surface width, right and left shoulder type, right and left shoulder width, and average daily traffic volume.

(5) Master county road log - the combination of all county road logs as kept by the county road administration board containing ~~((all updates (including validation of control fields)))~~ the county roadlog of all counties as of July 1st of each year.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-60-030 Submittal of annual updates.** Each county shall be responsible for maintaining current information regarding its road log and, no later than May 1st of each year, shall submit an updated road log for its complete road system with all data elements as of December 31st of the preceding year. This annual update must be on computer-readable medium and written in the computer data base (~~((program))~~) application software format as prescribed by the county road administration board. All updates involving changes in control fields must include supporting documentation as required in WAC 136-60-050.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-60-040 Validation of annual updates.** All control field updates will be subject to review, approval and acceptance (i.e., "validation") by the county road administration board. This process will involve reviewing the submitted documentation and conducting spot-checks as may be necessary. All such updates which are reviewed, approved and accepted by July 1st of each year will be entered into the master county road log. Noncontrol field updates will be entered into the master county road log file without review. The master county road log as of July 1st of each year will be utilized by the county road administration board for general informational purposes and~~((;))~~:

(1) On each odd-numbered year, for computation of motor vehicle fuel tax allocations to the counties;

(2) Annually, for the computation of county arterial preservation program allocations to the counties; and

(3) On each odd-numbered year, for computation of rural arterial program allocations to the rural arterial program regions.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-60-050 Validation requirements for control fields.** Each update of a road log segment that involves a change in a control field (including additions or deletions of road segments) will be validated by the county road administration board. Documentation necessary to support control field changes is as follows:

~~((Functional))~~ Function class - notice of FHWA approval from WSDOT.

Pavement type - statement signed by county engineer with list of pavement type changes. ~~((A suitable scale map showing the limits of the change(s) must also be included.))~~

Responsible agency - ~~((see requirements under "Addition of mileage" and "Deletion of mileage" -))~~ the responsible agency is the legislative authority of the appropriate governmental agency with the authority to make the decision required for the action, or the state or federal government person authorized to approve changes.

Addition of mileage - ~~((statement))~~ official document signed by ((county engineer)) responsible agency authorizing

and describing the circumstances of the addition. For example, additions can occur through ~~((commissioner))~~ county legislative approval of new plat, construction/reconstruction on new alignment, or a change in jurisdiction. ~~((Appropriate map(s) showing the changes must also be included.))~~

**Deletion of mileage** - ~~((statement))~~ official document signed by ~~((county engineer))~~ responsible agency authorizing and describing the circumstances of the deletion. For example, deletions can occur through legislative approval of vacations or a change in jurisdiction. ~~((Appropriate map(s) showing the changes must also be included.))~~

**Traffic volume** - statement signed by county engineer with list of segments affected by change in traffic volume. ~~((A statement is required only if it involves road segments with urban classification and with an ACP or PCC surface type and it involves a volume change crossing the 5000 ADT value.))~~

All changes to a control field will be located on appropriate map(s) with sufficient detail to identify the location of each change. All map(s) furnished in support of control field changes will be forwarded by the county road administration board to WSDOT for future map base updates.

**AMENDATORY SECTION** (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-60-060 Utilization of common computer data base.** Each county shall utilize ~~((a common))~~ the computer data base application software for the maintenance and updating of its county road log. This data base application software shall be prescribed by the county road administration board and each county shall be responsible for the purchase and installation of the requisite software on its own ~~((DOS compatible microcomputer))~~ Windows compatible computer.

#### WSR 02-23-021

### WITHDRAWAL OF PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

(By the Code Reviser's Office)

[Filed November 12, 2002, 8:49 a.m.]

WAC 480-120-202, proposed by the Utilities and Transportation Commission in WSR 02-08-081 appearing in issue 02-10 of the State Register, which was distributed on May 15, 2002, 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 02-23-022

### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF TRANSPORTATION (By the Code Reviser's Office) [Filed November 12, 2002, 8:50 a.m.]

WAC 468-550-050, proposed by the Department of Transportation in WSR 02-10-020 appearing in issue 02-10 of the State Register, which was distributed on May 15, 2002, 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 02-23-023

### WITHDRAWAL OF PROPOSED RULES STATE BOARD OF EDUCATION (By the Code Reviser's Office) [Filed November 12, 2002, 8:51 a.m.]

WAC 180-86-011, 180-86-013, 180-86-020, 180-86-030, 180-86-055, 180-86-065, 180-86-070, 180-86-075, 180-86-100, 180-86-116, 180-86-130, 180-86-140, 180-86-145, 180-86-160, 180-86-170, 180-86-180 and 180-86-185, proposed by the State Board of Education in WSR 02-10-052 appearing in issue 02-10 of the State Register, which was distributed on May 15, 2002, 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 02-23-032

### PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Economic Services Administration) [Filed November 12, 2002, 3:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-16-078.

Title of Rule: Amending WAC 388-478-0055 How much do I get from my supplemental security income (SSI) and state supplemental payments (SSP)? and adopting new WAC 388-474-0012 What is a state supplemental payment and who can get it?

Purpose: WAC 388-478-0055 updates SSI and SSP payment standards caused by the cost of living adjustment (COLA), changes to eligibility criteria as directed by the legislature for the state supplemental payment program, and simplifies rule language. WAC 388-474-0012 changes reflect the legislature's directive defining the eligibility crite-

ria for receiving a state supplemental payment (SSP) in Washington state.

Other Identifying Information: Federal Public Law 92-603 and the Social Security Act publish regulations for states that must provide a state supplemental payment program. The Social Security Administration oversees compliance with state supplementation rules.

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

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.08.090.

Summary: The change to WAC 388-478-0055 explains to SSI and SSP clients what their SSI and SSP payment amounts will be after the cost of living adjustments and the legislative directive to change the category of SSI client who can get a state supplement. The addition of new WAC 388-474-0012 implements the legislature's directive about who can receive a Washington SSI supplemental payment (SSP).

Reasons Supporting Proposal: The legislature, in the budget details for ESSB 6387 (chapter 371, Laws of 2002), instructed the department to change the direction of the SSP program and adjusted the SSP funding level for Economic Services Administration's SSI clients. These changes to eligibility and to the payment standards are described in WAC 388-478-0055 and 388-474-0012. WAC 388-478-0055 also reflects the 2003 cost of living adjustment (COLA).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carole McRae, P.O. Box 45470, Olympia, WA 98504-5470, (360) 413-3074.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: Changes to these rules tell clients about the new SSI and SSP payment amounts based upon the annual cost of living adjustment. The change to rule WAC 388-478-0055 simplifies rule language according to clear writing principals. A new rule WAC 388-474-0012 is needed to comply with the March 2002 legislative directive to pay a SSP to only two categories of SSI recipients.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses, they only affect DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These rules adopt changes to the state supplemental payment program eligibility as directed by the legislature.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on January 7, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by January 3, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov by 5:00 p.m., January 7, 2003.

Date of Intended Adoption: Not earlier than January 8, 2003.

November 7, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-19-024, filed 9/12/01, effective 11/1/01)

**WAC 388-478-0055** (~~SSI payment standards for eligible recipients.~~) How much do I get from my Supplemental Security Income (SSI) and state supplemental payments (SSP)? (1) ((Supplemental Security Income (SSI)) SSI((S)) is a federal cash assistance program for needy individuals and couples who meet federal disability guidelines as aged, blind or disabled. ((Since the SSI program began in January 1974, the state of Washington has added to the federal benefit level with state funds, known as the SSI state supplement. If you are found eligible for SSI, you will receive cash assistance based on the combined federal and state supplement benefit levels, minus countable income. An essential person is someone who lives with you and provides care and personal services that enable you to live in either your own home or the home of the essential person)) SSP is a payment from the state for certain SSI eligible people (see WAC 388-474-0012).

If you are eligible for SSI, you may receive a federal cash payment from the federal Social Security Administration, as well as a SSP cash payment from the state.

If you were converted from state assistance to the federal SSI program in January 1974 because you were aged, blind, or disabled, the department calls you a grandfathered client. Social Security calls you a mandatory income level (MIL) client. To be a grandfathered (MIL) client, you must have remained continuously eligible for SSI from January 1974.

A change in living situation, cost-of-living adjustment (COLA) or federal payment level (FPL) can affect a grandfathered (MIL) client. A grandfathered (MIL) client gets a federal SSI payment and a SSP payment, which totals the higher of one of the following:

(a) The state assistance standard set in December 1973, unless you lived in a medical institution at the time of conversion, plus the federal cost-of-living adjustments (COLA) since then; or

(b) The current payment standard.

(2) The federal, state and combined ((benefit levels)) payment level for an eligible individual and couple are:

(a) If you are living alone ((in area 1: King, Pierce, Snohomish, Thurston, and Kitsap Counties)).

PROPOSED

LIVING ALONE - In own household or alternate care, except nursing homes or medical institutions	Federal <del>((Benefit))</del> <u>Payment</u> Level	State Supplement <del>((Benefit))</del> <u>Payment</u> Level	Combined Federal/State <del>((Benefit))</del> <u>Payment</u> Level
Individual	\$ <del>((531.00))</del> <u>553.00</u>	\$ <del>((25.90))</del> <u>0.00</u>	\$ <del>((556.90))</del> <u>553.00</u>
Individual with: One essential person	<del>((797.00))</del> <u>829.00</u>	<del>((19.90))</del> <u>0.00</u>	<del>((816.90))</del> <u>829.00</u>
<del>((Individual with: Multiple essential persons))</del>	<del>((531 for the eligible individual plus \$266 for each essential person (no state supplement)))</del>		
Individual with an ineligible spouse	\$ <del>((531.00))</del> <u>553.00</u>	\$ <del>((166.10))</del> <u>70.00</u>	\$ <del>((697.10))</del> <u>623.00</u>
Couple	\$ <del>((796.00))</del> <u>828.00</u>	\$ <del>((19.90))</del> <u>0.00</u>	\$ <del>((815.90))</del> <u>828.00</u>
<del>((Couple with one or more essential persons))</del>	<del>((796 for eligible couple plus \$266 for each essential person (no state supplement)))</del>		
<u>Couple with one essential person</u>	<u>\$828.00</u>	<u>\$0.00</u>	<u>\$828.00</u>

(b) ~~((If you are living alone in area 2: All other counties.~~

living alone - In own household or alternate care, except nursing homes or medical institutions	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$ 531.00	\$ 5.45	\$ 536.45
Individual with: One essential person	\$ 797.00	\$ 0.00	\$ 797.00
Individual with: Multiple essential persons	\$531 for the eligible individual plus \$266 for each essential person (no state supplement)		
Individual with an ineligible spouse	\$ 531.00	\$ 136.15	\$ 667.15
Couple	\$ 796.00	\$ 0.00	\$ 796.00
Couple with one or more essential persons	\$796 for eligible couple plus \$266 for each essential person (no state supplement)		

(e)) If you are in shared living ~~((in either Area 1 or 2)).~~

SHARED LIVING - In the home of another person	Federal <del>((Benefit))</del> <u>Payment</u> Level	State Supplement <del>((Benefit))</del> <u>Payment</u> Level	Combined Federal/State <del>((Benefit))</del> <u>Payment</u> Level
Individual	\$ <del>((354.00))</del> <u>368.42</u>	\$ <del>((3.71))</del> <u>0.00</u>	\$ <del>((357.71))</del> <u>368.42</u>
Individual with: One essential person	<del>((531.34))</del> <u>552.97</u>	<del>((4.20))</del> <u>0.00</u>	<del>((535.54))</del> <u>552.97</u>
<del>((Individual with: Multiple essential persons))</del>	<del>((354.00 for the eligible individual plus \$177.00 for each essential person (no state supplement)))</del>		
Individual with an ineligible spouse	\$ <del>((354.00))</del> <u>368.42</u>	\$ <del>((101.66))</del> <u>70.00</u>	\$ <del>((455.66))</del> <u>438.42</u>
Couple	\$ <del>((530.67))</del> <u>552.29</u>	\$ <del>((4.20))</del> <u>0.00</u>	\$ <del>((534.87))</del> <u>552.29</u>
<del>((Couple with one or more essential persons))</del>	<del>((530.67 for eligible couple plus \$177.00 for each essential person (no state supplement)))</del>		
<u>Couple with one essential person</u>	<u>\$552.29</u>	<u>\$0.00</u>	<u>\$552.29</u>

~~((d))~~ (c) If you are residing in a medical institution: Area 1 and 2.

PROPOSED

PROPOSED

MEDICAL INSTITUTION	Federal ((Benefit)) <u>Payment</u> Level	State Supplement ((Benefit)) <u>Payment</u> Level	Combined ((Benefit)) <u>Pay-</u> <u>ment</u> Level
Individual	\$ 30.00	\$ 11.62	\$ 41.62

~~((c) Mandatory income level (MIL) for grandfathered claimant. You are "grandfathered" if you qualified for assistance from the state as aged, blind, or disabled, were converted from the state to federal disability assistance under SSI in January 1974, and have remained continuously eligible for SSI since that date.~~

~~If you are a MIL client, your combined federal/state SSI benefit level is the higher of the following:~~

- ~~(i) The state assistance standard you received in December 1973, except if you resided in a medical institution at the time of conversion, plus the federal cost of living adjustments (COLA) since then; or~~
- ~~(ii) The current standard.)~~

**NEW SECTION**

**WAC 388-474-0012 What is a state supplemental payment and who can get it?** (1) The state supplemental payment (SSP) is a state-paid cash assistance program for certain clients who the Social Security Administration determines are eligible for Supplemental Security Income (SSI).

(2) You can get an SSP if:

- (a) You are a grandfathered SSI recipient under WAC 388-474-0001;
- (b) You are an individual with an ineligible spouse under WAC 388-474-0001; or
- (c) You are determined eligible for SSP by the division of developmental disabilities (see WAC 388-825-525 and 388-825-535).

**WSR 02-23-040**

**WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF PERSONNEL**

(Personnel Resources Board)  
[Filed November 14, 2002, 3:36 p.m.]

The Washington Personnel Resources Board hereby withdraws the proposed amendment to WAC 356-05-465. This was originally filed as WSR 02-16-036 on July 29, 2002.

If you have any questions, please contact Donna Parker at (360) 664-6347.

E. C. Matt  
Secretary

**WSR 02-23-045**

**PROPOSED RULES  
DEPARTMENT OF LICENSING**

[Filed November 15, 2002, 7:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-20-059.

Title of Rule: WAC 308-125-200.

Purpose: Incorporation by reference of the 2003 edition of the Uniform Standards of Professional Appraisal Practice, the generally recognized national organized standards of real estate appraisal. Incorporation by reference is required because to incorporate the whole text would be unduly cumbersome and expensive.

Statutory Authority for Adoption: RCW 18.140.030 (16) and (17).

Statute Being Implemented: Chapter 18.140 RCW.

Summary: Incorporate the 2003 edition of the Uniform Standards of Professional Appraisal Practice into WAC 308-125-200.

Reasons Supporting Proposal: That real estate appraisals in Washington be performed in accordance with current generally accepted appraisal standards as evidenced by the most recent amendments to appraisal standards promulgated by the Appraisal Standards Board of the Appraisal Foundation. This is required by Section 1110, Title XI of the Financial Institutions Recovery and Enforcement Act of 1989 (12 U.S.C. 3339).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cleotis Borner, Jr., Olympia, (360) 664-6504.

Name of Proponent: Department of Licensing, Real Estate Appraiser Program, governmental.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-125-200 will incorporate by reference the 2003 edition of the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed change only adopts the current edition of the Uniform Standards of Professional Appraisal Practice.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building #2, BPD #102, Olympia, WA, on Tuesday, December 24, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ralph Birkedahl by December 19, 2002, TDD (360) 664-0116 or (360) 664-6504.

Submit Written Comments to: Cleotis Borner, Jr., Real Estate Appraiser Program, P.O. Box 9015, Olympia, WA 98507-9015, fax (360) 586-0998, by December 22, 2002.

Date of Intended Adoption: December 24, 2002.

November 15, 2002  
Cleotis Borner, Jr.  
Program Manager

AMENDATORY SECTION (Amending WSR 02-03-012, filed 1/4/02, effective 2/4/02)

**WAC 308-125-200 Standards of practice.** (1) The standard of practice governing real estate appraisal activities will be the ~~((2002))~~ 2003 edition of the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. A copy of the Uniform Standards of Professional Appraisal Practice is available for review and inspection at the office of the Real Estate Appraiser Unit Office, Olympia, Washington. The Uniform Standards of Professional Appraisal Practice is a copyright document. Copy of the full text may be obtained from the Appraisal Foundation at The Appraisal Foundation, P.O. Box 96734, Washington, DC 20090-6734.

(2) Expert review appraisers as defined by RCW 18.140.010(11) while performing expert reviews pursuant to chapter 18.140 RCW are exempt from the Uniform Standards of Professional Appraisal Practice, Standard 3 review provisions while performing expert reviews for the director.

**WSR 02-23-046**  
**PROPOSED RULES**  
**SOUTH PUGET SOUND**  
**COMMUNITY COLLEGE**  
[Filed November 15, 2002, 8:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-20-107.

Title of Rule: WAC 132X-60-065 Distribution and posting of materials.

Purpose: Identifies appropriate college staff and clarifies the designated areas relevant to distribution and posting of materials; updates title change; and for general housekeeping changes.

Statutory Authority for Adoption: RCW 28B.50-140(13).

Summary: Proposed changes are to bring clarity to existing rules, update title change, and designate areas for distribution and posting.

Reasons Supporting Proposal: To clarify rules intent and make corrections of a general housekeeping nature.

Name of Agency Personnel Responsible for Drafting: Kenneth J. Minnaert, Building 25, (360) 596-5202; Implementation and Enforcement: Robert Bell, Mike Beehler, John Hurley, Dave Rector, 754-7711.

Name of Proponent: South Puget Sound Community College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amending WAC 132X-60-065 Distribution and posting of materials to allow for open posting at designated areas on campus.

Proposal Changes the Following Existing Rules: Changes WAC 132X-60-065 by eliminating language that imposed restrictions to posting and distribution of materials.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under chapter 19.85 RCW none is required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: South Puget Sound Community College, Building 25, Boardroom, 2011 Mottman Road S.W., Olympia, WA 98512-6292, on January 9, 2003, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Diana Toledo by January 2, 2003, TDD (360) 754-6477 or (360) 596-5202.

Submit Written Comments to: Diana Toledo, Executive Assistant to the President, SPSCC, 2011 Mottman Road S.W., Olympia, WA, fax (360) 586-3570, by January 2, 2003.

Date of Intended Adoption: January 9, 2003.

November 7, 2002  
Kenneth J. Minnaert  
President

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

**WAC 132X-60-065 Distribution and posting of materials.** Permission for the posting of materials and literature on college property shall be obtained from the following college officials:

(1) ~~The ((associate)) dean of student((s-))programs ((and activities)) for the posting ((on restricted posting)) of materials in designated areas in the student union building, the college center, hallways, within buildings and those areas located on ((the)) campus outside of college buildings.~~

~~((Posting on campus will be approved on campus by student programs. Exceptions to this are instruction announcements, cancellations, class changes, grade posting, etc., registration information, or construction posting by administrative services.~~

~~Permission for the dissemination or distribution of materials in other areas of the college campus, buildings, or facilities shall be obtained from the appropriate vice president.))~~

No posting will be allowed on railings unless paint protection devices are used. Permission for any such postings must have the prior approval of the dean of student programs.

~~((Only nonprofit, nonreligious organizations will be allowed to advertise on campus. An exception is career days or hiring firms on campus.))~~

(3) The appropriate college vice-president for permission for the dissemination and distribution of materials in other areas of the college campus, buildings, or facilities.

In addition, the following apply to the posting of materials:

(4) No posting of ((commercial, secular, or)) obscene materials.

(5) No ((notes on trees)) materials will be posted or tacked ((to)) on trees or the gazebo at Percival Creek.

~~((Any item posted must have the identity of the local sponsor on its face. Posting on windows with the exception of instruction and administrative notices put up with nonadhesive tape is not to be allowed.))~~

PROPOSED

WSR 02-23-047

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed November 15, 2002, 10:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-20-023.

Title of Rule: Chapter 468-15 WAC, Small works roster, procedures for establishment of a small works roster.

Purpose: Implements RCW 39.04.155 which requires an agency authorized to utilize the small works roster process to solicit competitive bids for projects under \$200,000 to first adopt a rule prior to establishing a small works roster. The rule is needed to ensure all interested contractors are notified of the establishment of the roster. Adoption of the rule will allow the agency to reduce the cost for formal advertisement for bids and ensure fair competition on small public works contracts.

Other Identifying Information: Washington State Department of Transportation (WSDOT) is required to formally advertise all contracts \$7,500 or higher. Typically the cost for formal advertisement is a significant percentage of the total cost of these projects. The small works roster process will eliminate the formal advertisement cost and still provide a means for competitive bids on these small contracts.

Statutory Authority for Adoption: RCW 47.01.101, 39.04.155.

Statute Being Implemented: RCW 39.04.155.

Summary: RCW 39.04.155 authorizes WSDOT to use the small works roster process to solicit bids for small public works. Adoption of a rule is required by RCW 39.04.155 prior to establishment of a small works roster. Adoption of the rule will enable WSDOT to use the small works roster process for competitive bids and reduce cost for advertisement of small contracts.

Reasons Supporting Proposal: Adoption of the rule will enable WSDOT to reduce the cost of formal advertisement for bids on small public works contracts.

Name of Agency Personnel Responsible for Drafting: Ken Walker, 1A23 Transportation Building, (360) 705-7017; Implementation and Enforcement: John F. Conrad, 1D27 Transportation Building, (360) 705-7032.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: WSDOT desires to implement a small works roster process to solicit competitive bids for small public works contracts. Specifically, wetland mitigation sites and 2nd and 3rd year landscape planting contracts. Projects when the total cost is less than \$200,000. The cost of formal advertisement for these small contracts is typically a high percentage of the total cost of the project. Soliciting bids through the small works roster process will significantly reduce this cost. RCW 39.04.155 authorizes WSDOT to use the small works roster process, however, it requires adoption of a rule implementing the statute.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required. There is no additional cost to the contractor to qualify for inclusion on the small works roster.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Commission Boardroom 1D2, Transportation Building, 310 Maple Park Avenue S.E., Olympia, WA 98501-2361, on January 7, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ken Walker, Manager Contract Ad and Award, (360) 705-7017.

Submit Written Comments to: Ken Walker, Manager Contract Ad and Award Office, P.O. Box 7360, Olympia, WA 98504-7360, fax (360) 705-7017 by January 6, 2003.

Date of Intended Adoption: January 7, 2003.

October 15, 2002

John F. Conrad

Assistant Secretary

Engineering and Regional

Operations Division

Chapter 468-15 WAC

SMALL WORKS ROSTER

NEW SECTION

WAC 468-15-010 Purpose and authority. This chapter is adopted pursuant to RCW 39.04.155, which requires a state agency establishing a small works roster or rosters to adopt rules implementing the statute. It is further intended to:

(1) Establish procedures for solicitation of contractors interested in being placed on the department's small works roster(s).

(2) Provide a fair cost effective alternative method of contracting through the small works roster process.

(3) Provide for a clear concise method for a contractor to qualify for placement on the department's small works roster(s).

(4) Provide for an appeal and for a hearing procedure, for denial, suspension, or removal from a small works roster.

NEW SECTION

WAC 468-15-020 Contractor prequalification. No contract for the construction, alteration, improvement, or repair of any state highway, or of any other public highway to be awarded and administered by the department of transportation, may be awarded to any contractor who has not first been prequalified to perform the work per the requirements of chapter 468-16 WAC. Bidding proposals will be issued only to prequalified contractors. Only prequalified contractors will be placed on a small works roster.

NEW SECTION

WAC 468-15-030 Public notice required by department establishing small works roster. The department will

PROPOSED

at a minimum once per year provide a public notice to the contracting community encouraging contractors to submit applications for inclusion on the small works roster. Such notice may be mailed directly to trade associations or to individual contractors, by publishing the notice in one trade publication of general circulation within the state, a minimum once per week for two weeks, preceding the date for establishment of the small works roster, or by any method reasonably calculated to assure that all contractors in the state of Washington are aware of the opportunity to be included on the small works roster. The notice shall include the address and phone number, of the department's contract ad and award office from which to request the required questionnaire form for application and approval to be placed on the small works roster.

#### NEW SECTION

**WAC 468-15-040 Contractors questionnaire form—Information required.** Contractors desiring to be included on a small works roster established by Washington state department of transportation pursuant to RCW 39.04.155, shall submit a completed standard questionnaire and financial form on a form prescribed by the secretary of transportation. Copies of the form may be obtained from the department's contract ad and award office. The completed questionnaire shall be prepared and transmitted to the secretary, attention: Contractor prequalification office. The questionnaire shall include the following information:

- (1) The contractor's name, address, telephone number, FAX number, e-mail address, and type of organization (corporation, partnership, sole proprietorship, etc.);
- (2) A statement of ownership of the firm and, if a corporation, the name of the parent corporation, if any, and the names of any affiliated or subsidiary companies;
- (3) State contractor's license number;
- (4) State of Washington unified business identifier number (UBI) and UBI expiration date;
- (5) Federal tax ID number;
- (6) List of classes of work as enumerated on the form that the firm desires to be considered for such work class;
- (7) Indication of those counties in which the contractor is interested in being considered for small works projects;
- (8) Indication whether the contractor is certified as a minority or women's business enterprise or a disadvantaged business enterprise by the office of minority women business enterprises;
- (9) List all contracts or subcontracts performed in whole or in part within the immediate three preceding years. Include the contract amount, date of completion, classes of work performed, owner or prime contractor's name, mailing address, phone number, fax number, and name of a contact person for the owner/prime for which the contractor performed the work. Only that work completed by the contractor's own organization under its own supervision will be considered for qualification. A minimum three completed projects must be listed.
  - (a) Personnel requirements.

(i) List principal officers and key employees indicating their years of experience in the classes of work for which qualification is sought.

(ii) A firm must have, within its own organization, qualified permanent, full-time personnel having the skills and experience including, if applicable, technical or specialty licenses, for each work class for which qualification is sought. Those firms seeking qualification for electrical work (classes 9, 16, and 42) must provide photocopies of current Washington state electrical licenses. The skills and experience must be substantiated by education and practical experience on completed construction projects.

(iii) "Its own organization" shall be construed to include only the contractor's permanent, full-time employed office and site supervisory personnel. Workers of the organization shall be employed and paid directly by the prime contractor.

(b) The applicant shall list the following occurrences within the previous three years:

(i) Instances of having been denied qualification, or a license, or instances of having been deemed other than responsible by any public agency.

(ii) Convictions for felonies listed in WAC 468-16-050.

(iii) Failure to complete contract.

(c) Complete financial statement for the contracting firm's last fiscal year. The contractor firm must have a positive net worth.

(d) A wholly owned subsidiary firm may file the latest consolidated financial statement of its parent corporation in lieu of a financial statement prepared solely for the subsidiary.

(e) The standard questionnaire shall be processed as follows:

(i) A standard questionnaire will be reviewed and a written notice provided to the applicant, within thirty days of its receipt, stating whether or not the applicant has qualified for or been denied qualification for the small works roster. The applicant will be advised of lack of receipt of data corroborating project completion and error or omissions in the questionnaire and a request for additional information necessary to complete the evaluation of the applicant. If the information is not provided within twenty calendar days of the request, the application will be processed, if possible, with the information available or it will be returned to the applicant without further action.

(ii) The department will enter the contractor's information on the appropriate small works roster. The department will notify the contractor by letter of placement on the appropriate small works roster. An applicant should not consider itself enrolled on the small works roster until receipt of such written notice.

It is the responsibility of the contractor to notify the department of any incorrect information set forth in the notice, and to notify the department of any change in the information set forth in its application.

#### NEW SECTION

**WAC 468-15-050 Denial or removal of contractor from small works roster—Reasons.** A contractor may be denied placement on or, after such placement, may be

removed from a small works roster for any one or more of the following reasons:

- (1) Information set forth in the contractor's application is not accurate or can not be verified;
- (2) The contractor fails to notify the department maintaining the small works roster of any changes in the information set forth in its original application for placement on the small works roster within thirty days of the effective date of the change;
- (3) The contractor fails to respond to five solicitations for bids on jobs offered through the small works roster;
- (4) The contractor's past performance demonstrates a lack of qualification in any specialty area indicated by the contractor in the application for placement on the small works roster;
- (5) The contractor fails to complete and return to the department maintaining the small works roster any periodic update submitted by the department to determine the contractor's ongoing interest in maintaining its placement on the small works roster;
- (6) Conviction of the firm or its principals of violating a federal or state antitrust law by bid-rigging, collusion, or restraint of competition between bidders; or conviction of violating any other federal or state law related to bidding or contract performance; or
- (7) Knowingly concealing any deficiency in the performance of a prior contract; or
- (8) Falsification of information or submission of deceptive or fraudulent statements in connection with prequalification, bidding, performance of a contract, or in legal proceedings; or
- (9) Debarment of the contractor by a federal or state agency; or
- (10) Willful disregard for applicable laws, rules or regulations.

The reasons for the denial or removal from the small works roster must be based on acts or omissions which took place within the five years preceding the date of the most recent submitted questionnaire.

#### NEW SECTION

**WAC 468-15-060 Hearings procedure.** (1) Whenever the department believes that grounds exist to deny the contractor placement on a small works roster or to suspend or remove the contractor from the roster, notice of such grounds shall be given to the contractor by first-class mail. If the contractor fails to object or request a hearing within twenty calendar days after the mailing of said notice, then the denial, suspension or removal shall be made effective. If the contractor requests a hearing by certified mail within twenty calendar days after the mailing of the notice, a hearing shall be conducted in accordance with the procedure set forth in this section. Unless the department is otherwise prohibited from contracting with the contractor, the denial, suspension or revocation shall not become effective until the final decision of the secretary has been rendered.

(2) The secretary shall designate a hearing official to conduct any hearing held under this section. The hearing official shall furnish written notice by certified mail of a hear-

ing to the contractor and any named affiliates at least twenty calendar days before the effective date of suspension or revocation or denial of qualification for placement on the small works roster. The notice shall state:

- (a) That suspension or revocation or denial of qualification for placement on the small works roster is being considered.
- (b) The effective date of the proposed action.
- (c) The facts giving cause for the proposed action.
- (d) The cause or causes relied upon for proposing the action, i.e., fraud, statutory violations, etc.
- (e) If suspension is proposed, the duration of the suspension.
- (f) That the contractor may, within twenty calendar days of receipt of the notice, submit to the hearing official by certified mail, return receipt requested, information and argument in opposition to or in clarification of the proposed action.
- (g) When the action is based on a conviction, judgment, or admission, fact finding shall be conducted if the hearing official determines that the contractor's submission raises a genuine dispute over material facts upon which the denial, suspension or revocation is based or whether the causes relied upon for proposing suspension or revocation exist.
- (h) The time, place, and date of the hearing.
- (i) The name and mailing address of the hearing official.
- (j) That proposals shall not be issued nor contracts awarded to the contractor subsequent to the dispatch of the notice of hearing pending the final decision of the secretary.

(3) The hearing official may extend the date of any hearing upon request of the contractor, but the hearing shall not be extended beyond forty-five calendar days from the date of the notice. The hearing official shall schedule and conduct the hearing within thirty calendar days of the date of the notice, except when an extension is granted as provided in this subsection.

- (4) In the course of the hearing, the hearing official shall:
  - (a) Regulate the course and scheduling of the hearings;
  - (b) Rule on offers of proof, receipt of relevant evidence, and acceptance of proof and evidence as part of the record;
  - (c) Take action necessary to insure an orderly hearing; and
  - (d) At the conclusion of the hearing, issue written findings of fact and recommended administrative action to the secretary. The hearing officer shall deliver the entire record to the secretary.

(5) The contractor shall have the opportunity to be present and appear with counsel, submit evidence, present witnesses, and cross-examine all witnesses. A transcribed or taped record shall be made of the hearing unless the secretary and the contractor waive the transcript or taping requirement. The transcript or tape shall be made available, at cost, to the contractor and all named affiliates upon request.

In actions where it has been established by conviction, judgment or admission, or where it has been established by findings made in accordance with this chapter, that the named contractor has engaged in conduct described in WAC 468-15-050 and the sole issue before the hearing official is the appropriateness of revocation of qualification or the length of suspension of qualification to be recommended to the secre-

tary, prior judicial or administrative decision or findings shall not be subject to collateral attack.

The secretary, after receiving the record, findings of fact, and recommendations of the hearing official shall determine the administrative action to be taken. The secretary shall notify the contractor of his determination in writing.

Upon denial, suspension or revocation of qualification for placement on the small works roster, the respondent may appeal there from to the superior court of Thurston County pursuant to RCW 47.28.070. If the appeal is not made within the time prescribed in that statute, the department's action shall be conclusive.

**WSR 02-23-057**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Children's Administration)  
[Filed November 15, 2002, 4:36 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 02-12-066.

Title of Rule: New chapter 388-180 WAC, Standards for health and safety reviews of the Washington State School for the Deaf.

Purpose: Legislative passed in 2002, chapter 208, Laws of 2002, directed DSHS to develop safety standards in WAC for review of the school's residential facilities and residential-rated policies. The new WACs will guide DSHS in conducting the health and safety reviews and provides for greater physical safety of residential students at the School for the Deaf.

Statutory Authority for Adoption: RCW 74.15.030 and 74.20.280.

Statute Being Implemented: RCW 72.40.280 and 26.44.210.

Summary: This chapter establishes health and safety review standards to be used by DSHS to conduct periodic and comprehensive reviews of the Washington State School for the Deaf (WSD). The rules are specific to the residential facilities and residential-related policies of WSD. The rules provide consistent standards.

Reasons Supporting Proposal: Chapter 208, Laws of 2002 included amendments to chapters 72.40 and 26.44 RCW authorizing DSHS to adopt rules guiding the health and safety reviews of WSD. The new rules define the standards and outline the scope of the review process.

Name of Agency Personnel Responsible for Drafting and Implementation: Jean L. Croisant, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992; and Enforcement: Division of Licensed Resources, Office of Foster Care Licensing, Children's Administration, Department of Social and Health Services.

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 purpose of this chapter is to define the basic health and safety standards for the residential facilities and those policies and procedures that provide guidance to residential staff and administration of WSD in maintaining a safe environment. Some of the rules are adapted from the health and safety review standards used by the Division of Licensed Resources (DLR) when reviewing residential facilities licensed by DLR to provide care to children.

The anticipated effect of the new rules will be a set of standards consistent with the intent of the statute (chapter 72.40 RCW) and mirroring the standards used to review health and safety issues in other residential facilities providing care to children. The rules are general guidelines and offer WSD flexibility in developing policy and procedures to meet the intent of the statute and continue to provide an environment that is comfortable, safe, and promotes a healthy atmosphere for the students living away from their families.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The new rules apply only to the Washington State School for the Deaf, a public facility.

RCW 34.05.328 applies to this rule adoption. Since the proposed rules "adopt essential parts of the law under legislative authority" and "adopt a new policy or regulatory program," Children's Administration has determined the proposed rules to be "significant." The proposed rules are exempt from a cost benefit analysis under RCW 34.05.328 (5)(b)(iii) as the rules are adopting or incorporating Washington state statutes without material change. However, Children's Administration took the opportunity to outline the content of the proposed rules and summarize the qualitative impact of the health and safety review process on WSD. A copy of this document is available by contacting the person listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on January 7, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by January 3, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernaAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., January 7, 2003.

Date of Intended Adoption: Not earlier than January 8, 2003.

November 12, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

## Chapter 388-180 WAC

### STANDARDS FOR HEALTH AND SAFETY REVIEWS OF THE WASHINGTON STATE SCHOOL FOR THE DEAF

#### PURPOSE

#### NEW SECTION

**WAC 388-180-0100** What is the purpose of this chapter? The purpose of this chapter is to outline the process of investigating child abuse or neglect at Washington State School for the Deaf and establish rules for completing health and safety monitoring reviews of the school.

#### DEFINITIONS

#### NEW SECTION

**WAC 388-180-0110** What are the definitions for this chapter? The following definitions apply to this chapter:

"CA/N" means child abuse or neglect as defined in chapter 26.44 WAC.

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

"DLR" means the division of licensed resources, a division of children's administration, department of social and health services.

"Residential staff" means individuals in charge of supervising the day-to-day living situation of the children in the residential portion of the school.

"School" means the Washington State School for the Deaf.

"Superintendent" means the superintendent of the Washington State School for the Deaf.

"WSD" means the Washington State School for the Deaf.

#### CHILD PROTECTIVE SERVICES (CPS) INVESTIGATIONS

#### NEW SECTION

**WAC 388-180-0120** Is CPS required to investigate allegations of CA/N of students at the school? The department's child protective services (CPS) must investigate referrals of alleged child abuse or neglect occurring at the Washington State School for the Deaf. This includes alleged incidents of students abusing other students.

#### NEW SECTION

**WAC 388-180-0130** What is included in the CPS investigation? (1) A CPS investigation at the school must determine if:

- (a) Abuse or neglect is substantiated or "founded"; and
- (b) A referral to law enforcement is appropriate.

(2) CPS must send a copy of the investigative report for incidents of alleged abuse or neglect to the school's superintendent.

(3) CPS may include recommendations for increasing student safety to the superintendent and the board of trustees or its successor board.

#### HEALTH AND SAFETY REVIEWS

#### NEW SECTION

**WAC 388-180-0140** What health and safety reviews are required? The department must complete health and safety reviews of the school as follows.

(1) A comprehensive health and safety review of WSD must be completed every three years; and

(2) Monitoring health and safety reviews must be completed at least quarterly until December 1, 2006.

#### NEW SECTION

**WAC 388-180-0150** Who receives a copy of the completed health and safety reports? (1) The department must provide a copy of the comprehensive health and safety review report of the school to:

- (a) The Governor;
- (b) The legislature;
- (c) The superintendent; and
- (d) The school's board of trustees or its successor board.

(2) The department provides a copy of the periodic monitoring health and safety review reports of the school to the superintendent and to the Governor.

#### NEW SECTION

**WAC 388-180-0160** What health and safety standards and written policies are required at WSD? Reporting requirements

The health and safety standards that apply to WSD are as follows:

(1) All residential program personnel and volunteer staff at the school must comply with the mandatory reporting requirements of child abuse or neglect, RCW 26.44.020.

(2) The school must comply with all applicable fire marshal and department of health requirements.

#### Written policies and procedures

(2) The school must have written policies it follows that:

- (a) Promote a program aimed at providing personal safety and protection of all students residing at the school;
- (b) Provide sufficient staffing levels on all shifts to meet the physical, emotional, and safety needs of all students, as required under RCW 72.40.240;

(c) Implement and maintain effective admission and retention policies that protect all students from sexual victimization, as required under RCW 72.40.270;

(d) Implement and maintain an effective communication system between educational staff and residential staff and parents and/or legal guardians;

(e) Ensure that the residential facility meets all applicable fire and health requirements and promote environmental safety against physical risk or harm to students;

(f) Minimize student-to-student conflict or harm when transporting students;

(g) Conduct and document background and CA/N checks on all staff to determine each employee's suitability for employment at the school (see chapter 388-06 WAC);

(h) Provide all students with training on self-protection from abuse or neglect, as required under RCW 72.40.230 and 72.40.260;

(i) Implement and maintain effective child protection policies that include proper reporting of incidents, notification, documentation, and cooperation with the department and law enforcement;

(j) Describe what procedures staff must follow when they have reason to believe a student may have been abused or neglected, as defined under RCW 26.44.020; and

(k) Maintain adequate documentation of all abuse or neglect incidents.

**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 388-180-0170 What specific areas must be included in the comprehensive health and safety review?**

(1) In conducting a comprehensive health and safety review of the school, the department must review the children's administration's case and management information system (CAMIS) records for any child abuse or neglect referrals and the disposition of the investigations.

(2) The reviewers must:

(a) Examine the residential facilities for health and safety (a specific list of elements for review are outlined in WAC 388-180-0230);

(b) Develop appropriate questionnaires or survey tools for interviews;

(c) Conduct interviews of staff, students, parent, teacher, and community stakeholders for concerns of student health and safety at the school.

(d) Review facility logs, including incident reports and daily shift logs;

(e) Review medication policies, including documentation of medicine disbursement when and by whom;

(f) Review admissions and expulsion policies for compliance with RCW 72.40.040;

(g) Review staff coverage policies for compliance with RCW 72.40.240 and 72.40.270;

(h) Review behavior management policy for compliance with RCW 72.40.220, including a description of the de-escalation techniques used with different ages or developmental levels of students;

(i) Review employee/volunteer supervision policies for compliance with RCW 72.40.250;

(j) Review policies for protecting students from abuse or neglect policies for compliance with RCW 72.40.250;

(k) Review any corrective action plans including implementing the written plan of action to assure health and safety

and prevention of abuse or neglect incidents as directed in RCW 72.40.250;

(i) Review the documentation of awareness and prevention training of staff for compliance with RCW 72.40.230 and 72.40.260; and

(j) Sample criminal history and CA/N checks of school employees for compliance with the school's criminal history inquiry and FBI fingerprinting process.

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

#### NEW SECTION

**WAC 388-180-0180 What health and safety areas must be included in the monitoring review?** (1) The health and safety areas covered in the monitoring review must include, but are not limited to, the following:

(a) Inspection and evaluation of the school's incident log;

(b) Child protective services investigation documentation;

(c) Residential program policies and procedures;

(d) Residential facilities, cafeteria, nurse's station, and all other venues where residential students frequent;

(e) Staff, student, and parent interviews; and

(f) Review any corrective action plans including implementing the written plan of action to assure health and safety and prevention of abuse or neglect incidents.

(2) The monitoring review may include, but is not limited to, the following:

(a) Written personnel policies and procedures;

(b) Personnel records including background check results; and

(c) Job descriptions and history of personnel training.

#### NEW SECTION

**WAC 388-180-0190 Must WSD allow the department access to the records of the school?** Consistent with federal law, the school must give the department complete access to all records and documents requested by the reviewers in monitoring and conducting the reviews of the school.

#### NEW SECTION

**WAC 388-180-0200 Must WSD allow the department access to all students and staff for the reviews?** Consistent with federal law, the school must give the department complete access to students and staff requested by the reviewers in monitoring and conducting the reviews of the school.

#### NEW SECTION

**WAC 388-180-0210 What must be included in the incident documentation?** The incident log documentation must include:

(1) The students involved (not identified to the reviewers);

(2) The date and time of the incident;

(3) A description of what occurred, any injury and severity of injury;

(4) Any other persons present at the time of the incident; and

(5) Any action taken by WSD staff, including notification of the child's parents.

#### NEW SECTION

**WAC 388-180-0220 What are the staffing requirements for the residential portion of the school?** (1) A staffing ratio of 1:7 must be maintained for residential students while students are in dorms or cottages and when they are participating in elective activities.

(2) A staffing ratio of 1:9 must be maintained for visiting and day students while they are in the residential settings.

#### NEW SECTION

**WAC 388-180-0230 What are the physical environment safety requirements for the residential facilities?** The school must ensure that the residential facilities comply with the applicable state fire marshal and department of health regulations, including the following:

(1) The grounds, office, living areas, kitchen, bedrooms, bathrooms, shops, recreational areas, and laundry areas are clean and free of hazardous conditions.

(2) Furnishings are clean, comfortable, durable, and safe.

(3) Cleaning products and toxic chemicals are securely stored.

(4) Medications are securely stored.

(5) First-aid supplies are readily available.

(6) Emergency lighting devices are available.

(7) Kitchen and bathrooms are ventilated.

(8) The facilities regularly conduct and document fire drills.

(9) Smoke detectors are regularly inspected and the results of the inspections are documented.

(10) Procedures for evacuation and other emergencies are posted, reviewed, and tested at regular intervals.

### **WSR 02-23-059**

#### **PROPOSED RULES**

#### **DEPARTMENT OF LICENSING**

[Filed November 18, 2002, 10:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-02-086 [02-20-086].

Title of Rule: WAC 308-17-120 Armed private investigator applications—Conditions and 308-17-240 Required records.

Purpose: (1) The department needs to plug the gap in current law by passing a rule that will require aliens to produce their alien firearm licenses when applying for and renewing their armed private investigator licenses. The department issues aliens armed private investigator licenses and by doing so it implies that the alien is legal to be armed,

which is not true because an alien commits a felony by carrying or possessing a firearm without an alien firearm license.

(2) Maintaining the annual shooting requirements at the private investigator company level will reduce turn-around time and workloads for armed private investigator licensing renewals without compromising public safety.

Statutory Authority for Adoption: Chapter 18.165 RCW.

Summary: To require alien residents to provide proof of their alien firearm licenses when they submit original or renewal armed private investigator applications and to require that private investigator company principals maintain annual shooting requirements for armed private investigators in the private investigator company training files, or employee's files.

Reasons Supporting Proposal: The proposed changes will increase public protection and provide improved customer service for armed license application and renewals without compromising public safety.

Name of Agency Personnel Responsible for Drafting and Implementation: Mary Haglund, Olympia, (360) 664-6624; and Enforcement: Pat Brown, Olympia, (360) 664-6624.

Name of Proponent: Department of Licensing.

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

Explanation of Rule, its Purpose, and Anticipated Effects: (1) The department needs to plug the gap in current law by passing a rule that will require aliens to produce their alien firearm license when applying for their armed private investigator licenses. The department issues aliens armed private investigator licenses and by doing so it implies that the alien is legal to be armed which is not true because an alien commits a felony by carrying or possessing a firearm without an alien firearm license. The department needs to enact measures to ensure that it is not granting a private investigator license to an applicant who is committing a felony.

(2) Maintaining the annual shooting requirements at the private investigator company level will streamline and reduce workloads for armed private investigator licensing renewals without compromising public safety.

Proposal Changes the Following Existing Rules: See WAC sections below.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not have an economic impact to the licenses or stakeholders.

RCW 34.05.328 does not apply to this rule adoption. Because the Department of Licensing (DOL) is not one of the named agencies to which this rule applies. Agencies that are not named can apply this rule to themselves voluntarily. DOL has chosen not to do this.

Hearing Location: Department of Licensing, 405 Black Lake Boulevard, Building #2, Room #102, First Floor, Olympia, WA 98507, on January 7, 2003, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Mary Haglund by January 6, 2003, TDD (360) 586-2788.

Submit Written Comments to: Mary Haglund, Department of Licensing, P.O. Box 9649, Olympia, WA 98507-9649, (360) 664-6624, fax (360) 570-7888.

Date of Intended Adoption: January 8, 2003.

November 13, 2002

Pat Brown

Administrator

AMENDATORY SECTION (Amending WSR 97-17-051, filed 8/15/97)

**WAC 308-17-120 Armed private investigator applications—Conditions.** (1) Any person desiring to be an armed private detective shall obtain a firearms certificate from the criminal justice training commission, make application on a form prescribed by the director and pay a nonrefundable fee as prescribed by WAC 308-17-150.

(2) If the applicant is an alien resident, the applicant must provide proof of their Alien Firearm License when they submit an application for original or renewal of their armed private investigator license. Proof of Alien Firearm License may be provided by submitting a copy of their current Alien Firearm License.

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

AMENDATORY SECTION (Amending WSR 97-17-051, filed 8/15/97)

**WAC 308-17-240 Required records.** The minimum records the principal of a private investigative agency shall be required to keep are:

(1) ((p)) Preassignment training and testing records for each private investigator.

(2) The company principal shall maintain proof of annual shooting requirements for each armed private investigator employed by the private investigator company in the armed private investigator's training files or employee's files. These records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years.

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

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

**WSR 02-23-068**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed November 19, 2002, 8:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-20-104.

Title of Rule: WAC 308-99-040 Vehicle reciprocity.

Purpose: Set forth vehicle registration requirements for out-of-state registered vehicles entering Washington for purposes of repair.

Statutory Authority for Adoption: RCW 46.85.060.

Summary: Amending WAC 308-99-040.

Reasons Supporting Proposal: Adoption will enhance economic well being of the state through the uninterrupted flow of commerce.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Art Farley, 2424 Bristol Court S.W., Olympia, WA 98506, (360) 664-1820.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule grants vehicle registration reciprocity to properly licensed vehicles registered in other states and Canadian Provinces if the vehicle is entering Washington solely for the purposes of vehicle repair. Conditions for granting reciprocity are set forth in the rule.

The granting of vehicle registration reciprocity to these vehicles will assist in facilitating the free flow of commerce into the state of Washington and enhance the economic well being of the state.

Proposal Changes the Following Existing Rules: WAC 308-99-040 is amended to set forth conditions for granting vehicle reciprocity.

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

RCW 34.05.328 does not apply to this rule adoption. Department of Licensing policy review concludes this proposed rule is an interpretive rule, not a significant legislative rule subject to RCW 34.05.038 [34.05.328].

Hearing Location: Prorate and Fuel Tax Services, 3rd Floor Conference Room, 2424 Bristol Court S.W., Olympia, WA 98507, on December 27, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Art Farley by December 20, 2002, TDD (360) 664-8885 or (360) 664-1820.

Submit Written Comments to: Art Farley, e-mail afarley@dol.wa.gov, Prorate and Fuel Tax Services, P.O. Box 9036, Olympia, WA 98507, fax (360) 586-5905, by December 26, 2002.

Date of Intended Adoption: February 1, 2003.

November 18, 2002

Thao Manikhoth, Administrator

Prorate and Fuel Tax Services

AMENDATORY SECTION (Amending WSR 00-20-064, filed 10/3/00, effective 11/3/00)

**WAC 308-99-040 Restrictions and conditions.** Is a vehicle properly licensed or registered in another jurisdiction able to be operated in Washington without further registration requirements? Yes, as provided in RCW 46.85.060 and 46.85.080 the following conditions and restrictions apply:

**WSR 02-23-082**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed November 19, 2002, 4:35 p.m.]

(1) Nonresident students: The student must be in full-time attendance at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges or at a private vocational school as that term is defined by RCW 28C.10.020(7) and maintain their legal home of record at a location outside the state of Washington. Students' vehicles must be registered in their name or the name of their parent or legal guardian in the resident state of record. The student must carry, in the vehicle, documentation issued by the institution that readily establishes the nonresident status. Employment incidental to the full-time student status is permitted. The spouse of a nonresident student has the same licensing privilege as long as the vehicle is registered to the student or jointly to the student and spouse, regardless of the spouse's legal residence or employment.

(2) Nonresident military personnel: Vehicles must be currently registered in the name of the military person at his/her official home of record. A vehicle licensed at the last duty station may be operated until expiration of the registration at which time it must be licensed in the home of record or in Washington. The spouse of a nonresident military person has the same licensing privilege as long as the vehicle is registered to the military person or jointly to the military person and spouse, regardless of the spouse's legal residence or employment.

(3) Borrowed vehicle: A borrowed vehicle currently licensed in another jurisdiction may be operated by a Washington resident for a period not to exceed ten days in any one calendar year. If the period of use exceeds ten days the vehicle must be registered and licensed in Washington. This provision does not apply to business vehicles.

(4) Vehicles undergoing repairs: Commercial vehicles having a gross weight or combined gross weight of over 26,000 pounds and properly registered and licensed in another state or Canadian Province may enter Washington for purposes of repair under the following conditions:

(a) The vehicle must enter the state unladen and proceed immediately to the repair facility.

(b) The vehicle must immediately leave the state, unladen, upon completion of repairs.

(c) The vehicle cannot engage in any commercial activity while in Washington.

(d) The repair facility must be located within fifteen miles of the Washington border.

(e) While in Washington, the vehicle must carry the following documentation:

(i) An "out-of-state vehicle repair statement of fact." Blank forms are available from the department of licensing Internet site at [www.gov.wa/dol](http://www.gov.wa/dol).

(ii) A copy of the vehicle repair work order issued by the repair facility before the vehicle enters Washington.

(f) The repair facility must maintain a copy of the "out-of-state vehicle repair statement of fact" and vehicle repair work order for a period of five years. The repair facility must make the forms available for inspection by state agency representatives.

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-22-015.

Title of Rule: WAC 388-500-0005 Medical definitions.

Purpose: General updating of definitions of terms used throughout MAA rules (chapters 388-500 through 388-599 WAC). Some definitions have been changed to make them clearer; some terms defined in other MAA rules have been added here because they are used in more than one WAC chapter; while some definitions are altogether new.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: See Purpose above.

Reasons Supporting Proposal: It will give readers a better understanding of the terminology that is used throughout MAA WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kevin Sullivan, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1344.

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: General updating of definitions of terms used throughout MAA rules (chapters 388-500 through 388-599 WAC). Some definitions have been changed to make them clearer; some terms defined in other MAA rules have been added here because they are used in more than one WAC chapter; while some definitions are altogether new. It will give readers a better understanding of the terminology that is used throughout MAA WAC.

Proposal Changes the Following Existing Rules: It changes the definitions of terms used throughout MAA rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule amendment does not impose more than minor costs on businesses.

RCW 34.05.328 does not apply to this rule adoption. The department has analyzed the proposed rule and concludes that it does not meet the definition of a "significant legislative rule" per RCW 34.05.328 (5)(c)(iii). The rule does not: (A) Adopt substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (B) establish, alter, or revoke any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (C) adopt a new, or make significant amendments to, a policy or regulatory program.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on January 7, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by January 3, 2003,

phone (360) 664-6094, TTY (360) 664-6178, e-mail [fernaax@dshs.wa.gov](mailto:fernaax@dshs.wa.gov).

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail [fernaax@dshs.wa.gov](mailto:fernaax@dshs.wa.gov), by 5:00 p.m., January 7, 2003.

Date of Intended Adoption: Not sooner than January 8, 2003.

November 15, 2002  
 Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-24 issue of the Register.

### WSR 02-23-083

#### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed November 19, 2002, 4:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-14-020.

Title of Rule: Chapter 388-818 WAC, Deaf and hard of hearing services.

**PROPOSED NEW WAC NUMBERS AND CAPTIONS:** WAC 388-818-0010 What is the purpose of this chapter?, 388-818-0020 What does the Office of the Deaf and Hard of Hearing do?, 388-818-0030 What does the telecommunications access service do?, 388-818-0040 What definitions apply to this chapter?, 388-818-0050 What social services relating to hearing loss are available to the public?, 388-818-0060 Who are qualified service providers?, 388-818-0070 Is telecommunications equipment available for clients?, 388-818-0080 What items are not included with telecommunications equipment?, 388-818-0090 Who is eligible to apply for telecommunications equipment from TAS?, 388-818-0100 Who must certify an applicant's eligibility for telecommunications equipment from TAS?, 388-818-0110 How do applicants request specialized telecommunications equipment?, 388-818-0120 What types of income are included when requesting equipment from TAS?, 388-818-0130 How are applicants notified about decisions for telecommunications equipment?, 388-818-0140 What are reasons for denying telecommunications equipment?, 388-818-0150 When may clients renew their applications for telecommunications equipment?, 388-818-0160 How do clients renew their application for telecommunications equipment?, 388-818-0170 Are nonprofit organizations eligible for telecommunications equipment?, 388-818-0180 What process do nonprofit organizations follow to receive telecommunications equipment from TAS?, 388-818-0190 How much does an applicant have to pay for telecommunications equipment?, 388-818-0200 How does an applicant request a waiver (exception) of equipment cost?, 388-818-0210 What conditions must be met for a client to

receive purchased telecommunications equipment?, 388-818-0220 When is telecommunications equipment owned by the client?, 388-818-0230 May clients return purchased telecommunications equipment?, 388-818-0240 When may telecommunications equipment be loaned to an applicant?, 388-818-0250 What are the conditions for loaning telecommunications equipment?, 388-818-0260 When does state-loaned equipment have to be returned to TAS?, 388-818-0270 May a person take loaned telecommunications equipment outside the state?, 388-818-0280 Will training be provided on the use and care of telecommunications equipment?, 388-818-0290 What services do trainers provide to clients?, 388-818-0300 When may telecommunications equipment be replaced?, 388-818-0310 When may requests for replacement telecommunications equipment be denied?, 388-818-0320 Who may receive reconditioned telecommunications equipment?, 388-818-0330 May an applicant disagree with a DSHS decision about telecommunications equipment?, 388-818-0340 What is a relay complaint?, 388-818-0350 What may a client do when dissatisfied with relay services?, 388-818-0360 May a client file a formal complaint about the relay service?, 388-818-0370 When is customer service available for clients?, 388-818-0380 May clients file their complaint about relay services with the FCC?, 388-818-0390 May the FCC file a complaint?, and 388-818-0400 What documents must ODHHS keep for complaints?

**WACs TO BE REPEALED:** WAC 388-818-001 Scope, 388-818-002 Regional centers, 388-818-003 Services, 388-818-005 Definitions, 388-818-010 Eligibility requirements, 388-818-020 Approval of application for initial device or request for replacement device, 388-818-030 Denial of initial application or request for replacement device, 388-818-040 Application renewal process, 388-818-050 Notice of approval or denial, 388-818-060 Review by department, 388-818-070 Distribution, 388-818-080 Training, 388-818-090 Ownership and liability, 388-818-110 Telecommunications relay service, and 388-818-130 Uses for returned equipment.

**Purpose:** The purpose of the chapter is to provide regulations about social and telecommunications access services for people with hearing loss and speech impairments. The proposed revisions:

Deletion of WAC 296-19A-030 (2)(b) and (c).

- Clarify language and reorganize information for easier use and understanding;
- Expand the pool of professionals who are authorized to certify an applicant's eligibility to receive equipment;
- Define the process for qualified agencies and organizations to request the loan of reconditioned equipment;
- Add "pawning" equipment to actions considered to be against program policy for loans of telecommunications equipment;
- Clarify the process for an applicant to request a waiver; and
- Add a grievance process for relay service complaints.

## Other Identifying Information:

## Conversion Table: New to Existing WACs

New WAC No.	New WAC Title	Replaces Existing WAC No.	Existing WAC Title
388-818-0010	What is the purpose of this chapter?	388-818-001	Scope.
388-818-0020	What does the Office of Deaf and Hard of Hearing do?	388-818-001	Scope.
388-818-0030	What does the telecommunications access services do?	388-818-001	Scope.
388-818-0040	What definitions apply to this chapter?	388-818-005	Definitions.
388-818-0050	What social services relating to hearing loss are available to the public?	388-818-003	Services.
388-818-0060	Who are qualified service providers?	388-818-002	Regional centers.
388-818-0070	Is telecommunications equipment available for clients?	388-818-001	Scope.
388-818-0080	What items are not included with telecommunications equipment?	388-818-070	Distribution.
388-818-0090	Who is eligible to apply for telecommunications equipment from TAS?	388-818-010	Eligibility requirements.
388-818-0100	Who must certify an applicant's eligibility for telecommunications equipment from TAS?	388-818-010	Eligibility requirements.
388-818-0110	How do applicants request specialized telecommunications equipment?	388-818-020	Approval of application for initial device or request for replacement.
388-818-0120	What types of income are included when requesting equipment from TAS?	388-818-020	Approval of application for initial device or request for replacement.
388-818-0130	How are applicants notified about decisions for telecommunications equipment?	388-818-050	Notice of approval or denial.
388-818-0140	What are reasons for denying telecommunications equipment?	388-818-030	Denial of initial application or request for replacement device.
388-818-0150	When may clients renew their applications for telecommunications equipment?	388-818-040	Application renewal process.
388-818-0160	How do clients renew their applications for telecommunications equipment?	388-818-040	Application renewal process.
388-818-0170	Are nonprofit organizations eligible for telecommunications equipment?	388-818-130	Uses for returned equipment.
388-818-0180	What process do nonprofit organizations follow to receive telecommunications equipment from TAS?	388-818-130	Uses for returned equipment.
388-818-0190	How much does an applicant have to pay for telecommunications equipment?	388-818-090	Ownership and liability.
388-818-0200	How does an applicant request a waiver (exception) of equipment cost?	388-818-090	Ownership and liability.
388-818-0210	What conditions must be met for a client to receive purchased telecommunications equipment?	388-818-090	Ownership and liability.
388-818-0220	When is telecommunications equipment owned by the client?	388-818-090	Ownership and liability.
388-818-0230	May clients return purchased telecommunications equipment?	388-818-090	Ownership and liability.

PROPOSED

New WAC No.	New WAC Title	Replaces Existing WAC No.	Existing WAC Title
388-818-0240	When may telecommunications equipment be loaned to an applicant?	388-818-090	Ownership and liability.
388-818-0250	What are the conditions for loaning telecommunications equipment?	388-818-090	Ownership and liability.
388-818-0260	When does state-loaned equipment have to be returned to TAS?	388-818-090	Ownership and liability.
388-818-0270	May a person take loaned telecommunications equipment outside the state?	388-818-090	Ownership and liability.
388-818-0280	Will training be provided on the use and care of telecommunications equipment?	388-818-080	Training.
388-818-0290	What services do trainers provide to clients?	388-818-080	Training.
388-818-0300	When may telecommunications equipment be replaced?	388-818-090	Ownership and liability.
388-818-0310	When may requests for replacement telecommunications equipment be denied?	388-818-060	Review by department.
388-818-0320	Who may receive reconditioned telecommunications equipment?	388-818-130	Uses for returned equipment.
388-818-0330	May an applicant disagree with a DSHS decision about telecommunications equipment?	388-818-060	Review by department.
388-818-0340	What is a relay complaint?	N/A	New.
388-818-0350	What may a client do when dissatisfied with relay services?	N/A	New.
388-818-0360	May a client file a formal complaint about relay services with the FCC?	N/A	New.
388-818-0370	When is customer service available for clients?	N/A	New.
388-818-0380	May clients file their complaint about relay services with the FCC?	N/A	New.
388-818-0390	May the FCC file a complaint?	N/A	New.
388-818-0400	What documents must ODHH keep for complaints?	N/A	New.

**Conversion Table: Existing to New WACs**

Existing WAC No.	Existing WAC Title	New WAC No.	New WAC Title
388-818-001	Scope.	388-818-0010 388-818-0020 388-818-0030 388-818-0070	What is the purpose of this chapter? What does the Office of the Deaf and Hard of Hearing do? What does the telecommunications access service do? Is telecommunications equipment available for clients?
388-818-002	Regional centers.	388-818-0060	Who are qualified service providers?
388-818-003	Services.	388-818-0050	What social services relating to hearing loss are available to the public?
388-818-005	Definitions.	388-818-0040	What definitions apply to this chapter?
388-818-010	Eligibility requirements.	388-818-0090 388-818-0100	Who is eligible to apply for telecommunications equipment? Who must certify an applicant's eligibility for telecommunications equipment from TAS?

PROPOSED

Existing WAC No.	Existing WAC Title	New WAC No.	New WAC Title
388-818-020	Approval of application for initial device or request for replacement device.	388-818-0110	How do applicants request specialized telecommunications equipment?
		388-818-0120	What types of income are included when requesting equipment from TAS?
388-818-030	Denial of initial application or request for replacement device.	388-818-0140	What are reasons for denying telecommunications equipment?
388-818-040	Application renewal process.	388-818-0150	When may clients renew their applications for telecommunications equipment?
		388-818-0160	How do clients renew their applications for telecommunications equipment?
388-818-050	Notice of approval or denial.	388-818-0130	How are applicants notified about decisions for telecommunications equipment?
388-818-060	Review by department.	388-818-0310	When may requests for replacement telecommunications equipment be denied?
		388-818-0330	May an applicant disagree with a DSHS decision about telecommunications equipment?
388-818-070	Distribution.	388-818-0290	What services do trainers provide to clients?
388-818-080	Training.	388-818-0280	Will training be provided on the use and care of telecommunications equipment?
388-818-090	Ownership and liability.	388-818-0190	How much does an applicant have to pay for telecommunications equipment?
		388-818-0200	How does an applicant request a waiver (exception) of equipment cost?
		388-818-0210	What conditions must be met for a client to receive purchased equipment?
		388-818-0220	When is telecommunications equipment owned by the client?
		388-818-0230	May clients return purchased telecommunications equipment?
		388-818-0240	When may telecommunications equipment be loaned to an applicant?
		388-818-0250	What are the conditions for loaning telecommunications equipment?
		388-818-0260	When does state-loaned equipment have to be returned to TAS?
		388-818-0270	May a person take loaned telecommunications equipment outside the state?
		388-818-0300	When may telecommunications equipment be replaced?
388-818-110	Telecommunications relay service.	388-818-0350	What is a relay complaint?
		388-818-0360	What may a client do when dissatisfied with relay services?
		388-818-0370	May a client file a formal complaint about the relay service?
		388-818-0380	When is customer service available for clients?
		388-818-0390	May clients file their complaint about relay services with the FCC?
		388-818-0400	May the FCC file a complaint? What documents must ODHH keep for complaints?

Existing WAC No.	Existing WAC Title	New WAC No.	New WAC Title
388-818-130	Uses for returned equipment.	388-818-0320	Who may receive reconditioned telecommunications equipment?

Statutory Authority for Adoption: RCW 43.20A.725.

Statute Being Implemented: RCW 43.20A.720, 43.20A.725, chapter 210, Laws of 2001.

Summary: Technology advancements and expanded eligibility for participation in the distribution program prompted a change in the law. SHB 1884 was signed into law on May 7, 2001, as chapter 210, Laws of 2001. The sections in this chapter have been reorganized and revised to make the language clearer and easier to understand.

Reasons Supporting Proposal: To comply with the statutes as indicated in Statutory Authority for Adoption and Statute Being Implemented above.

Name of Agency Personnel Responsible for Drafting: Kelly D. Robison, Program Manager, ODHHS, P.O. Box 45301, Olympia, WA 98504-5301, (360) 902-8000/VTTY; Implementation and Enforcement: G. Leon Curtis, Director, P.O. Box 45301, Olympia, WA 98504-5301, (360) 902-8001.

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: The Office of the Deaf and Hard of Hearing (ODHH) is repealing the old program rules in chapter 388-818 WAC and replacing them with new rules in the same chapter.

The new rules are reorganized in a different sequence according to customer interest and use, which in turn makes the information easier to use and understand. Major content changes include: Additional certified professionals who are authorized to verify a client's eligibility to participate in the telecommunications access service (TAS) program; adding and changing definitions; adds a grievance process for relay service complaints; changes to the timeframe for eligibility.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Office of the Deaf and Hard of Hearing (ODHH) has analyzed our proposed rule amendments and conclude 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. The rules meet the definition of a "significant legislative rule" and a cost benefit analysis has been prepared. To obtain a copy, contact Kelly D. Robison, Program Manager, P.O. Box 45301, Olympia, WA 98504-5301, phone (360) 438-8047 V/TTY, e-mail robiskd@dshs.wa.gov.

Hearing Location: Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503, on January 7, 2003, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by December 23, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., January 7, 2003.

Date of Intended Adoption: Not earlier than January 8, 2003.

November 15, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-24 issue of the Register.

**WSR 02-23-084**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed November 19, 2002, 4:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-20-056.

Title of Rule: WAC 388-450-0045 How do we count income from employment and training programs?

Purpose: The Division of Employment and Assistance Programs is proposing this revision to update WAC 388-450-0045 to show that payments from AmeriCorps and AmeriCorps VISTA are excluded as income for all programs.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.510.

Summary: WAC 388-450-0045 describes how income from various employment and training programs is treated for cash, medical, and food assistance.

Reasons Supporting Proposal: The proposed change will reflect the federal interpretation that payments from AmeriCorps and AmeriCorps VISTA are excluded as income for all programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, 1009 College S.E., Lacey, WA 98504, (360) 413-3232.

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 388-450-0045 describes how income from various employment and training programs is treated for cash, medical, and food assistance.

PROPOSED

Purpose and Effect: This purpose of the rule is to inform clients whether or not income from an employment and training program will impact their eligibility for benefits. The rule change will indicate that payments from AmeriCorps and AmeriCorps VISTA are excluded as income.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients.

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

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on January 7, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by January 3, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., January 7, 2003.

Date of Intended Adoption: No earlier than January 8, 2003.

November 15, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-03-019, filed 1/4/02, effective 2/1/02)

**WAC 388-450-0045 How do we count income from employment and training programs?** This section applies to cash assistance, Basic Food ((~~assistance~~)), and medical programs for families, children, and pregnant women.

(1) We treat payments issued under the Workforce Investment Act (WIA) as follows:

(a) For cash assistance and medical programs for families, children, and pregnant women, we exclude all payments.

(b) For Basic Food ((~~assistance~~)):

(i) We exclude OJT earnings for children who are eighteen years of age or younger and under parental control as described in WAC 388-408-0035.

(ii) We count OJT earnings as earned income for people who are:

(A) Age nineteen and older; or

(B) Age eighteen or younger and not under parental control.

(iii) We exclude all other payments.

(2) We ((~~treat~~)) **exclude all** payments issued under the National and Community Service Trust Act of 1993 ((~~AmeriCorps~~)) as follows:

~~(a) We exclude OJT earnings for children who are eighteen years of age or younger and under parental control as described in WAC 388-408-0035 (2)(e).~~

~~(b) We count OJT earnings as earned income for people who are:~~

~~(i) Age nineteen and older; or~~

~~(ii) Age eighteen or younger and not under parental control.~~

~~(c) We exclude all other payments)). This includes payments made through the AmeriCorps and AmeriCorps VISTA programs.~~

(3) We ((~~exclude~~)) **treat** payments issued under Title ((H)) I of the Domestic Volunteer Act of 1973, such as ((~~Retired Senior Volunteer Program (RSVP)~~)).

(4) ~~We treat payments issued under Title I of the Domestic Volunteer Act of 1973, such as VISTA,))~~ **University Year for Action, and Urban Crime Prevention Program** as follows:

(a) For cash assistance and medical programs for families, children, and pregnant women, we exclude all payments.

(b) For Basic Food ((~~assistance~~)), we count most payments as earned income. We exclude the payments if you got:

(i) Basic Food ((~~assistance~~)) or cash assistance at the time you joined the Title I program; or

(ii) You were participating in the Title I program and got an income disregard at the time of conversion to the Food Stamp Act of 1977. We will continue to exclude the payments you get even if you do not get Basic Food ((~~assistance~~)) every month.

~~(4) We exclude all payments issued under Title II of the Domestic Volunteer Act of 1973. These include:~~

~~(a) Retired Senior Volunteer Program (RSVP);~~

~~(b) Foster Grandparents Program; and~~

~~(c) Senior Companion Program.~~

(5) We count training allowances from vocational and rehabilitative programs as earned income when:

(a) The program is recognized by federal, state, or local governments; and

(b) The allowance is not a reimbursement.

(6) When GAU clients receive training allowances we allow:

(a) The earned income incentive and work expense deduction specified under WAC 388-450-0175, when applicable; and

(b) The actual cost of uniforms or special clothing required for the course as a deduction, if enrolled in a remedial education or vocational training course.

(7) We exclude support service payments received by or made on behalf of WorkFirst participants.

WSR 02-23-085

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed November 19, 2002, 4:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-20-053.

Title of Rule: WAC 388-460-0005 Authorized representative for food assistance benefits.

Purpose: The Division of Employment and Assistance Programs is proposing this revision to update the language WAC 388-460-0005 and remove references to obsolete methods of issuing food assistance.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.510.

Summary: WAC 388-460-0005 informs clients who can choose an authorized representative for the basic food program. An authorized representative can act on the client's behalf in applying for benefits.

Reasons Supporting Proposal: The current version of the rule makes references to benefit delivery methods no longer used by the department. This revision will remove these references.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, 1009 College S.E., Lacey, WA 98504, (360) 413-3232.

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 388-460-0005 informs clients who can choose an authorized representative for the basic food program. An authorized representative can act on the client's behalf in applying for benefits.

Purpose and Effect: The purpose of the rule is to inform clients of their right to have someone act on behalf of the household.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients.

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

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on January 7, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by January 3, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernax@dshs.wa.gov, by 5:00 p.m., January 7, 2003.

Date of Intended Adoption: No earlier than January 8, 2003.

November 15, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-460-0005 ((~~Authorized representative~~) **Can I choose someone to apply for Basic Food for my assistance ((~~benefits~~) unit?** ((~~An authorized representative is an adult who is not a member of the~~) Your Basic Food assistance unit ((but has the knowledge and consent of the assistance unit)) (AU) can choose an adult who is not a member of the AU to act on their behalf. This is called an authorized representative.

(1) A responsible member of the ((~~food assistance unit~~) AU can name, in writing, an authorized representative. ((~~An authorized representative has authority to:~~

(a) Apply for food assistance on behalf of the food assistance unit;

(b) Redeem the food coupon authorization (FCA) card for the unit; and

(c) Purchase food for the food assistance unit using the unit's authorized benefit allotment.

(2) A responsible member of the food assistance unit can name, in writing, an emergency authorized representative to transact a particular FCA card when no responsible member is able to transact the card. Both the responsible member of the food assistance unit and the person named must sign the written statement.

(3) The food assistance unit members are liable for any over-issuance that may result from information supplied to the department by the authorized representative.

(4) An authorized representative may act on behalf of more than one food assistance unit when approved by the CSO administrator.) A responsible member of the AU is either:

(a) The applicant;

(b) The applicant's spouse;

(c) Another member of the AU the applicant states is able to conduct business on behalf of all members in the AU.

(2) The AU's authorized representative has the authority to apply for Basic Food on the AU's behalf.

(3) If the authorized representative provides information to the department that causes an AU to have an overpayment, the AU members are liable for the overpayment.

(4) An authorized representative may act on behalf of more than one Basic Food AU only if the CSO Administrator approves.

WSR 02-23-087

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed November 20, 2002, 8:25 a.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 02-15-111.

Title of Rule: WAC 468-38-340 Speed limits.

Purpose: To set specified maximum speeds for the movement of loads requiring an oversize/overweight permit.

Statutory Authority for Adoption: RCW 46.44.090.

Statute Being Implemented: RCW 46.44.090 and [46.44.]092.

Summary: The current rule establishes speed limits for two lane and multiple lane travel. The speed limits can be less than the posted speed limits for trucks. Compliance can force the carrier to travel at a speed slower than the surrounding traffic, creating an environment where unsafe decisions can be made. The revision focuses on use of posted truck speeds, where the carrier has that capability, but reserves the right for the department to set alternate speed limits if necessary (stated on the permit).

Reasons Supporting Proposal: The revision reduces the potential for creating unsafe conditions when traffic, required to operate at speeds other than that which is posted, is introduced into a faster traffic stream. The revision will give the department the prerogative to set an alternate speed limit if circumstances dictate. The rule has been adopted on an emergency basis.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Olympia, Washington, (360) 704-6346; and Enforcement: Captain Fred Fakkema, Olympia, Washington, (360) 753-0350.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The revision is by agency request.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current rule establishes speed limits for two lane and multiple lane travel. The speed limits can be less than the posted speed limits for trucks. Compliance can force the carrier to travel at a speed slower than the surrounding traffic, creating an environment where unsafe decisions can be made. The revision focuses on use of posted truck speeds, where the carrier has that capability, but reserves the right for the department to set alternate speed limits if necessary (stated on the permit). The revision reduces the potential for creating unsafe conditions when traffic, required to operate at speeds other than that which is posted, is introduced into a faster traffic stream. The revision will give the department the prerogative to set an alternate speed limit if circumstances dictate.

Proposal Changes the Following Existing Rules: The revision strikes references to specific speed limits for use on two lane and multiple lane roads. It also amends a section that allows the department to state a specified speed by including on the permit as a condition of the permit.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: 310 Maple Park Avenue S.E., Room 1D2, Large Commission Boardroom, Olympia, WA 98504, on January 10, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Barry Diseth by December 24, 2002, fax (360) 704-6350 or (360) 704-6346.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, fax (360) 704-6350, by December 31, 2002.

Date of Intended Adoption: January 10, 2003.

November 18, 2002

John F. Conrad

Assistant Secretary

Engineering and Regional Operations

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

**WAC 468-38-340 Speed limits.** (1) Unless otherwise stated, maximum speeds for vehicles, combination of vehicles, or vehicles and loads being operated under permit shall be as posted for trucks.

(2) When travel on the roadway shoulder is required on a two-lane highway to allow overtaking traffic to pass, the speed will not exceed 25 miles per hour.

(3) ~~((The))~~ If a speed limit ((contained)) is stated in a permit ~~((is listed as))~~ it becomes one of the conditions upon which the permit has been issued. This stated speed limit shall not be exceeded, but if a lower limit is posted on any highway, it shall take precedence. Violation of the speed limit ~~((contained))~~ stated in the permit will render the permit null and void.

~~((4))~~ Speed limits shall be as follows:

~~(a) On two lane highways in rural areas, 45 miles per hour.~~

~~(b) On multiple lane highways (for all moves including 12 foot width), as posted.~~

~~(c) On multiple lane highways (for moves over 12 foot width), 50 miles per hour.)~~

## WSR 02-23-088

### PROPOSED RULES

### PUBLIC EMPLOYMENT RELATIONS COMMISSION

[Filed November 20, 2002, 9:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-20-081.

Title of Rule: Amendments to chapters 391-08, 391-25, 391-35, 391-45, 391-55, 391-65, and 391-95 WAC.

Purpose: To implement legislation taking effect in 2001 and 2002: (1) Chapter 3, Laws of 2002 (Initiative Measure No. 775); (2) chapter 34, Laws of 2002 (Teaching and research assistants); (3) chapter 41.76 RCW (Faculty collective bargaining - FCBA); and (4) chapter 41.80 RCW (Personnel System Reform Act - PSRA).

Statutory Authority for Adoption: RCW 28B.52.080, 41.06.340, 41.56.090, 41.58.050, 41.59.110, and 41.76.060.

Statute Being Implemented: WAC 391-08-630 is RCW 41.58.010 and [41.58].015; WAC 391-08-670 is RCW 34.05.220; WAC 391-25-011 is RCW 41.56.201; WAC 391-25-032 is RCW 41.59.070(3); WAC 391-25-036 is RCW 41.80.001 and [41.80].080; WAC 391-25-037 is RCW 41.76.020(2); WAC 391-25-051 is RCW 74.39A.240 and [74.39A].270; WAC 391-25-096 is RCW 41.80.070(2); WAC 391-25-136 and 391-25-496 is RCW 41.80.080; WAC 391-25-197, 391-25-217, and 391-25-427 is RCW 41.76.005(11); WAC 391-35-326 is RCW 41.80.005(4); WAC 391-35-327 is RCW 41.76.005 (5) and (10); WAC 391-35-346 is RCW 41.80.005(13) and [41.80].070(1); WAC 391-35-347 is RCW 41.76.005 (5) and (9); WAC 391-35-356 is RCW 41.80.005(6) and [41.80].070(1); WAC 391-55-200 is RCW 41.56.450, [41.56].475, [41.56].492, 74.39A.270; WAC 391-65-110 is RCW 41.56.125; and WAC 391-95-010 is RCW 28B.52.045, 41.56.122, 41.59.100, 41.76.045, 41.80.100.

Summary: Rule changes are proposed under (1) FCBA for contract bar, lists of employees, institution-wide units, confidential employees, and administrators; and (2) PSRA for window and protected periods, employer representation petitions, lists of employees, unit configuration if intervener, directed cross-checks, absentee ballots, separation and perfection of units until July 1, 2004, confidential employees, supervisors, and less than full-time employees.

Reasons Supporting Proposal: To provide authority to process cases under FCBA and PSRA.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark S. Downing, 711 Capitol Way, Suite 603, Olympia, WA, (360) 570-7305.

Name of Proponent: Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Agency supports proposed rule changes, except WAC 391-25-216 and 391-25-476 proposed by the Washington Federation of State Employees.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In November of 2001, Washington voters passed Initiative 775, which amended the statutes administered by the commission to grant collective bargaining rights to home care workers. On June 13, 2002, the commission acquired jurisdiction over representation, unit clarification, and unfair labor practice cases for state civil service employees under the Personnel System Reform Act of 2002 (PSRA). On October 1, 2002, a Faculty Collective Bargaining Act (FCBA) became effective for faculty at public four-year institutions of higher education. Rule amendments are needed to make the Public Employment Relations Commission general rules applicable to the PSRA and FCBA, and to adopt special rules where PSRA and FCBA require other provisions.

Proposal Changes the Following Existing Rules: Examples of changes for I-775 include showing of interest requirements, election procedures, and access to interest arbitration.

Examples of changes for PSRA representation rules include window period of not more than one hundred twenty days nor less than ninety days, employer petitions where claim that union has become defunct or abandoned unit, lists of employees include job classification and work location, directed cross-checks if more than 70% showing of interest, authorization documents honored for cross-checks if signed and dated no more than six months prior to filing of petition, and absentee ballots allowed in on-site elections. Changes for PSRA unit clarification rules include opportunity before July 1, 2004, to (1) separate units of supervisors and nonsupervisory employees; and (2) perfect units by merger and accretion, and confidential and supervisor exclusions per statutory definitions.

Changes for FCBA representation rules include same employee list information as for PSRA, and single unit per institution. Changes for FCBA unit clarification rules include confidential and administrator exclusions per statutory definitions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Agency rules only obligate public employees and unions representing public employees, and do not impose costs on profit-making businesses.

RCW 34.05.328 does not apply to this rule adoption. Agency rules are excepted by RCW 34.05.328 (5)(a)(i) from the provisions of RCW 34.05.328.

Hearing Location: First Floor Conference Room, Office of the Attorney General, Building #1, RoweSix, 4224 6th Avenue S.E., Lacey, WA, on January 6, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact James E. Lohr by December 30, 2002, (360) 570-7310.

Submit Written Comments to: Mark S. Downing, Rules Coordinator, Public Employment Relations Commission, P.O. Box 40919, Olympia, WA 98504-0919, fax (360) 570-7334, info@perc.wa.gov, by December 30, 2002.

Date of Intended Adoption: January 6, 2003.

November 20, 2002

Marvin L. Schurke  
Executive Director

**AMENDATORY SECTION** (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

**WAC 391-08-001 Application and scope of chapter 391-08 WAC.** Chapter 391-08 WAC has been added to the Washington Administrative Code by the public employment relations commission pursuant to the authority of section 12, chapter 288, Laws of 1975 1st ex. sess. (RCW 41.59.110); ((and)) sections 7, 14 and 20, chapter 296, Laws of 1975 1st ex. sess. (RCW 41.58.050, 28B.52.080 and 41.56.090, respectively); and section 232, chapter 354, Laws of 2002 (RCW 41.06.340); and section 15, chapter 356, Laws of 2002 (RCW 41.76.060), to promulgate comprehensive and uniform rules for practice and procedure before the agency. This chapter sets forth general rules applicable to all types of proceedings before the agency, and should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapters 391-25, 391-35, 391-45 and 391-95 WAC, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-25-070, 391-25-090, 391-35-050, 391-45-050, and 391-95-110;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-083, which is replaced by detailed requirements in WAC 391-08-010;

(d) WAC 10-08-110, which is replaced by detailed requirements in WAC 391-08-120;

(e) WAC 10-08-120, which is replaced by detailed requirements in WAC 391-08-040, 391-08-300 and 391-08-310;

(f) WAC 10-08-140, which is limited by WAC 391-08-040, 391-08-300 and 391-08-310;

(g) WAC 10-08-150, which is limited by WAC 391-08-315;

(h) WAC 10-08-211, which is replaced by WAC 391-08-640 and detailed requirements in WAC 391-25-390, 391-25-391, 391-25-590, 391-25-630, 391-25-650, 391-25-660, 391-25-670, 391-35-210, 391-35-250, 391-45-350, 391-45-390, 391-95-270, and 391-95-290;

(i) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-25-150, 391-25-220, 391-25-230, 391-25-250, 391-25-270, 391-35-070, 391-35-080, 391-45-070, 391-45-090, 391-45-260, and 391-95-170; and

(j) WAC 10-08-250, 10-08-251, and 10-08-252 which are replaced by detailed requirements in WAC 391-08-520.

(2) Chapter 391-25 WAC, which regulates representation proceedings.

(3) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

In the event of a conflict between a general rule in this chapter and a special rule in another chapter applicable to a particular proceeding, the special rule shall govern.

**AMENDATORY SECTION** (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

**WAC 391-08-630 Agency structure—Substitution for executive director.** (1) The public employment relations commission and its staff maintain an impartial role in all proceedings pending before the agency.

(2) The commission consists of three citizen members appointed by the governor with the advice and consent of the senate, pursuant to RCW 41.58.010. Commission members

serve on a part-time basis only. All commission members represent the interests of the public. The commission reserves to itself a policy-making and appellate function.

(3) The executive director appointed by the commission pursuant to RCW 41.58.015(2) is the full-time agency head, with authority to act in administrative and personnel matters. Authority is also delegated to the executive director to make substantive decisions in certain types of cases.

(4) The commission's professional staff is appointed pursuant to RCW 41.58.015(3). A "multifunctional" staffing pattern is used, whereby individual members of the commission's professional staff are assigned from time to time to conduct any or all of the types of dispute resolution services provided by the agency. Authority is delegated to members of the professional staff to make decisions as "examiner" under chapters 391-45 and 391-95 WAC. The executive director may also delegate authority to members of the professional staff to make decisions in certain situations under chapters 391-25 and 391-35 WAC.

(5) In the event the executive director is disqualified from participation in a decision, the most senior (in terms of length of service with this agency) (~~member of the agency's mediation staff~~) dispute resolution manager authorized to act as the designee of the executive director to make preliminary rulings on unfair labor practice cases under WAC 391-45-110, who has not been directly involved in the particular circumstances shall make decisions and rulings otherwise required of the executive director. Thereafter, this authority passes to the other dispute resolution managers in agency seniority order.

**AMENDATORY SECTION** (Amending WSR 00-24-044, filed 11/30/00, effective 1/1/01)

**WAC 391-08-670 Decision numbering—Citation of cases—Indexing of decisions.** (1) Each decision issued by the agency in an adjudicative proceeding under the Administrative Procedure Act is assigned a unique number consisting of two or three components, as follows:

(a) The first component, consisting of a number, indicates the sequential number of adjudicative proceedings in which one or more decisions has been issued since the agency commenced operations on January 1, 1976.

(b) The second component (where appropriate) consisting of an alphabetic code in ascending alphabetical order, indicates the second and subsequent decisions issued in the case to which the numerical component was originally assigned.

(c) The third component, consisting of a four-letter alphabetic code, indicates the statute under which the decision was issued:

"CCOL" indicates cases decided under chapter 28B.52 RCW(~~(, which is titled: " )~~)(Collective Bargaining—Academic Personnel in Community Colleges).(~~" )~~)

"EDUC" indicates cases decided under chapter 41.59 RCW(~~(, which is titled: " )~~)(Educational Employment Relations Act).(~~" )~~)

"FCBA" indicates cases decided under chapter 41.76 RCW (faculty at public four-year institutions of higher education).

"MRNE" (no longer in use) was formerly used to indicate cases decided under chapter 47.64 RCW, relating to the Washington state ferries system.

"PECB" indicates cases decided under chapter 41.56 RCW (~~(, which is titled: "Public Employees' Collective Bargaining Act),~~<sup>(2)</sup>) including some cases involving port districts.

"PORT" indicates cases decided exclusively under chapter 53.18 RCW (~~(, which is titled: "Employment Relations—Collective Bargaining and Arbitration,~~<sup>(2)</sup>) relating to port districts.

"PRIV" (~~((no longer in use) was formerly used to))~~ indicates cases decided under chapter 49.08 RCW, relating to private sector employers and employees.

"PSRA" indicates cases decided under RCW 41.06.340 and/or chapter 41.80 RCW (Personnel System Reform Act).

(2) All citations of agency decisions in subsequent agency decisions, in publications of agency decisions, and in briefs and written arguments filed by parties with the agency shall conform to the formats specified in this section:

**GENERAL RULE:** Citations shall list only the name of the employer *italicized*, the word "Decision" followed by the decision number, and the statute and year the decision was issued (in parenthesis).

**Examples:**

*City of Roe*, Decision 1234 (PECB, 1992)

*City of Roe*, Decision 1234-A (PECB, 1993)

*City of Roe*, Decision 1234-B (PECB, 1994)

**EXCEPTION 1:** For decisions being cited within the first year following their issuance, the full date of issuance may be set forth.

**Example:**

*City of Roe*, Decision 1234-C (PECB, December 15, 1995)

**EXCEPTION 2:** For decisions in which an employee organization or labor organization was named as the respondent in an unfair labor practice case, the citation shall list the name of the union (in parenthesis) following the name of the employer.

**Example:**

*City of Roe (Doe Union)*, Decision 2345 (PECB, 1995)

(3) The agency encourages the publication and indexing of its decisions by private firms, but does not contribute financial support to any such firm and declines to declare any private firm as the "official reporter" of agency decisions.

(4) The agency uses a commercially published index of its decisions, along with commercially produced computer assisted research tools, in its own operations. The agency makes those indexes available to the public in its offices, to satisfy the requirements of RCW 42.17.260(5).

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

**WAC 391-25-001 Scope—Contents—Other rules.**

This chapter governs proceedings before the public employment relations commission on petitions for investigation of questions concerning representation of employees under all chapters of the Revised Code of Washington (RCW) administered by the commission. The provisions of this chapter should be read in conjunction with:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapter 34.05 RCW, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-25-070 and 391-25-090;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is replaced by detailed requirements in WAC 391-25-390, 391-25-391, 391-25-590, 391-25-630, 391-25-650, 391-25-660, and 391-25-670; and

(d) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-25-150, 391-25-220, 391-25-230, and 391-25-250.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

**WAC 391-25-002 Sequence and numbering of rules—Special provisions.**

This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (~~((professional negotiations))~~) Collective Bargaining—Academic (~~((faculties of))~~) Personnel in Community Colleges (~~((districts))~~) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to RCW 41.06.340 and/or chapter 41.80 RCW (Personnel System Reform Act) are set forth in WAC sections numbered six digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year institutions of higher education) are set forth in WAC sections numbered seven digits greater than the general rule on that subject matter.

(6) Special provisions relating to chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

**WAC 391-25-011 Special provision—Optional coverage of classified employees of institutions of higher education under chapter 41.56 RCW.** The commission acquires jurisdiction (~~((over))~~) under chapter 41.56 RCW with respect to bargaining units of classified employees of institutions of higher education defined in RCW 41.56.030(8) by a voluntary recognition process consisting of two stages completed prior to July 1, 2003.

(1) The commission acquires limited jurisdiction (~~((over a bargaining unit of classified employees of an institution of higher education as defined in RCW 41.56.030(8),))~~) under chapter 41.56 RCW upon the filing by the employer and an exclusive bargaining representative certified under chapter 41.06 RCW, of a notice of intent pursuant to RCW 41.56.201 (1)(a).

(a) The executive director shall docket a representation case to preserve a record of the transaction, but shall take no other steps to determine a question concerning representation under this chapter.

(b) The scope of bargaining and conduct of the parties in their negotiations for an initial collective bargaining agreement under chapter 41.56 RCW shall be regulated by the commission under chapter 391-45 WAC.

(c) During the parties' negotiations for an initial collective bargaining agreement under chapter 41.56 RCW, the Washington personnel resources board retains jurisdiction to determine appropriate bargaining units and to certify exclusive bargaining representatives under chapter 41.06 RCW.

(2) The commission acquires full jurisdiction under chapter 41.56 RCW over a bargaining unit (~~((of classified employees of an institution of higher education))~~) which has filed a notice of intent under this section, if the parties execute an initial collective bargaining agreement recognizing the notice of intent.

(a) The transfer of jurisdiction is effective on the first day of the month following the month during which the parties provide notice that they have executed an initial collective bargaining agreement under RCW 41.56.201 (1)(c).

(b) The executive director shall dismiss the representation case docketed upon the filing of the notice of intent, on the basis of "voluntary recognition."

(3) The jurisdiction of the commission under chapter 41.56 RCW ceases if the commission finds that the parties have reached an impasse in negotiations for an initial collective bargaining agreement under chapter 41.56 RCW.

(a) A finding of impasse shall not be made if unfair labor practice proceedings concerning the bargaining unit are pending under subsection (1)(b) of this section.

(b) The executive director shall dismiss the previously docketed representation case as "withdrawn."

(4) Collective bargaining agreements negotiated under this option shall be renewed, extended, or terminated in conformity with RCW 41.56.201(4).

#### NEW SECTION

**WAC 391-25-032 Special provision—Educational employees.** Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. In the event that a valid collective bargaining agreement, together with any renewals or extensions thereof, has been or will be in existence for three years, then the question of representation may be raised not more than ninety nor less than sixty days prior to the third anniversary date of the agreement or any renewals or extensions thereof as long as such renewals and extensions do not exceed three years.

#### NEW SECTION

**WAC 391-25-036 Special provision—State civil service employees.** For state civil service employees:

(1) The "window" period specified in WAC 391-25-030(1) shall be computed as not more than one hundred twenty nor less than ninety days prior to the stated expiration date of the collective bargaining agreement.

(2) The "protected" period specified in WAC 391-25-030 (1)(c) shall be computed as ninety days.

(3) The duration of any collective bargaining agreement shall not exceed one fiscal biennium.

#### NEW SECTION

**WAC 391-25-037 Special provision—Higher education faculty.** If there is a valid collective bargaining agreement in effect, no question concerning representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement; provided that in the event a valid collective bargaining agreement, together with any renewals or extensions thereof, has been or will be in existence for more than three years, then a question concerning representation may be raised not more than ninety nor less than sixty days prior to the third anniversary

sary date or any subsequent anniversary date of the agreement.

#### NEW SECTION

**WAC 391-25-051 Special provision—Individual providers under home care quality authority.** This rule consolidates special rules applicable to individual providers under chapter 3, Laws of 2002, Initiative Measure No. 775 (I-775) passed by Washington voters in November of 2001. I-775 extended the coverage of chapter 41.56 RCW to "individual providers" defined as a person, including a personal aide, who has contracted with the department of social and health services to provide personal care or respite care services to functionally disabled persons under the Medicaid personal care, community options program entry system, chore services program, or respite care program, or to provide respite care or residential services and support to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care as defined in RCW 74.13.270.

(1) The showing of interest requirement in WAC 391-25-110 is modified for the bargaining unit affected by I-775, to require a ten percent showing of interest for either a petitioner or an intervenor.

(2) The posting of notice requirement in WAC 391-25-140 is inapplicable to the bargaining unit affected by I-775.

(3) The description of bargaining unit requirement of WAC 391-25-190 is limited to a single, statewide unit of individual providers under I-775.

(4) The description of bargaining unit requirement of WAC 391-25-210(2) is limited to a single, statewide unit of individual providers under I-775.

(5) The provisions of WAC 391-25-210(3) relating to alternative units or mergers of units are inapplicable to the bargaining unit affected by I-775.

(6) The posting requirement in WAC 391-25-220(2), relating to investigation statements, is inapplicable to the bargaining unit affected by I-775.

(7) The posting requirement in WAC 391-25-230(2), relating to election agreements, is inapplicable to the bargaining unit affected by I-775.

(8) The cross-check procedures in WAC 391-25-250, 391-25-391, and 391-25-410 are inapplicable to the bargaining unit affected by I-775.

(9) The unit determination election procedures in WAC 391-25-420 are inapplicable to the bargaining unit affected by I-775.

(10) The requirements of WAC 391-25-430, relating to posting of election notices on the employer's premises, is inapplicable to the bargaining unit affected by I-775.

(11) Any representation election for the bargaining unit affected by I-775 shall be conducted by mail ballot under WAC 391-25-470, with the following modifications:

(a) Together with the procedures for casting ballots, the notice supplied to individual providers may describe the collective bargaining rights established by I-775 and agreements reached by a petitioning union and the employer concerning the election process;

(b) The notice and ballot materials supplied to individual providers shall be set forth in English and Spanish;

(c) The ballot materials supplied to individual providers shall include a card return-addressed to the commission, by which individual providers can request ballot materials in Cambodian, Korean, Mandarin, Russian, Tagalog, Ukrainian, or Vietnamese. Upon receipt of a request from an individual provider, the agency shall supply ballot materials to the individual provider in the requested language.

(d) At least twenty-four days shall be provided between the date on which ballot materials are mailed to individual providers and the deadline for return of cast ballots to the commission.

(e) The executive director shall have discretion to vary tally arrangements and procedures from those customarily used, because of the large size of the bargaining unit involved.

(f) The reference in WAC 391-25-470 to WAC 391-25-140 shall be interpreted in light of subsection (2) of this section.

(12) The procedure for on-site elections in WAC 391-25-490 is inapplicable to the bargaining unit affected by I-775.

#### NEW SECTION

**WAC 391-25-076 Special provision—State civil service employees.** All representation cases pending before the Washington personnel resources board and/or the department of personnel on June 13, 2002, shall be transferred to and acted upon by the commission under this chapter. Documents filed in conformity with Washington personnel resources board and/or department of personnel rules prior to June 13, 2002, shall be acted upon by the commission unless a deficiency notice is issued and a period of at least twenty-one days is provided for a party to cure a noted defect.

#### NEW SECTION

**WAC 391-25-096 Special provision—State civil service employees.** (1) WAC 391-25-090 is inapplicable to bargaining units of state civil service employees.

(2) Where an employer claims that an employee organization previously certified as the exclusive bargaining representative of state civil service employees has become defunct or has abandoned representation of a bargaining unit, it may file a petition under WAC 391-25-070 to obtain a determination as to whether the employee organization continues to represent the bargaining unit. Instead of a showing of interest under WAC 391-25-110, the employer shall attach affidavits and other documentation as may be available to it to demonstrate the existence of a good faith belief that the employee organization has become defunct or has abandoned representation of the bargaining unit. The documentation provided under this section shall not include signature documents provided to the employer by employees.

(3) An employee organization named in a petition filed under this section shall be given a reasonable opportunity to respond and rebut the allegations in the petition. Ongoing activity as exclusive bargaining representative may be demonstrated by evidence showing that the employee organization has been holding meetings of its members, collecting dues, electing or appointing officers and representatives for

the purposes of dealing with the employer, processing grievances, negotiating collective bargaining agreements, or similar activities for and on behalf of employees in the bargaining unit.

(4) If it is determined that the employee organization is defunct or has abandoned its responsibilities for and on behalf of the employees in the bargaining unit, the executive director shall vacate the certification of the employee organization as exclusive bargaining representative. An order issued by the executive director shall be subject to appeal under WAC 391-25-660.

#### NEW SECTION

**WAC 391-25-136 Special provision—State civil service employees.** In addition to the information required by WAC 391-25-130, lists of state civil service employees provided in proceedings under RCW 41.06.340 and/or chapter 41.80 RCW shall also contain the job classification and work location of each employee.

#### NEW SECTION

**WAC 391-25-137 Special provision—Higher education faculty.** In addition to the information required by WAC 391-25-130, lists of higher education faculty provided in proceedings under chapter 41.76 RCW shall also contain the job classification and work location of each employee.

#### NEW SECTION

**WAC 391-25-197 Special provision—Higher education faculty.** The description of bargaining unit requirement of WAC 391-25-190 is limited to a single unit per employer under chapter 41.76 RCW.

#### NEW SECTION

**WAC 391-25-216 Special provision—State civil service employees.** WAC 391-25-210(2) shall not apply to state civil service employees covered by chapter 41.06 RCW. An intervenor may not seek a bargaining unit configuration other than that proposed by the original petition.

#### NEW SECTION

**WAC 391-25-217 Special provision—Higher education faculty.** (1) The description of bargaining unit requirement of WAC 391-25-210(2) is limited to a single unit per employer under chapter 41.76 RCW.

(2) The provisions of WAC 391-25-210(3) relating to alternative units or mergers of units are inapplicable to the employer-wide bargaining units under chapter 41.76 RCW.

#### NEW SECTION

**WAC 391-25-396 Special provision—State civil service employees.** WAC 391-25-391 and the practices and precedents applicable under chapter 41.56 RCW shall also be applicable to state civil service employees.

#### NEW SECTION

**WAC 391-25-416 Special provision—State civil service employees.** As to state civil service employees, authorization documents signed and dated by employees in the bargaining unit no more than six months prior to the filing of the petition shall be honored for purposes of WAC 391-25-410.

#### NEW SECTION

**WAC 391-25-427 Special provision—Higher education faculty.** The unit determination election procedures in WAC 391-25-420 are inapplicable to the employer-wide bargaining units under chapter 41.76 RCW.

#### NEW SECTION

**WAC 391-25-476 Special provision—State civil service employees.** The requirement in WAC 391-25-470(2) that lists of voters be surrendered shall not apply to elections concerning state civil service employees covered by chapter 41.06 RCW. The agency shall provide to requesting employee organizations, involved in the election, the names of employees who voted.

#### NEW SECTION

**WAC 391-25-496 Special provision—State civil service employees.** If the executive director conducts an election involving state civil service employees by on-site balloting procedures, absentee ballots shall be allowed as prescribed in this section.

(1) Upon the request of an individual employee, the agency shall provide a notice and absentee ballot to the individual employee.

(2) To be counted, the absentee ballot must be received at the Olympia office of the commission:

(a) Directly from the employee or from the employee via the United States Postal Service; and

(b) Prior to the close of business on the last day the polls are open for the on-site election.

(3) Whenever absentee ballots are issued, the tally of ballots shall be delayed for one or more days after the last day on which the polls are open for the on-site election, and shall then be conducted in the commission's Olympia office in a manner which preserves the secrecy of the absentee ballots.

**AMENDATORY SECTION** (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

**WAC 391-35-001 Scope—Contents—Other rules.** This chapter governs proceedings before the public employment relations commission on petitions for clarification of existing bargaining units under all chapters of the Revised Code of Washington (RCW) administered by the commission and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300. The provisions of this chapter should be read in conjunction with:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapter 34.05 RCW, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-35-050;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is replaced by detailed requirements in WAC 391-35-210 and 391-35-250; and

(d) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-35-070.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-25 WAC, which regulates representation proceedings.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

**AMENDATORY SECTION** (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

**WAC 391-35-002 Sequence and numbering of rules—Special provisions.** This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule, numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (~~((professional negotiations))~~) Collective Bargaining—Academic (~~((faculties of))~~) Personnel in Community Colleges (~~((districts))~~) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to RCW 41.06.340 and/or chapter 41.80 RCW (Personnel System Reform Act) are set forth in WAC sections numbered six digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year institutions of higher education)

are set forth in WAC sections numbered seven digits greater than the general rule on that subject matter.

(6) Special provisions relating to chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

#### NEW SECTION

**WAC 391-35-026 Special provision—State civil service employees.** In addition to the circumstances described in WAC 391-35-020, bargaining units of state civil service employees may be modified under this section until RCW 41.80.050 and 41.80.080 take effect on July 1, 2004.

(1) Bargaining units of state civil service employees in existence on June 13, 2002, shall be subject to being "divided" into separate units of supervisors and nonsupervisory employees under this section.

(a) A petition to have an existing unit divided may be filed by the exclusive bargaining representative, by the employer, or by those parties jointly.

(b) The separation of bargaining units shall be implemented on or before July 1, 2004.

(2) Bargaining units of state civil service employees in existence on June 13, 2002, shall be subject to being "perfected" under this section.

(a) A petition to have an existing bargaining unit perfected may be filed by the exclusive bargaining representative, or by the employer and exclusive bargaining representative jointly.

(b) All of the unit determination criteria set forth in RCW 41.80.070 shall be applicable to proceedings under this section. The history of bargaining in a unit configuration that is fragmentary and/or was based on narrower considerations shall not preclude creation of a "perfected" bargaining unit as to which a community of interests is demonstrated with regard to:

(i) The duties, skills and working conditions of all positions or classifications to be included in the "perfected" bargaining unit; and

(ii) The extent of organization and avoidance of unnecessary fragmentation shall be implemented to avoid stranding of other positions or classifications in units so small as to prejudice their statutory bargaining rights; and

(iii) The required separation of supervisors and nonsupervisory employees is implemented based on the delegations of authority then in existence; and

(iv) Two or more existing bargaining units can be merged through the procedure set forth in this section; and

(v) The exclusive bargaining representative demonstrates that it has majority support among any employees to be accreted to the bargaining unit(s) being "perfected."

#### NEW SECTION

**WAC 391-35-326 Special provision—State civil service employees.** Confidential exclusions for state civil service employees shall be determined under RCW 41.80.-005(4).

**NEW SECTION**

**WAC 391-35-327 Special provision—Higher education faculty.** Confidential exclusions for higher education faculty employees shall be determined under RCW 41.76.005 (5) and (10).

**NEW SECTION**

**WAC 391-35-346 Special provision—State civil service employees.** Supervisor exclusions for state civil service employees shall be determined under RCW 41.80.005(13) and 41.80.070(1).

**NEW SECTION**

**WAC 391-35-347 Special provision—Higher education faculty.** Administrator exclusions for higher education faculty employees shall be determined under RCW 41.76.005 (5) and (9).

**NEW SECTION**

**WAC 391-35-356 Special provision—State civil service employees.** (1) It shall be presumptively appropriate to include in the same bargaining unit with full-time employees performing similar work, employees who work less than full-time and are covered by chapter 41.06 RCW.

(2) The presumption set forth in this section is intended to avoid excessive fragmentation and a potential for conflicting work jurisdiction claims which would otherwise exist in separate units of full-time and less than full-time employees.

(3) The presumption set forth in this section shall be subject to modification by adjudication.

**AMENDATORY SECTION** (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

**WAC 391-45-001 Scope—Contents—Other rules.** This chapter governs proceedings before the public employment relations commission on complaints charging unfair labor practices under all chapters of the Revised Code of Washington (RCW) administered by the commission. The provisions of this chapter should be read in conjunction with:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapter 34.05 RCW, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-45-050;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is replaced by detailed requirements in WAC 391-45-350 and 391-45-390; and

(d) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-45-070, 391-45-090, and 391-45-260.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings

before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-25 WAC, which regulates representation proceedings.

(4) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

**AMENDATORY SECTION** (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

**WAC 391-45-002 Sequence and numbering of rules—Special provisions.** This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

~~((2))~~ (3) Special provisions relating to chapter 28B.52 RCW (Collective Bargaining—Academic Personnel in Community Colleges) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to RCW 41.06.340 and/or chapter 41.80 RCW (Personnel System Reform Act) are set forth in WAC sections numbered six digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year institutions of higher education) are set forth in WAC sections numbered seven digits greater than the general rule on that subject matter.

(6) Special provisions relating to chapter 49.08 RCW (Private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

**NEW SECTION**

**WAC 391-45-056 Special provision—State civil service employees.** All unfair labor practice cases pending before the Washington personnel resources board and/or the department of personnel on June 13, 2002, shall be trans-

ferred to and acted upon by the commission under this chapter. Documents filed in conformity with Washington personnel resources board and/or department of personnel rules prior to June 13, 2002, shall be acted upon by the commission unless a deficiency notice is issued and a period of at least twenty-one days is provided for a party to cure a noted defect.

**AMENDATORY SECTION** (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

**WAC 391-55-001 Scope—Contents—Other rules.**

This chapter governs proceedings before the public employment relations commission relating to the resolution of impasses occurring in collective bargaining under all chapters of the Revised Code of Washington (RCW) administered by the commission. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(2) Chapter 391-25 WAC, which regulates representation proceedings.

(3) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-65 WAC, which regulates grievance arbitration proceedings.

(6) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

**AMENDATORY SECTION** (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

**WAC 391-55-002 Sequence and numbering of rules—Special provisions.** This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) (~~Employment relations—Collective bargaining and arbitration~~), are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

Special provisions relating to bargaining units eligible for interest arbitration (~~for bargaining units under chapter 41.56 RCW~~) are set forth beginning with WAC 391-55-200.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter. Special provisions relating to fact finding are set forth beginning with WAC 391-55-300.

(3) Special provisions relating to chapter 28B.52 RCW (Collective Bargaining—Academic Personnel in Community Colleges) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to chapter 41.80 RCW (Personnel System Reform Act) are set forth in WAC sections numbered six digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year institutions of higher education) are set forth in WAC sections numbered seven digits greater than the general rule on that subject matter.

(6) Special provisions relating to chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

**AMENDATORY SECTION** (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

**WAC 391-55-200 Interest arbitration—Certification of issues.** (1) If a dispute involving a bargaining unit eligible for interest arbitration under RCW 41.56.030(7), 41.56.475 (~~or~~), 41.56.492 or 74.39A.270 (2)(c) has not been settled after a reasonable period of mediation, and the mediator is of the opinion that his or her further efforts will not result in an agreement, the following procedure shall be implemented:

(a) The mediator shall notify the parties of his or her intention to recommend that the remaining issues in dispute be submitted to interest arbitration.

(b) Within seven days after being notified by the mediator, each party shall submit to the mediator and serve on the other party a written list (including article and section references to parties' latest collective bargaining agreement, if any) of the issues that the party believes should be advanced to interest arbitration.

(2) The mediator shall review the lists of issues submitted by the parties.

(a) The mediator shall exclude from certification any issues that have not been mediated.

(b) The mediator shall exclude from certification any issues resolved by the parties in bilateral negotiations or mediation, and the parties may present those agreements as "stipulations" in interest arbitration under RCW 41.56.465 (1)(b), 41.56.475 (2)(b), or 41.56.492 (2)(b).

(c) The mediator may convene further mediation sessions and take other steps to resolve the dispute.

(3) If the dispute remains unresolved after the completion of the procedures in subsections (1) and (2) of this section, interest arbitration shall be initiated, as follows:

(a) (~~For a bargaining unit covered by RCW 41.56.030(7) or 41.56.475~~) Except as provided in (b) of this subsection, the mediator shall forward his or her recommendation and a list of unresolved issues to the executive director, who shall consider the recommendation of the mediator. The executive director may remand the matter for further mediation. If the executive director finds that the parties remain at impasse, the executive director shall certify the unresolved issues for interest arbitration.

(b) For a bargaining unit covered by RCW 41.56.492, the mediator shall certify the unresolved issues for interest arbitration.

**AMENDATORY SECTION** (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

**WAC 391-65-001 Scope—Contents—Other rules.**

This chapter governs proceedings before the public employment relations commission relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement under all chapters of the Revised Code of Washington (RCW) administered by the commission. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(2) Chapter 391-25 WAC, which regulates representation proceedings.

(3) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

**AMENDATORY SECTION** (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

**WAC 391-65-002 Sequence and numbering of rules—Special provisions.** This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (~~((professional negotiations))~~) Collective Bargaining—Academic (~~((faculties of))~~) Personnel in Community Colleges (~~((districts))~~) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to chapter 41.80 RCW (Personnel System Reform Act) are set forth in WAC sec-

tions numbered six digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year institutions of higher education) are set forth in WAC sections numbered seven digits greater than the general rule on that subject matter.

(6) Special provisions relating to chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

**AMENDATORY SECTION** (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

**WAC 391-65-110 Grievance arbitration—Conduct of proceedings.** The arbitrator assigned or selected shall conduct the arbitration proceedings in the manner provided in the collective bargaining agreement under which the dispute arises, subject to the following:

(1) Arbitration cases handled by members of the agency staff shall be kept in the public files of the agency.

(2) The services of a member of the commission staff as arbitrator shall be subject to interruption for reassignment of the staff member to other functions of the agency having a higher priority.

(3) Except as provided in subsections (1) and (2) of this section, all arbitrators shall maintain compliance with the "Code of Professional Responsibility for Arbitrators of Labor-Management Disputes" (~~((adopted by the National Academy of Arbitrators, the American Arbitration Association and))~~) as last amended with approval of the Federal Mediation and Conciliation Service ((on May 29, 1985)).

**AMENDATORY SECTION** (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

**WAC 391-95-001 Scope—Contents—Other rules.** This chapter governs proceedings before the public employment relations commission on disputes concerning the right of nonassociation under the union security provisions of certain (~~((statutes))~~) chapters of the Revised Code of Washington (RCW) administered by the commission. The provisions of this chapter should be read in conjunction with:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapter 34.05 RCW, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-95-110;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is replaced by detailed requirements in WAC 391-95-270 and 391-95-290; and

(d) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-95-170.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-25 WAC, which regulates representation proceedings.

(4) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(5) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(6) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(7) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

**AMENDATORY SECTION** (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

**WAC 391-95-010 Notice of union security obligation.**

(1) Whenever a collective bargaining agreement negotiated under the provisions of chapter 28B.52, 41.56, ~~(( $\text{\textcircled{R}}$ ))~~ 41.59, 41.76, or 41.80 RCW contains a union security provision, the exclusive bargaining representative shall provide each affected employee with a copy of the collective bargaining agreement, and shall specifically advise each employee of his or her obligations under that agreement, including informing the employee of the amount owed, the method used to compute that amount, when such payments are to be made, and the effects of a failure to pay.

(2) Disputes concerning whether an employee is within the bargaining unit covered by a union security provision shall be resolved through unit clarification proceedings under chapter 391-35 WAC, and shall not be a subject of proceedings under this chapter.

(3) Disputes concerning interpretation or application of a union security provision shall be resolved through grievance arbitration or other procedures for interpretation or application of the collective bargaining agreement, and shall not be a subject of proceedings under this chapter.

**WSR 02-23-090**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed November 20, 2002, 9:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-24-107.

Title of Rule: Minimum wage, chapter 296-128 WAC.

Purpose: The purpose of this rule making is to make changes to chapter 296-128 WAC to clarify and develop requirements associated with paying exempt employees on a salary. These proposed rules are as a result of a state supreme court case (*Drinkwitz v. Alliant Techsystems, Inc.*, 140 Wn.2d 291 (2000)).

- These proposed rules are necessary to:
  - Ensure employers know their rights and responsibilities under the law and that workers are adequately protected.
  - Establish provisions in rule associated with deducting pay or leave from exempt, salaried employees.
  - Clarify that payment of a salary does not in and of itself exempt a worker from the minimum wage and overtime requirements.
  - Include a limited "window of correction" to allow employers to correct improper deductions under certain circumstances.
  - Issue similar provisions that exist in federal regulations.

**AMENDED SECTION:**

**WAC 296-128-500 Purpose**, clarifies that employees must meet both the definitions test (executive, administrative, professional) and the salary test in order to be exempt. Further clarifies that payment of a salary does not in and of itself exempt a worker from the minimum wage and overtime requirements.

**NEW SECTION:**

**WAC 296-128-532 Deductions for salaried, exempt employees.**

(1) **When does this section apply?** Specifies that this section applies to any employee who is paid on a salary basis and who meets the definition of executive, administrative, or professional.

(2) **What does salary basis mean?** Defines "salary" as a predetermined monetary amount, not less than that required in WAC 296-128-510 through 296-128-530, and which shall not be subject to deduction because of variations in the quantity or quality of the work performed, except as provided in this section.

(3) **When are deductions from salary allowed?** This subsection addresses the specific circumstances when an employer may deduct pay from an exempt employee's salary without jeopardizing the employee's exempt status.

(4) **What are improper deductions from salary?** This subsection lists the specific circumstances in which a deduction is recognized to be improper and in violation of the salary test.

(5) **Is a "window of correction" permitted?** This section specifies that a "limited window of correction" is available in the state of Washington when the improper deduction is inadvertent and is immediately corrected, providing that the deduction is not due to lack of work, as prohibited in subsection (4) above, or is not part of a pattern of the same of similar deductions.

(6) **What deductions may be made from leave banks?** This section specifies the requirements when deductions may be taken from employee leave banks, e.g., vacation, sick, compensatory.

**WAC 296-128-533 Public employees.**

(1) **How do the provisions specified in WAC 296-128-532 affect public employees?** This section clarifies that the salary rules apply also to public employees but that due to issues of public employee accountability, deductions from

PROPOSED

pay and leave are allowed in certain additional circumstances not available to the private sector. Those circumstances include (a) deductions for partial day absences when the employee is on leave without pay for personal reasons or illness and does not use accrued leave; and (b) deductions for furlough (absences authorized by law).

(2) **What does "public employee" mean?** Defines "public employee" as an employee directly employed by a county, incorporated city or town, municipality, state agency, institution of higher education, political subdivision or other public agency including any department, bureau, office, board, commission or institution of such public entities.

Statutory Authority for Adoption: RCW 49.46.005, 49.46.010, and 49.46.120.

Statute Being Implemented: Chapter 49.46 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 (chapter 19.85 RCW) 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 are exempted by law (see RCW 19.85.025 referencing RCW 34.05.310(4)) from the small business economic impact requirements.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria does not apply to these rule changes as these rule changes do not fall within the definition of "significant legislative rules" under RCW 34.05.328(5).

Hearing Location: **Spokane Hearing:** Department of Labor and Industries Building, 901 North Monroe Street, Suite 100, Spokane, WA, on January 6, 2003, at 1:00 p.m.

**Tukwila Hearing:** Department of Labor and Industries Building, 12806 Gateway Drive, Tukwila (Seattle), WA, on January 7, 2002 [2003], at 1:00 p.m.

**Yakima Hearing:** 104 North 4th Avenue, Yakima School District (Administration Offices), Yakima, WA, on January 8, 2003, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by December 27, 2002, at (360) 902-6411 or swaj235@lni.wa.gov.

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 January 8, 2003. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: January 10, 2003.

November 20, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending Order 76-5, filed 2/24/76)

**WAC 296-128-500 Purpose.** This regulation is adopted in accordance with chapter 49.46 RCW to define the terms "bona fide executive, administrative, or professional capacity or in the capacity of outside salesman," to define salary basis and to establish a procedure for computing overtime pay.

An employee who meets the definitions of executive, administrative, or professional and who is paid on a salary basis (except as provided for in WAC 296-128-530(5)) is considered exempt from the requirements of chapter 49.46 RCW. Payment of a salary does not in and of itself exempt a worker from the minimum wage and overtime requirements.

#### NEW SECTION

**WAC 296-128-532 Deductions for salaried, exempt employees.** (1) **When does this section apply?** This section applies to any employee who is paid on a salary basis and who meets the definitions of executive, administrative, or professional.

(2) **What does salary basis mean?** Salary is where an employee regularly receives for each pay period of one week or longer (but not to exceed one month) a predetermined monetary amount (the salary) consisting of all or part of his or her compensation, which amount will not be less than required to be paid pursuant to WAC 296-128-510 through 296-128-530. The salary shall not be subject to deduction because of variations in the quantity or quality of the work performed, except as provided in this section. Under RCW 49.46.130 (2)(a), salaried employees may receive additional compensation or paid time off and still be considered exempt.

(3) **When are deductions from salary allowed?**

(a) If the employee performs no work in a particular week, regardless of the circumstances, the employer may deduct for the entire week.

(b) When the employee takes at least a whole day off for personal reasons other than sickness or accident, the employer may deduct in full day increments.

(c) Deductions for absences due to sickness or disability may be made in full day increments if the deduction is made according to the employer's bona fide plan, policy or practice of providing paid sick and disability leave (other than industrial accidents or disability).

(i) Deductions are permitted when either leave is exhausted or the employee has not yet qualified under the plan.

(ii) Deductions are permitted even if an employee receives compensation under that plan or under workers' compensation laws.

(d) When an employee is eligible for the federal Family and Medical Leave Act 29 U.S.C. Sec. 2611 et seq., deductions may be made for partial day absences due to leave taken according to that law and the applicable provisions in chapter 49.78 RCW.

(e) In the first and final week of employment, an employee's salary may be prorated for the actual days worked.

(f) Deductions are allowed for disciplinary absences that are imposed for violations of safety rules of major significance. This includes only those relating to the prevention of serious danger to the plant, the public, or other employees, such as rules prohibiting smoking in explosive plants or around hazardous or other flammable materials.

(g) Deductions are allowed when authorized under RCW 49.48.010, 49.52.060, or WAC 296-126-025.

**(4) What are improper deductions from salary?**

(a) Deductions are not permitted for partial days of work, except as permitted by subsection (3)(d) of this section or by WAC 296-128-533.

(b) Deductions are not permitted for lack of work for any amount of time less than a full week.

(c) Deductions are not permitted when the employee participates in jury duty, attendance as a witness, or temporary military leave if the employee performs any work during that week. The employer may, however, offset any amounts received by an employee as jury or witness fees or military pay.

(d) Deductions are not permitted for absences due to sickness or disability if the employer does not have a bona fide plan, policy or practice in place for sick or disability leave.

(e) Any other deductions not allowed under subsection (3) of this section.

(5) **Is a "window of correction" permitted?** A limited window of correction will be permitted when an improper deduction is shown to be infrequent and inadvertent and the employer immediately begins taking corrective steps to promptly resolve the improper deduction when brought to the attention of the supervisor or other appropriate representative of the employer. Such corrections will be allowed only to the extent that the deduction is not due to lack of work or part of a pattern of the same or substantially similar deductions.

**(6) What deductions may be made from leave banks?**

(a) Deductions may be made from compensatory time in any increment.

(b) Deductions may be made from bona fide leave banks in partial or full day increments. However, partial day deductions may be made only on the express or implied request of the employee for time off from work. Leave bank deductions may not be made for less than one hour.

A "bona fide leave bank" is a benefit provided to employees in the case of absence from work due to sickness or personal time off. It must be in writing and contained in contract or agreement, or in a written policy that is distributed to employees. A leave bank policy, or a leave bank provision in a contract or agreement, is not "bona fide" if it is used as a subterfuge to circumvent or evade the requirements of this regulation.

(c) When leave banks are exhausted, deductions from salary may not be made, except as permitted in subsection (3) of this section.

**NEW SECTION**

**WAC 296-128-533 Public employees.** (1) **How do the provisions specified in WAC 296-128-532 affect public employees?** WAC 296-128-532 (1) through (5) is applicable to public employees, except that deductions from salary or leave banks are permitted in the following additional circumstances.

**(a) Deductions from salary for partial day absences:**

A public employee who otherwise meets the requirements of WAC 296-128-532 will not be disqualified from the executive, administrative, or professional exemptions on the basis that such public employee is paid according to a pay system that:

(i) Is established by statute, ordinance, or regulation, or by a policy or practice established according to principles of public accountability, under which the public employee accrues sick or personal leave (annual, vacation, etc.); and

(ii) Permits the public employee's pay to be reduced or the public employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work day when accrued leave is not used by a public employee.

(b) **Deductions from leave banks:** Deductions may be made from a public employee's accrued leave banks in any increment in accordance with any statute, ordinance, or regulation, or by a policy or practice established according to principles of public accountability.

(c) **Deductions for furlough:** Deductions from the salary of a public employee for absences where authorized by law due to a budget-required leave of absence will not disqualify the public employee from being paid on a "salary basis" except in the workweek in that the absence occurs and for which the public employee's pay is accordingly reduced.

(2) **What does "public employee" mean?** Public employee means an employee directly employed by a county, incorporated city or town, municipal corporation, state agency, institution of higher education, political subdivision or other public agency and includes any department, bureau, office, board, commission or institution of such public entities.

**WSR 02-23-091**

**PROPOSED RULES**

**OFFICE OF**

**INSURANCE COMMISSIONER**

[Filed November 20, 2002, 10:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-032.

Title of Rule: Washington state health insurance pool (WSHIP) plan of operation.

PROPOSED

Purpose: E2SSB 6067, chapter 79, Laws of 2000, changed the composition of the board of the pool and many of the operating procedures. These proposed rules implement that law.

Other Identifying Information: Insurance Commissioner Matter No. R 2001-15.

Statutory Authority for Adoption: RCW 48.02.060, 48.41.040, 48.41.170, 48.44.050, and 48.46.200.

Statute Being Implemented: RCW 48.41.040.

Summary: The new board of WSHIP recently revised their plan of operation to reflect the changes in law and submitted the amended plan to the commissioner. The plan of operation must be adopted by rule after a public hearing by the commissioner. The proposed rules repeal sections in chapter 284-91 WAC that are redundant or conflict with chapter 79, Laws of 2000.

Reasons Supporting Proposal: E2SSB 6067, chapter 79, Laws of 2000, changed the composition of the board of the pool and many of the operating procedures. These proposed rules implement that law.

Name of Agency Personnel Responsible for Drafting and Implementation: Michael Arnis, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7043; and Enforcement: Carol Sureau, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7050.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The WSHIP board recently revised the plan of operation to reflect the changes in law and submitted the amended plan to the commissioner. The proposed plan of operation consists of three documents.

(1) Articles of Organization of WSHIP: This document further defines classes for member plans and how those classes vote for a director. Indemnification of the board of directors is also defined within this document.

(2) Bylaws of WSHIP: This document provides for the definitions and practices of the board of directors and its committees. These include procedures for board meetings, actions by the board, and standing committees. This document also addresses potential conflict of interest, the grievance procedure, and record keeping.

(3) Operating Rules of WSHIP: This document provides for board practices when working with enrollees and applicants, and their complaints and grievances. Specifications for publicizing WSHIP are also contained.

The plan of operation must be adopted by rule after a public hearing by the commissioner. The proposed rules repeal sections in chapter 284-91 WAC that are redundant or conflict with chapter 79, Laws of 2000.

Proposal Changes the Following Existing Rules: The title of the chapter would be changed to "Washington State Health Insurance Pool" and the following WAC sections would be repealed: WAC 284-91-010, 284-91-020, 284-91-025, 284-91-030, 284-91-040, 284-91-050, and 284-91-060.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

## Small Business Economic Impact Statement

**Background:** Under RCW 48.41.040, the WSHIP board of directors is required to submit a plan of operation to the Washington State Insurance Commissioner. The insurance commissioner must then conduct a rule making adopting a plan of operation that assures the fair, reasonable, and equitable administration of the pool.

The board of directors is comprised of ten members, representing consumers, small and large employers, health care providers, health care agents, and health insurance carriers. The insurance commissioner is an ex officio member of the board of directors. The powers and duties of the board of directors are contained in RCW 48.41.060. Program duties include determining eligibility, approving rates, and assessing member plans. Administrative duties include the authority to contract for services, appoint committees, and conduct audits.

The contents of the plan of operation are outlined in RCW 48.41.050. The statute contains items such as the handling and accounting of assets and money, the times and places of meetings of the board of directors, and establishing an impartial grievance process.

The current WSHIP plan of operation and provisions of chapter 284-91 WAC do not account for legislative changes that occurred in 2000. The WSHIP board of directors is proposing a completely revised and updated plan of operation to address the recent changes in law as well as other changes in methods WSHIP chooses to do business.

Comments were sought from stakeholders and the updated draft has been an agenda item in the board's meetings, which are open to the public.

On December 10, 2001, a CR-101 was filed announcing the agency's intent to begin rule making in this area. The CR-101 was mailed to affected parties and posted on the agency website.

**Is the Rule Required by Federal Law or Federal Regulation?** This rule is not required by federal law or regulation.

**Industry Affected by the Proposed Rule:** The proposed rules and proposed plan of operation would impact health care service contractors (HCSC), health maintenance organizations (HMOs), and commercial insurers providing disability or stop loss insurance. The industry codes that would be affected by the proposed rules include SIC codes 6321 and 6324.

**Percentage of the Industries in the Four-Digit Standard Industrial Classification Affected by the Rule:** The proposed plan of operation would affect 100% of the carriers who provide individual health insurance to Washington state residents.

**Parts of the Proposed Rule That May Impose a Cost to Business:** The proposed plan of operation should not impose additional costs on businesses. The purpose of this rule making is to establish clear mechanisms that allow the board of directors to conduct its duties effectively. The board of directors defined the programmatic and administrative duties of WSHIP within three separate documents that comprise the plan of operation:

**Articles of Organization of WSHIP:** This document further defines classes for member plans and how those classes vote for a director. Indemnification of the board of directors is also defined within this document.

**Bylaws of WSHIP:** This document provides for definitions and the practices of the board of directors and its committees. These include procedures for board meetings, actions by the board, and standing committees. This document also addresses potential conflict of interest, the grievance procedure, and record keeping.

**Operating Rules of WSHIP:** This document provides for board practices when working with enrollees and applicants, and their complaints and grievances. Specifications for publicizing WSHIP are also contained.

The plan of operation is a mechanism that allows the board of directors to assess member plans effectively and to provide service to applicants and enrollees as mandated within chapter 48.41 RCW.

The proposal also repeals the existing provisions of chapter 284-91 WAC. Those provisions governing the current plan of operation and procedures of WSHIP are viewed as redundant, unnecessary, or contradictory with changes in statute.

**Briefly Describe the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule:**

There are no new record-keeping requirements as a result of the plan of operation. The plan of operation provides for specific mechanisms for notices, communication to enrollees, and meeting minutes. Tasks such as these are currently performed by WSHIP administration and the board of directors. They can also be found in the current plan of operation, primarily under Article XIII Reports, Records, and Accounting.

**Professional Services That May Be Needed to Comply with the Requirements of the Proposed Rule:** It is expected that no new professional services will be needed by smaller businesses under the proposed plan of operation. In fact, by clarifying some administrative mechanisms, the proposed plan of operation improves some of the processes in the current plan of operation. There may be some minimal costs associated with reading and comprehending the proposed plan of operation.

*Cost of Equipment:* There is no anticipated additional cost of equipment.

*Cost of Supplies:* There is no anticipated additional cost of supplies.

*Cost of Labor:* There is no anticipated additional cost of labor.

*Cost of Increased Administration:* There is no anticipated additional cost of increased administration.

**Compliance Costs for the Industries Affected by the Proposed Rules:** The proposed plan of operation will establish clear mechanisms to be used by the board of directors and will not incur any additional cost beyond the time spent in reading and comprehending the rule.

**Proportionality of the Economic Burden on Small Businesses:** The proposed plan of operation will not impose a disproportionately higher economic burden on smaller carriers. Assessments to fund WSHIP are set by statute. The insurance commissioner does not anticipate any economic

burdens due to the proposed rules for any size of carrier. The costs are established by statute and currently proportional and should remain proportional for small businesses. There should be no proportional differences in costs of equipment, supplies, labor, or administration.

**Mitigation Measures That Could Be Used to Reduce the Economic Impact of the Rule on Small Businesses and Still Meet the Objectives:**

No additional mitigation to reduce economic costs of the proposed plan of operation appears to be possible or necessary (due to the lack of anticipated costs). The board of directors drafted the plan of operation in a public setting. One of the directors represents small employers. Research, review, legal analysis, and discussions contributed to the document. It was approved in an open meeting before it was submitted to the insurance commissioner. The proposed plan of operation covers many of the same issues as the current plan of operation, and even provides clarification for some administrative mechanisms that have been performed since the inception of WSHIP. The insurance commissioner, as an ex officio member of the board of directors, will work with the board if any negative impacts emerge for small businesses.

**Steps the Commissioner Will Take to Reduce the Costs of the Rule on Small Businesses:** See above.

**Mitigation Techniques That Have Been Considered and Incorporated into the Proposed Rule:**

As noted previously, the board of directors includes representatives from industry, consumers, employers, agents and providers. The CR-102 was filed only after the board approved the plan of operation and submitted it to the insurance commissioner. No mitigatory suggestions have been made or appear to be possible while ensuring the fair, reasonable, and equitable administration of the pool. Staff from the Office of Insurance Commissioner participated in the discussions and review of the plan of operation with the board in an effort to provide for effective and clear mechanisms and practices that allow the board of directors to fulfill its duties.

**Mitigation Techniques That Were Considered for Incorporation into the Proposed Rule but Were Rejected:** See above.

**Informing and Involving Affected Businesses:** As noted earlier, the proposed plan of operation was developed and approved by the WSHIP board of directors through research and numerous discussions in open meetings. One of the directors represents small employers. The proposed plan of operation retains many of the administrative mechanisms of the current plan of operation.

The CR-101 was filed on December 10, 2001, when the board of directors began its update of the plan of operation. The proposal was published in the Washington State Register and was posted on the insurance commissioner's website with contact names and numbers. Affected parties, including carriers of all sizes, were mailed the CR-101. The CR-101 requested comments and gave agency contact numbers for parties interested in participating in the rule-making process.

**Involvement of Small Business in the Development of the Proposed Rule:** See above.

PROPOSED

**Informing Affected Small Businesses of the Proposed**

**Rule:** See above.

A copy of the statement may be obtained by writing to Kacy Scott, P.O. Box 40255, Olympia, WA 9804 [98504]-0255, e-mail kacys@oic.wa.gov, phone (360) 705-7041, fax (360) 586-0341.

RCW 34.05.328 applies to this rule adoption. This proposal is a significant legislative rule for the purposes of RCW 34.05.328.

Hearing Location: Best Western Executive, Vashon Room, 200 Taylor Avenue, Seattle, WA 98109, on January 6, 2003, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Lori Villaflores by January 3, 2003, TDD (360) 664-3154.

Submit Written Comments to: Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, by January 3, 2003.

Date of Intended Adoption: January 21, 2003.

November 20, 2002

Mike Kreidler

Insurance Commissioner

**Chapter 284-91 WAC**

**WASHINGTON STATE HEALTH INSURANCE  
((ACCESS REGULATION)) POOL**

**NEW SECTION**

**WAC 284-91-001 Plan of operation approved.** Under RCW 48.41.040(4), the commissioner approves the plan of operation submitted by the board of directors of the Washington state health insurance pool (WSHIP). The plan of operation is composed of the following documents:

- (1) Articles of organization by the WSHIP board on September 5, 2002;
- (2) Bylaws by the WSHIP board on September 5, 2002; and
- (3) Operating rules by the WSHIP board on September 5, 2002.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 284-91-010	Board of directors.
WAC 284-91-020	Organizational meeting, duties of board of directors.
WAC 284-91-025	Plan of operation approved.
WAC 284-91-027	Plan of operation.
WAC 284-91-030	Duties of administrator.
WAC 284-91-040	Forms to be used by administrator.

WAC 284-91-050

Involuntary terminations for other than nonpayment of premiums.

WAC 284-91-060

Eligibility in counties without commercially available coverage equivalent to pool coverage.

**WSR 02-23-092**

**PROPOSED RULES**

**OFFICE OF**

**INSURANCE COMMISSIONER**

[Filed November 20, 2002, 10:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-14-151.

Title of Rule: Pharmacy identification cards.

Purpose: This proposed regulation will implement RCW 48.43.023.

Other Identifying Information: Insurance Commissioner Matter No. R 2002-04.

Statutory Authority for Adoption: RCW 48.02.060, 48.43.023, 48.44.050, 48.46.200.

Statute Being Implemented: RCW 48.43.023.

Summary: RCW 48.43.023 requires an entity that provides coverage for prescription drugs provided on an outpatient basis and issues a card or other technology for claims processing to issue to its enrollees a pharmacy identification card or other technology containing all information required for proper prescription drug claims adjudication.

Reasons Supporting Proposal: This proposed regulation will implement RCW 48.43.023.

Name of Agency Personnel Responsible for Drafting and Implementation: Janis LaFlash, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7040; and Enforcement: Carol Sureau, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7050.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 48.43.023 requires an entity that provides coverage for prescription drugs provided on an outpatient basis and issues a card or other technology for claims processing to issue to its enrollees a pharmacy identification card or other technology containing all information required for proper prescription drug claims adjudication. The proposed rule will ensure that RCW 48.43.023 is implemented uniformly and prevent any compliance issues. Consistent standards will achieve the legislature's stated intent to "improve care to patients by minimizing confusion, eliminating unnecessary paperwork, decreasing administrative burdens, and streamlining dispensing of prescription products paid for by third-party payors."

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

### Small Business Economic Impact Statement

**Background:** In 2001, the legislature enacted chapter 106, Laws of 2001. This bill was codified as RCW 48.43.023. The legislature stated their intent to "improve care to patients by minimizing confusion, eliminating unnecessary paperwork, decreasing administrative burdens, and streamlining dispensing of prescription products paid for by third-party payors." The law requires various parties who provide coverage for prescription drugs and issue a card or other technology to process claims to include all the information necessary for claims processing on the card. The commissioner was granted the authority to write rules to implement the new law.

**Is the Rule Required by Federal Law or Federal Regulation?** This rule is not required by federal law or regulation.

**Industry Affected by the Proposed Rule:** The scope to the proposed rules is established by the underlying law. The statute affects any "health carrier that provides coverage for prescription drugs provided on an outpatient basis and issues a card or other technology for claims processing, or an administrator of a health benefit plan including, but not limited to, third-party administrators for self-insured plans, pharmacy benefits managers, and state administered plans." RCW 48.43.023(1).

The standard industrial classification (SIC) categories that would be impacted include accident and health insurers, hospital and medical service plans, and pension, health, and welfare funds. The types of entities include health care service contractors (HCSCs) and health maintenance organizations (HMOs), third-party administrators, disability insurers, and state health plans. The SIC codes include #6321, #6324, #6371.

**Overview of the Proposed Rule and Provisions That May Impose a Cost to Business:** The purpose of the proposed rule is to establish a clear and efficient mechanism to implement the new law. The requirements and restrictions are imposed by the law; ensuring compliance and implementing the law is the purpose of the rule making.

RCW 48.43.023 requires that a health plan that provides coverage for prescription drugs and issues a card or other technology for claims processing must include all information required for proper prescription drug claims adjudication. RCW 48.43.023(5) states that in the rule making the insurance commissioner should consider any relevant standards developed by the National Council for Prescription Drug Programs (NCPDP) and the requirements of the federal Health Insurance Portability and Accountability Act of 1996.

In proposed WAC 284-43-323(2), the commissioner establishes that an issued card must include the "BIN," "IIN/BIN number" or "RxBIN" which is the bank identification number or American National Standards Institute (ANSI) assigned international identification number, identified in the NCPDP Pharmacy ID Card Implementation Guide. Discussions with representatives of pharmacists and pharmacy benefit managers indicated that this information is

critical in claims processing. When this number is not available, the pharmacist is often forced to make phone calls to the health plan or carrier to ascertain the information. The commissioner believes that this information is required by RCW 48.43.023 but it is useful to state clearly the need for this information in rule. This number is required by the pharmacy benefit administrators to route a prescription claim electronically. Several carriers currently provide this information on a card or have begun the process of including the information. The number is generally one number per carrier or payor. Many of the entities described in RCW 48.43.023(1) use a pharmacy benefits manager (PBM) which has its own BIN number and if the PBM changes, then the BIN number would need to be changed on the card. Obviously, due to the nature of contracting, this change would be known long in advance of the change and changes in the card can be planned.

Other data elements of the NCPDP guide must be included on the card only if they are required for the processing of claims. The commissioner is unaware of any cards that do not currently include such information as the carrier name, enrollee name, group name or any other information necessary to process the claim. It is believed to be unnecessary to include those requirements in this rule explicitly. If there is additional or unique information required to process a claim, that information must be included on a card but the BIN number was the one piece of information that is consistently needed but not consistently provided.

**Compliance Costs for the Industries Affected by the Proposed Rules:** As noted, the costs are believed to be traceable directly to RCW 48.43.023. The law requires issued cards to contain information required to process claims. The WAC merely states that the BIN number is among the information required by the law.

**Percentage of the Industries in the Four-digit Standard Industrial Classification Affected by the Rule:** The adopted law will and proposed rule would affect 100% of the health carriers or administrators of health benefit plans including, but not limited to, third-party administrators for self-insured plans, pharmacy benefits managers, and state administered plans that provide coverage for prescription drugs provided on an outpatient basis and issues a card or other technology for claims processing.

**Mitigation Measures That Could Be Used to Reduce the Economic Impact of the Rule on Small Businesses and Still Meet the Objectives:** No mitigation appears to be possible or necessary (due to the lack of anticipated costs).

As noted earlier, the commissioner and staff have been discussing these issues with industry and interested parties for many months. Proposed concepts and language have been exposed for comments and suggestions in an attempt to provide clarification of the law and rule and to mitigate any costs. The commissioner will continue to be receptive to suggestions that will allow the rule to be administered more efficiently while meeting the objectives of the rule and the underlying law.

**Steps the Commissioner Will Take to Reduce the Costs of the Rule on Small Businesses:** The commissioner does not believe that any additional mitigatory changes can

be made to the rule while implementing the law. However, the commissioner is interested in reducing the costs for all business, especially smaller businesses. The commissioner welcomes any new suggestions that could lessen any economic impacts that are attributable to the rules.

**Mitigation Techniques That Have Been Considered and Incorporated into the Proposed Rule:** The commissioner and his staff have had numerous discussions with industry and interested parties as the proposal was developed. The proposal has been through several drafts to clarify the regulation and mitigate any potential costs. The commissioner would like to thank the industry and interested parties for providing timely and useful comments and suggestions throughout this process. Clearer, more efficient regulation benefits the consumer, industry, and the regulator.

The requirements of the rule are not effective until July 1, 2003. This is also a provision in the law. By adopting the rule many months before the effective date of the rule or law, the commissioner hopes to allow as much time to implement the standards as is possible.

**Mitigation Techniques That Were Considered for Incorporation into the Proposed Rule but Were Rejected:** It was suggested that no rules were necessary. While the commissioner believes that the BIN number is implicitly required by law, he also believes that making the requirement explicit will avoid potential compliance issues and ensure that the goals of the legislation are met. It was suggested that the rule address when updated card must be issued. The commissioner believes that the law is clear on this issue and there is no need to clarify. If that continues to be a concern, the commissioner is willing to discuss the issue further.

**Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule:** There is no new reporting or record-keeping requirement as a result of this rule. Any entity that is subject to the rule and law already possesses all the information needed to comply. If and when a card must be issued is determined by RCW 48.43.023. There are no filing requirements.

**Professional Services That May Be Needed to Comply with the Requirements of the Proposed Rule:**

*Cost of Equipment:* There is no anticipated additional cost of equipment.

*Cost of Supplies:* There is no anticipated additional cost of supplies. Some carriers may have to update cards to provide for the BIN number but, as noted, it is believed that those costs are directly traceable to the statute. Some entities issue paper cards, others use plastic "credit cards," others have spoken of the desire to use the other technology envisioned in RCW 48.43.023. Those are business decisions are left entirely up to the carrier. The only requirement is to provide the necessary information to process the claim.

*Cost of Labor and Increased Administration:* There may be some minor additional costs of increased labor and administration in reading, comprehending, and complying with the rule. Again, it is believed that the requirement to provide the BIN number is inherent in the law and the rule makes that implicit requirement explicit to make compliance easier.

**The Proportionality of the Cost of Compliance:** The costs of compliance are traceable to the statute and should be

proportional for smaller businesses. The rule does not require or impose any disproportionate differences in costs of equipment, supplies, labor, or administration. Several comments were received that larger businesses may have more complications in tracking and issuing cards to wider groups of enrollees. The implication was that costs could be disproportionately higher for the larger entities. The commissioner is not convinced of that argument but is satisfied that there is no disproportion in costs imposed by the proposed rule on smaller businesses.

**Informing and Involving Affected Businesses:** The staff of the OIC met with interested parties on several occasions and has made numerous drafts available. The CR-101 was filed on July 3, 2002. The proposal was published in the Washington State Register and was posted on the insurance commissioner's website with contact names and numbers. The CR-101 requested comments and gave agency contact numbers for parties interested in participating in the rule-making process.

As noted previously, staff has met on several occasions with insurers, pharmacists representatives, and affected state agencies. The commissioner continues to encourage comments from all affected and interested parties on the proposal.

**Informing and Involving Small Business in the Development of the Proposed Rule:** See above.

A copy of the statement may be obtained by writing to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail kacys@oic.wa.gov, phone (360) 725-7041, fax (360) 586-0341.

RCW 34.05.328 applies to this rule adoption. This proposal is a significant legislative rule for the purposes of RCW 34.05.328.

Hearing Location: Insurance Commissioner's Office, Room 221, 5000 Capital Boulevard, Tumwater, WA 98504-0255, on January 8, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Lori Villaflores by January 6, 2003, TDD (360) 664-3154.

Submit Written Comments to: Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, by January 6, 2003.

Date of Intended Adoption: January 22, 2003.

November 20, 2002

Mike Kreidler

Insurance Commissioner

## SUBCHAPTER C PROVIDER ~~((AND FACILITY))~~ CONTRACTS AND PAYMENT

### NEW SECTION

**WAC 284-43-323 Pharmacy identification cards.** (1) This rule outlines the minimum standards for prescription claims processing as directed by RCW 48.43.023.

(2) The pharmacy identification card or other technology must include the data element consistent with the "BIN number," "IIN/BIN number" or "RxBIN" which is the ANSI assigned international identification number, identified in the *National Council for Prescription Drug Programs (NCPDP)*

*Pharmacy ID Card Implementation Guide.* Other data elements of the *NCPDP Guide* must be included on the card only if they are required for the processing of claims.

(3) This rule does not compel the issuance of a separate pharmacy identification card provided that the enrollee health plan identification card contains the required data elements.

(4) All plans that use a card or other technology for prescription claims processing that are delivered, issued for delivery or renewed on or after July 1, 2003, must comply with the requirements of this rule.

**WSR 02-23-096**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed November 20, 2002, 11:43 a.m.]

Continuance of WSR 02-14-092, 02-18-023, and 02-19-107.

Preproposal statement of inquiry was filed as WSR 01-06-021.

Title of Rule: Chapter 16-228 WAC, rules relating to wood destroying organisms (WDO).

Purpose: The current rules are somewhat vague and difficult for structural pest inspectors, real estate agents, and consumers to comprehend. Clarification of existing rules will help inspectors to better understand what is required of them during a structural pest inspection. Additionally, consumers will have a greater understanding of the service to which they are entitled during an inspection.

This continuance changes the intended adoption date of WAC 16-228-2005, 16-228-2015, 16-228-2025, 16-228-2035, 16-228-2045, 16-228-2050, and 16-228-2060 to November 25, 2002. This continuance also changes the adoption date of repeal of WAC 16-228-2000, 16-228-2020, 16-228-2030, and 16-228-2040 to November 25, 2002.

Statutory Authority for Adoption: RCW 15.58.040 and chapter 34.05 RCW.

Statute Being Implemented: RCW 15.58.040 (2)(k).

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cliff Weed and Dan Suomi, 1111 Washington Street, Olympia, WA 98504, (360) 902-2036.

Name of Proponent: Washington State Department of Agriculture (WSDA), governmental.

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

Date of Intended Adoption: November 25, 2002.

November 20, 2002  
William E. Brookreson  
for Bob Arrington  
Assistant Director

PROPOSED



**WSR 02-23-074**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed November 19, 2002, 9:58 a.m.]

Title of Rule: Chapter 296-155 WAC, Part E, Signs, signals and barricades.

Purpose: The Federal Register, Volume 67, No. 177, September 12, 2002, adopted an OSHA final rule to amend 29 C.F.R. 1926, Safety Standards for Signs, Signals and Barricades. It provides for an updated reference to the industry standard guide, the Manual on Uniform Traffic Control Devices. As a result of this amended federal rule, the department is amending its rules to be identical to or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement.

Other Identifying Information: The following is a summary of the federal-initiated amendments being proposed:

**AMENDED SECTIONS**

**WAC 296-155-300.**

- References to the Manual on Uniform Traffic Control Devices updated.
- Note giving information on ordering the MUTCD put in this section.

**WAC 296-155-305 (1)(a).**

- References to the Manual on Uniform Traffic Control Devices updated.

**WAC 296-155-310.**

- References to the Manual on Uniform Traffic Control Devices updated.

**WAC 296-155-315 Definitions.**

- In the definition for "signals," the word "flagger" is being changed to "flaggers."

Statutory Authority for Adoption: Chapter 49.17 RCW, 49.[17.]010, 49.[17.]040, 49.[17.]050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The Federal Register, Volume 67, No. 177, September 12, 2002, adopted an OSHA final rule to amend 29 C.F.R. 1926, Safety Standards for Signs, Signals and Barricades. It provides for an updated reference to the industry standard guide, the Manual on Uniform Traffic Control Devices.

As a result of this amended federal rule, the department is amending its rules to be identical to or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement.

Reasons Supporting Proposal: To remain as effective as OSHA.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, Federal Register Vol. 67, No. 177, September 12, 2002.

Explanation of Rule, its Purpose, and Anticipated Effects: The Federal Register, Volume 67, No. 177, September 12, 2002, adopted an OSHA final rule to amend 29 C.F.R. 1926, Safety Standards for Signs, Signals and Barricades. It provides for an updated reference to the industry standard guide, the Manual on Uniform Traffic Control Devices.

As a result of this amended federal rule, the department is amending its rules to be identical to or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Carmen Moore, Rules Coordinator, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY January 21, 2003.

November 19, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending Order 93-04, filed 9/22/93, effective 11/1/93)

**WAC 296-155-300 Accident prevention signs and tags.** (1) General. Signs and symbols required by this section shall be visible at all times when work is being performed, and shall be removed or covered promptly when the hazards no longer exist.

(2) Danger signs.

(a) Danger signs (see Figure E-1) shall be used only where an immediate hazard exists.

(b) Danger signs shall have red as the predominating color for the upper panel; black outline on the borders; and a white lower panel for additional sign wording.

(3) Caution signs.

(a) Caution signs (see Figure E-2) shall be used only to warn against potential hazards or to caution against unsafe practices.

(b) Caution signs shall have yellow as the predominating color; black upper panel and borders; yellow lettering of "caution" on the black panel; and the lower yellow panel for additional sign wording. Black lettering shall be used for additional wording.

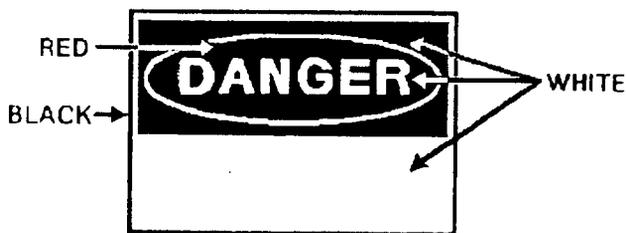


FIGURE E-1



FIGURE E-2

(4) Exit signs.

(a) Every exit sign shall have the word "exit" in plainly legible letters not less than 6 inches high, with the principal strokes of letters not less than three-fourths-inch wide.

(b) Every exit sign shall be distinctive in color and shall provide contrast with decorations, interior finish, or other signs.

(5) Safety instruction signs. Safety instruction signs, when used, shall be white with green upper panel with white letters to convey the principal message. Any additional wording on the sign shall be black letters on the white background.

(6) Directional signs. Directional signs, other than automotive traffic signs specified in subsection (7) of this section, shall be white with a black panel and a white directional symbol. Any additional wording on the sign shall be black letters on the white background.

(7) Traffic signs.

(a) Construction areas shall be posted with legible traffic signs at points of hazard.

(b) All traffic control signs or devices used for protection of construction workers shall conform to and be set up according to ~~((American National Standards Institute D6.1-1988,))~~ Part VI of the Manual on Uniform Traffic Control Devices ~~((for Streets and Highways))~~ (MUTCD), 1988 Edition, Revision 4, 1995, as amended by the Washington state department of transportation (M24-((OT-(HT)))01) or the Millennium Edition, December 2000, FHWA.

- Note:**
- You may purchase copies of the MUTCD by writing:  
U.S. Government Printing Office  
Superintendent of Documents  
Mail Stop: SSOP  
Washington D.C. 20402-9328
  - You may read a copy of the MUTCD at any department of labor and industries (L&I) service location.

(8) Accident prevention tags.

(a) Accident prevention tags shall be used as a temporary means of warning employees of an existing hazard, such as

defective tools, equipment, etc. They shall not be used in place of, or as a substitute for, accident prevention signs.

(b) Specifications for accident prevention tags similar to those in Table E-1 shall apply.

(i) Additional rules. American National Standards Institute (ANSI) Z35.1-1972, Specifications for Accident Prevention signs, and Z35.2-1968, Specifications for Accident Prevention Tags, contain rules which are additional to the rules prescribed in this section. The employer shall comply with ANSI Z35.1-1972 and Z35.2-1968 with respect to rules not specifically prescribed in this part.

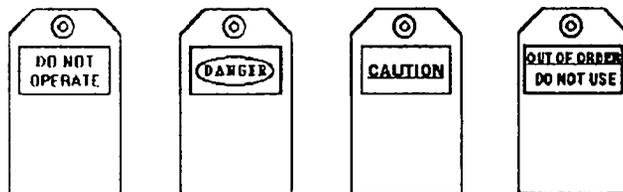


TABLE E-1

White tag- White letters on red square	White tag- White letters on red oval with a black square	Yellow tag- Yellow letters on a black background	White tag- White letters on black background
Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)	
White	Red	Do Not Operate	
White	Black and Red	Danger	
Yellow	Black	Caution	
White	Black	Out of Order-Do Not Use	

**AMENDATORY SECTION** (Amending WSR 01-04-015, filed 1/26/01, effective 2/28/01)

**WAC 296-155-305 Signaling and flaggers.** (1)(a) Except as otherwise required in these rules, traffic control devices, signs and barricades must be set up and used according to the guidelines and recommendations in Part VI of the Federal Highway Administration's((+)) Manual on Uniform Traffic Control Devices (MUTCD), ((1995)) 1988 Edition-Revision 4, ((Part VI, Standards and Guides for Traffic Controls for Street and Highway Construction, Maintenance, Utility, and Incident Management Operations)) 1995, or the Millennium Edition.

(b) Job site workers with specific traffic control responsibilities must be trained in traffic control techniques, device usage, and placement.

**Note:**

- You may purchase copies of the MUTCD by writing:  
U.S. Government Printing Office  
Superintendent of Documents  
Mail Stop: SSOP,  
Washington D.C. 20402-9328

EXPEDITED

• You may read a copy of the MUTCD at any department of labor and industries (L&I) service location.

(2)(a) Flaggers or other appropriate traffic controls must be used when signs, signals, and barricades do not provide necessary protection from traffic at operations on or adjacent to a highway or street.

(b) Flaggers are to be used only when other reasonable traffic control methods will not adequately control traffic in the work zone.

(3) Flagger signaling directions must conform to the guidelines and recommendations of MUTCD, 1988 Edition-Revision 4, Part VI, 1995 (~~(Edition-Revision 4, Part VI)~~), as amended by the Washington state department of transportation (WSDOT) pamphlet, "*Washington State Modifications to the MUTCD.*" (M 24-01)

(4)(a) Flagger hand signaling must be by sign paddles or lights approved by WSDOT. During emergency situations, red flags may be used to draw a driver's attention to particularly hazardous conditions. In nonemergency situations, a red flag may be held in a flagger's free hand to supplement the use of a sign paddle or lights.

(b) When sign paddles are used, they must comply with the requirements of MUTCD, (~~(1995)~~) 1988 Edition-Revision 4, Part VI, 1995. Specifically, sign paddles:

- Must be at least 18 inches in diameter;
- Printed with letters at least 6 inches high;
- The "STOP" side of the paddle must have a red background with white lettering; and
- The "SLOW" side of the paddle must have an orange background with black lettering.

(c) When hand signaling is used during periods of darkness, sign paddles must be retroreflective or illuminated in the same manner as signs.

(5)(a) While flagging during daylight hours, a flagger must, at a minimum, wear:

- A high visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999, American National Standard for High-Visibility Safety Apparel. Specifically, a garment containing at least 775 square inches of background material and 201 square inches of retroreflective material that encircles the torso and is placed to provide 360 degrees visibility around the flagger. The acceptable high visibility colors are fluorescent yellow-green, fluorescent orange-red or fluorescent red; and

- A high visibility hard hat. The acceptable high visibility colors are white, yellow, yellow-green, orange or red.

- When snow or fog limit visibility, a flagger must wear pants of any high visibility color other than white.

(b) While flagging during hours of darkness, a flagger must at least wear:

- A high visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999 over white coveralls, or other coveralls or trousers that have retroreflective banding on the legs designed according to ANSI/ISEA 107-1999 standards; and

- A high visibility hard hat that is marked with at least 12 square inches of retroreflective material applied to provide 360 degrees of visibility.

• For the purpose of this rule, "hours of darkness" means one-half hour before sunset and one-half hour after sunrise.

• When snow or fog limit visibility, pants, coveralls, or rain gear in a highly visible color with retroreflective banding on the legs designed according to ANSI/ISEA 107-1999 must be worn.

Note: High visibility safety garments made of mesh material may be worn by flaggers if they meet the chromaticity requirements of ANSI/ISEA 107-1999, American National Standard for High-Visibility Safety Apparel.

Note:

• You may purchase copies of ANSI/ISEA 107-1999 by writing:

American National Standards Institute  
11 West 42nd Street  
New York, NY 10036

or

Contacting the ANSI web site at:

<http://web.ansi.org/>

• You may read a copy of ANSI/ISEA 107-1999 at any Washington state library.

(6)(a) Each flagger must be trained every three years.

(b) Flagger training must be based upon the Manual on Uniform Traffic Control Devices-~~(1995)~~ 1985 Edition-Revision 4, Part VI, 1995 as amended by the Washington state department of transportation pamphlet, "*Washington State Modifications to the MUTCD.*" (M 24-01)

(c) Personnel that have not completed a flagger-training course may be assigned duties as flaggers only during emergencies when a sudden, generally unexpected, set of circumstances demands immediate attention. Such emergency assignments are temporary and last only until a certified flagger can be put into the position. For the purpose of this rule, "emergency" means an unforeseen occurrence endangering life, limb, or property.

(7)(a) Each flagger must have in their possession either a valid Washington traffic control flagger card or a valid flagger card from a state, such as Oregon, Idaho or Montana, having flagger training reciprocity with Washington.

(b) The flagger card must show the following:

- Verification that the flagger training prescribed in subsection (6) of this section is completed;
- Date the flagger received their flagger training;
- Name of the instructor providing the flagger training;
- Name of the state that issued the flagger card;
- The card's expiration date; and
- Flagger's picture or a statement that says "valid with photo ID."

(8) When it is not possible to position work zone flaggers so they are not exposed to traffic or equipment approaching them from behind, the employer, responsible contractor and/or project owner must develop and use a method to ensure that flaggers have adequate warning of such traffic and equipment approaching from behind the flagger.

Note: The following are some nonmandatory examples of methods that may be used to adequately warn flaggers:

- Mount a mirror on the flagger's hard hat.
- Use a motion detector with an audible warning.

- Use a spotter.
- Use "jersey" barriers.

The department recognizes the importance of adequately trained flaggers and supports industry efforts to improve the quality of flagger training. However, training alone is not sufficient to comply with the statutory requirement of revising flagger safety standards to improve options available that ensure flagger safety and that flaggers have adequate visual warning of objects approaching from behind them. Likewise, the department believes that standard backup alarms, which are already required on construction equipment, do not meet the intent of the legislature on this issue.

(9)(a) The employer, responsible contractor and/or project owner must conduct an orientation that familiarizes the flagger with the job site each time the flagger is assigned to a new project or when job site conditions change significantly. The orientation must include, but is not limited to:

- The flagger's role and location on the job site;
- Motor vehicle and equipment in operation at the site;
- Job site traffic patterns;
- Communications and signals to be used between flaggers and equipment operators;
- On-foot escape route; and
- Other hazards specific to the job site.

(b) When flaggers are used on a job that will last more than one day, the employer, responsible contractor and/or project owner must keep on-site, a current site specific traffic control plan. The purpose of this plan is to help move traffic through or around the construction zone in a way that protects the safety of the traveling public, pedestrians and workers. The plan must include, but is not limited to, such items as the following when they are appropriate:

- Sign use and placement;
- Application and removal of pavement markings;
- Construction;
- Scheduling;
- Methods and devices for delineation and channelization;
- Placement and maintenance of devices;
- Placement of flaggers;
- Roadway lighting;
- Traffic regulations; and
- Surveillance and inspection.

(10) For all flagging operations a three (3) sign advance warning sequence is required on all roadways with a speed limit below 45 mph. A four (4) sign advance warning sequence is required on all roadways with a 45 mph or higher speed limit.

Note: The following table contains required spacing for advance warning sign placement.

Road Type	Distances	Between	Advance Warning	Signs
	A	B	C	D
Urban low speed*	200 ft.	200 ft.	200 ft.	N/A
Urban high speed*	350 ft.	350 ft.	350 ft.	350 ft.
Rural	500 ft.	500 ft.	500 ft.	500 ft.

Road Type	Distances	Between	Advance Warning	Signs
Expressway/Freeway	1,000 ft.	1,600 ft.	2,600 ft.	2,600 ft.

\* Speed category to be determined by Washington state department of transportation in cooperation with local jurisdictions.

(11) To protect flaggers, employers, responsible contractors and/or project owners must ensure that:

(a) Flagger workstations are illuminated during hours of darkness by floodlights.

- In no case must floodlighting be permitted to create a disabling glare for drivers. The adequacy of floodlight placement and elimination of potential glare can best be determined by driving through and observing the floodlighted area from each direction on the main roadway after initial floodlight setup.

- Emergency situations are exempt from these illumination requirements. For the purpose of this rule, "emergency" means an unforeseen occurrence endangering life, limb, or property.

(b) Warning signs reflect the actual condition of the work zone. When not in use, warning signs must either be taken down or covered.

(c) Flaggers are not assigned other duties while engaged in flagging activities.

(d) Flaggers do not use devices (for example, cell phones, pagers, radio headphone, etc.) that may distract the vision, hearing, or attention of the flagger. Devices such as two-way radios used for communications between flaggers to direct traffic or ensure flagger safety are acceptable.

(e) Flaggers receive appropriate breaks from flagging so they can remain attentive and alert. For the purpose of this rule, "appropriate break" means a rest period of at least 10 minutes, on the employer's time, for each 4 hours of working time.

- Rest periods must be scheduled as near as possible to the midpoint of the work period.

- A flagger must not be allowed to work more than three hours without a rest period.

- Scheduled rest periods are not required where the nature of the work allows a flagger to take intermittent rest periods equivalent to 10 minutes for each 4 hours worked.

**AMENDATORY SECTION** (Amending Order 93-04, filed 9/22/93, effective 11/1/93)

**WAC 296-155-310 Barricades.** Barricades for protection of employees shall conform to the portions of Part VI of the ((American National Standards Institute D6.1-1988;)) Manual on Uniform Traffic Control Devices ((for Streets and Highways)) (MUTCD), 1988 Edition, Revision 4, 1995, as amended by the Washington state department of ((highways)) transportation, (M24-01 ((HT)))((relating to barricades)) or the Millennium Edition, December 2000, FHWA.

EXPEDITED

**AMENDATORY SECTION** (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-155-315 Definitions applicable to this part.**

(1) "Barricade" means an obstruction to deter the passage of persons or vehicles.

(2) "Signs" are the warnings of hazard, temporarily or permanently affixed or placed, at locations where hazards exist.

(3) "Signals" are moving signs, provided by workers, such as flaggers, or by devices, such as flashing lights, to warn of possible or existing hazards.

(4) "Tags" are temporary signs, usually attached to a piece of equipment or part of a structure, to warn of existing or immediate hazards.

**WSR 02-23-075**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed November 19, 2002, 10:00 a.m.]

Title of Rule: Safety standards for sawmills and wood-working operations.

Purpose: The proposed rule amendments are to revise requirements to make them at-least-as-effective-as the federal regulation and to update references.

Other Identifying Information: Amended Sections:

WAC 296-78-56505(7), Boats and mechanical devices on waters.

- Proposing the deletion of the sentence, which allows for an exception for the requirement to have a life ring with line attached.

WAC 296-78-71011[(1)], Egress and exit.

- Proposing the deletion of references that are no longer accurate.

WAC 296-78-71011 (4)(c), Egress and exit.

- Proposing the revision of references that are no longer accurate.

WAC 296-78-835 (16)(b), Vehicles.

- Proposing to add the word "or" to clarify when the vehicle must be equipped with a positive device for preventing the uncontrolled lowering of the load or forks is required.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The Occupational Safety and Health Administration (OSHA) has identified two requirements that are not at-least-as-effective-as the federal requirements. The rule is being amended so it is at-least-as-effective-as the federal requirements. Additionally, the proposal will update references.

Reasons Supporting Proposal: OSHA mandates that our rules are at-least-as-effective-as the federal requirement. We are also updating references that will make the rule easier for customers to use.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Occupational Safety and Health Administration (OSHA) has identified two requirements that are not at-least-as-effective-as the federal requirements. The rule is being amended so it is at-least-as-effective-as the federal requirements. Additionally, the proposal will update references.

Proposal Changes the Following Existing Rules: OSHA mandates that WAC be at-least-as-effective-as the federal requirement. Updating references will make the rule easier for customers to use.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Carmen Moore, Esq., Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY 5:00 p.m., January 24, 2003.

November 19, 2002

Gary Moore  
 Director

**AMENDATORY SECTION** (Amending WSR 02-03-124, filed 1/23/02, effective 3/1/02)

**WAC 296-78-56505 Boats and mechanical devices on waters.** (1) The applicable provisions of the Standard for Fire Protection for Motorcraft, NFPA No. 302-1994, shall be complied with. Prior to starting the boat motor, any spilled fuel shall be removed and vapors shall be exhausted from any area in which they may accumulate.

(2) The bilge area shall be kept clean and oil, grease, fuel, or highly combustible materials shall not be allowed to accumulate.

(3) Adequate ventilation equipment shall be provided and used for the bilge area to prevent the accumulation of toxic or explosive gases or vapors.

(4) Adequate ventilation equipment shall be provided and used for the cabin area on enclosed cabin-type boats to prevent an accumulation of harmful gases or vapors.

(5) Deck and cabin lighting shall be provided and used where necessary to provide safe levels of illumination aboard boats. Boats operated during the period from sunset to sunrise, or in conditions of restricted visibility, shall display nav-

igation lights as required by the United States Coast Guard. Searchlights or floodlights shall be provided to facilitate safe navigation and to illuminate working or boarding areas adjacent to the craft.

(6) Decks of pond boats shall be covered with nonslip material. On craft used by workers wearing calked shoes, all areas where the operator or workers must stand or walk shall be made of or be covered with wood or other suitable matting or nonslip material and such covering shall be maintained in good condition.

(7) Each boat shall be provided with a fire extinguisher and life ring with at least fifty feet of one-fourth inch line attached. ~~((On log broncs, boomscooters, or other small boomboats where all occupants are required to wear life saving devices and a life ring would present a tripping hazard, the life ring may be omitted.))~~

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(8)(a) Along docks, walkways, or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with at least ninety feet of one-fourth inch line attached, shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.

(b) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with at least ninety feet of line attached, shall be provided in the immediate vicinity of the work assigned.

(c) When work is assigned over water where the vertical drop from the accidental fall would exceed fifty feet, special arrangements shall be made with and approved by the department of labor and industries prior to such assignment.

(d) Lines attached to life rings on fixed locations shall be at least ninety feet in length, at least one-fourth inch in diameter, and have a minimum breaking strength of five hundred pounds. Similar lines attached to life rings on boats shall be at least fifty feet in length.

(e) Life rings must be United States Coast Guard approved thirty-inch size.

(f) Life rings and attached lines shall be provided and maintained to retain their buoyancy and strength.

(g) Log broncs, boomscooters, and boomboats shall not be loaded with personnel or equipment so as to adversely affect their stability or seaworthiness.

(h) Boats shall not be operated at an excessive speed or handled recklessly.

(i) Boat fuel shall be transported and stored in approved containers. Refer to WAC 296-24-58501(19) for definition of approved.

**AMENDATORY SECTION** (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-78-71001 General.** (1) Construction when not specifically covered in these standards shall be governed by such other standards adopted by the department of labor and industries as may apply.

(2) All buildings, docks, tramways, walkways, log dumps and other structures shall be so designed, constructed,

and maintained as to provide a safety factor of four. This means that all members shall be capable of supporting four times the maximum load to be imposed. This provision refers to buildings, docks and so forth designed and constructed subsequent to the effective date of these standards and also refers in all cases where either complete or major changes or repairs are made to such buildings, docks, tramways, walkways, log dumps and other structures.

(3) Basements on ground floors under mills shall be evenly surfaced, free from unnecessary obstructions and debris, and provided with lighting facilities in compliance with the requirements of the safety and health core rules, WAC 296-800-210.

(4) All engines, motors, transmission machinery or operating equipment installed in mill basements or ground floors shall be equipped with standard safeguards for the protection of workers.

(5) Hazard marking. Physical hazard marking shall be as specified in WAC ~~((296-24-135 through 296-24-13503))~~ 296-24-13501 of the general safety and health standards.

(6) Flooring of buildings, ramps and walkways not subject to supporting motive equipment shall be of not less than two-inch wood planking or material of equivalent structural strength.

(7) Flooring of buildings, ramps, docks, trestles and other structure required to support motive equipment shall be of not less than full two and one-half inch wood planing or material of equivalent structural strength. However, where flooring is covered by steel floor plates, two inch wood planking or material of equivalent structural strength may be used.

(8) Walkways, docks, and platforms.

(a) Walkways, docks and platforms shall be constructed and maintained in accordance with the requirements of WAC 296-24-735 through 296-24-75011 and WAC 296-800-270.

(b) Maintenance. Walkways shall be evenly floored and kept in good repair.

(c) Where elevated platforms are used they shall be equipped with stairways or ladders in accordance with WAC 296-24-765 through 296-24-81013, and WAC 296-800-250 and 296-800-290.

**AMENDATORY SECTION** (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-78-71011 Egress and exit.** (1) In all enclosed buildings, means of egress shall be provided in accordance with the provisions of ~~((WAC 296-24-550 through 296-24-56531 and))~~ WAC 296-800-310.

(2) All swinging doors shall be provided with windows, the bottom of which shall be not more than forty-eight inches above the floor. One window shall be provided for each section of double swinging doors. All such windows shall be of shatter proof or safety glass unless otherwise protected against breakage.

(3) Outside exits shall open outward. Where sliding doors are used as exits, an inner door not less than two feet six inches by six feet shall be cut inside each of the main doors and arranged to open outward.

(4) At least two fire escapes or substantial outside stairways, shall be provided for mill buildings where the floor level is more than eight feet above the ground.

(a) Buildings over one hundred fifty feet in length shall have at least one additional fire escape or substantial outside stairway for each additional one hundred fifty feet of length or fraction thereof.

(b) Passageways to fire escapes or outside stairways shall be marked and kept free of obstructions at all times.

(c) Fire protection. The requirements of (~~WAC 296-24-585 through 296-24-62003~~) Part G2 (Fire Protection) and Part G3 (Fire Suppression Equipment), chapter 296-24 WAC of the general safety and health standard, and WAC 296-800-300 of the safety and health core rules, shall be complied with in providing the necessary fire protection for sawmills.

(d) Fire drills shall be held at least quarterly and shall be documented.

(5) Where a doorway opens upon a roadway, railroad track, or upon a tramway or dock over which vehicles travel, a barricade or other safeguard and a warning sign shall be placed to prevent workers from stepping directly into moving traffic.

(6) Tramways and trestles shall be substantially supported by piling or framed bent construction which shall be frequently inspected and maintained in good repair at all times. Tramways or trestles used both for vehicular and pedestrian traffic shall have a walkway with standard hand rail at the outer edge and shear timber on the inner edge, and shall provide three feet clearance to vehicles. When walkways cross over other thoroughfares, they shall be solidly fenced at the outer edge to a height of 42 inches over such thoroughfares.

(7) Where tramways and trestles are built over railroads they shall have a vertical clearance of twenty-two feet above the top of the rails. When constructed over carrier docks or roads, they shall have a vertical clearance of not less than six feet above the drivers foot rest on the carrier, and in no event shall this clearance be less than twelve feet from the surface of the lower roadway or dock.

(8) Walkways (either temporary or permanent) shall be not less than twenty-four inches wide and two inches thick, nominal size, securely fastened at each end. When such walkways are used on an incline the angle shall not be greater than twenty degrees from horizontal.

(9) Walkways from the shore or dock to floats or barges shall be securely fastened at the shore end only and clear space provided for the other end to adjust itself to the height of the water.

(10) Cleats of one by four inch material shall be fastened securely across walkways at uniform intervals of eighteen inches whenever the grade is sufficient to create a slipping hazard.

**AMENDATORY SECTION** (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

**WAC 296-78-835 Vehicles.** (1) Vehicles.

(a) Scope. Vehicles shall include all mobile equipment normally used in sawmill, planing mill, storage, shipping, and yard operations, including log sorting yards.

(b) Lift trucks. Lift truck shall be designed, constructed, maintained and operated in accordance with the requirements of WAC 296-24-230 through 296-24-23035 of the general safety and health standards.

(c) Carriers. Drive chains on lumber carriers shall be adequately guarded to prevent contact at the pinch points.

(d)(i) Lumber carriers shall be so designed and constructed that the operator's field of vision shall not be unnecessarily restricted.

(ii) Carriers shall be provided with ladders or equivalent means of access to the operator's platform or cab.

(e) Lumber hauling trucks.

(i) On trucks where the normal operating position is ahead of the load in the direction of travel, the cab shall be protected by a barrier at least as high as the cab. The barrier shall be capable of stopping the weight of the load capacity of the vehicle if the vehicle were to be stopped suddenly while traveling at its normal operating speed. The barrier shall be constructed in such a manner that individual pieces of a normal load will not go through openings in the barrier.

(ii) Stakes, stake pockets, racks, tighteners, and binders shall provide a positive means to secure the load against any movement during transit.

(iii) Where rollers are used, at least two shall be equipped with locks which shall be locked when supporting loads during transit.

(2) Warning signals and spark arrestors. All vehicles shall be equipped with audible warning signals and where practicable shall have spark arrestors.

(3) Flywheels, gears, sprockets and chains and other exposed parts that constitute a hazard to workers shall be enclosed in standard guards.

(4) All vehicles operated after dark or in any area of reduced visibility shall be equipped with head lights and backup lights which adequately illuminate the direction of travel for the normal operating speed of the vehicle. The vehicle shall also be equipped with tail lights which are visible enough to give sufficient warning to surrounding traffic at the normal traffic operating speed.

(5) All vehicles operated in areas where overhead hazards exist shall be equipped with an overhead guard for the protection of the operator.

(6) Where vehicles are so constructed and operated that there is a possibility of the operator being injured by backing into objects, a platform guard shall be provided and so arranged as not to hinder the exit of the driver.

(7) Trucks, lift trucks and carriers shall not be operated at excessive rates of speed. When operating on tramways or docks more than six feet above the ground or lower level they shall be limited to a speed of not more than twelve miles per hour. When approaching blind corners they shall be limited to four miles per hour.

(8) Vehicles shall not be routed across principal thoroughfares while employees are going to or from work unless pedestrian lanes are provided.

(a) Railroad tracks and other hazardous crossings shall be plainly posted and traffic control devices (American National Standard D8.1 - 1967 for Railroad-Highway Grade Crossing Protection) should be utilized.

(b) Restricted overhead clearance. All areas of restricted side or overhead clearance shall be plainly marked.

(c) Pickup and unloading points. Pickup and unloading points and paths for lumber packages on conveyors and transfers and other areas where accurate spotting is required, shall be plainly marked and wheel stops provided where necessary.

(d) Aisles, passageways, and roadways. Aisles, passageways, and roadways shall be sufficiently wide to provide safe side clearance. One-way aisles may be used for two-way traffic if suitable turnouts are provided.

(9) Where an operator's vision is impaired by the vehicle or load it is carrying, he shall move only on signal from someone so stationed as to have a clear view in the direction the vehicle is to travel.

(10) Lift trucks shall be equipped, maintained and operated in compliance with the requirements of the general safety and health standard, WAC 296-24-230 through 296-24-23035.

(11) Load limits. No vehicle shall be operated with loads exceeding its safe load capacity.

(12) Vehicles with internal combustion engines shall not be operated in enclosed buildings or buildings with ceilings less than sixteen feet high unless the buildings have ventilation adequate to maintain air quality as required by the general occupational health standard, chapter 296-62 WAC.

(13) Vehicles shall not be refueled while motor is running. Smoking or open flames shall not be allowed in the refueling area.

(14) No employee other than trained operators or mechanics shall start the motor of, or operate any log or lumber handling vehicle.

(15) All vehicles shall be equipped with brakes capable of holding and controlling the vehicle and capacity load upon any grade or incline over which they may operate.

(16) Unloading equipment and facilities.

(a) Machines used for hoisting, unloading, or lowering logs shall be equipped with brakes capable of controlling or holding the maximum load in midair.

(b) The lifting cylinders of all hydraulically operated log handling machines, or where the load is lifted by wire rope, shall be equipped with a positive device for preventing the uncontrolled lowering of the load or forks in case of a failure in the hydraulic system.

(c) A limit switch shall be installed on powered log handling machines to prevent the lift arms from traveling too far in the event the control switch is not released in time.

(d) When forklift-type machines are used to load trailers, a means of securing the loading attachment to the fork shall be installed and used.

(e) A-frames and similar log unloading devices shall have adequate height to provide safe clearance for swinging loads and to provide for adequate crotch lines and spreader bar devices.

(f) Log handling machines used to stack logs or lift loads above operator's head shall be equipped with overhead protection.

(g) Unloading devices shall be equipped with a horn or other plainly audible signaling device.

(h) Movement of unloading equipment shall be coordinated by audible or hand signals when operator's vision is impaired or operating in the vicinity of other employees.

Lift trucks regularly used for transporting peeler blocks or cores shall have tusks or a similar type hold down device to prevent the blocks or cores from rolling off the forks.

(17) Where spinners are used on steering wheels, they shall be of the automatic retracting type or shall be built into the wheel in such a manner as not to extend above the plane surface of the wheel. Vehicles equipped with positive anti-kickback steering are exempted from this requirement.

(18) Mechanical stackers and unstackers shall have all gears, sprockets and chains exposed to the contact of workers, fully enclosed by guards as required by WAC 296-78-710 of this chapter.

(19) Manually operated control switches shall be properly identified and so located as to be readily accessible to the operator. Main control switches shall be so designed that they can be locked in the open position.

(20) Employees shall not stand or walk under loads being lifted or moved. Means shall be provided to positively block the hoisting platform when employees must go beneath the stacker or unstacker hoist.

(21) No person shall ride any lift truck or lumber carrier unless a suitable seat is provided, except for training purposes.

(22) Unstacking machines shall be provided with a stopping device which shall at all times be accessible to at least one employee working on the machine.

(23) Floor of unstacker shall be kept free of broken stickers and other debris. A bin or frame shall be provided to allow for an orderly storage of stickers.

(24) Drags or other approved devices shall be provided to prevent lumber from running down on graders.

(25) Liquefied petroleum gas storage and handling. Storage and handling of liquefied petroleum gas shall be in accordance with the requirements of WAC 296-24-475 through 296-24-47517 of the general safety and health standards.

(26) Flammable liquids. Flammable liquids shall be stored and handled in accordance with WAC 296-24-330 through 296-24-33019 of the general safety and health standards.

(27) Guarding side openings. The hoistway side openings at the top level of the stacker and unstacker shall be protected by enclosures of standard railings.

(28) Guarding hoistway openings. When the hoist platform or top of the load is below the working platform, the hoistway openings shall be guarded.

(29) Guarding lower landing area. The lower landing area of stackers and unstackers shall be guarded by enclosures that prevent entrance to the area or pit below the hoist platform. Entrances should be protected by electrically interlocked gates which, when open, will disconnect the power and set the hoist brakes. When the interlock is not installed, other positive means of protecting the entrance shall be provided.

(30) Lumber lifting devices. Lumber lifting devices on all stackers shall be designed and arranged so as to minimize the possibility of lumber falling from such devices.

(31) Inspection. At the start of each work shift, equipment operators shall inspect the equipment they will use for evidence of failure or incipient failure. Equipment found to have defects which might affect the operating safety shall not be used until the defects are corrected.

(32) Cleaning pits. Safe means of entrance and exit shall be provided to permit cleaning of pits.

(33) Preventing entry to hazardous area. Where the return of trucks from unstacker to stacker is by mechanical power or gravity, adequate signs, warning devices, or barriers shall be erected to prevent entry into the hazardous area.

**WSR 02-23-076**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed November 19, 2002, 10:08 a.m.]

Title of Rule: Chapter 296-52 WAC, Safety standards for possession and handling of explosives.

Purpose: The changes to chapter 296-52 WAC, Safety standards for possession and handling of explosives, is a result of the passage of chapter 370, Laws of 2002 (2SSB 6080) that was enacted in 2002. Additional housekeeping changes will also be made throughout the chapter and the low explosive table from the nationally recognized standard, the Bureau of Alcohol, Tobacco, and Firearms is being proposed. The department filed an expedited proposal, WSR 02-15-165 on July 23, 2002, in response to the legislative changes. Comments were received during the comment period. In order to incorporate these comments into the rule making the expedited proposal was withdrawn and this new expedited proposal was filed which includes the comments received.

Other Identifying Information: **New Section:**

WAC 296-52-69130 Table of distances for the storage of display fireworks (except bulk salutes).

- The proposal adds a low explosive table from the Bureau of Alcohol, Tobacco, and Firearms, which is a nationally recognized standard.

**Amended Sections:**

WAC 296-52-60020 Exemptions.

- WAC 296-52-60020 (1)(d), the proposal reorganizes and adds a bullet to include arsenals, navy yards, depots, or other establishments owned by, operated by, or on behalf of the United States.
- WAC 296-52-60020(5), the proposal replaces class of explosive with division of explosive.

WAC 296-52-60130 Definitions.

- The proposal updates the definition of blasting agent and improvised device.
- The proposal replaces class of explosive with division of explosive in the definition for explosives, explosives classifications, explosives international markings, and low explosive.
- The proposal replaces smokeless propellants with smokeless powder in the definition.

- Housekeeping change is proposed to the definition of mudcap, the word bodying is being replaced with dobying.

WAC 296-52-67160(2), Types and classifications.

- The proposal replaces class of explosive with division of explosive.

WAC 296-52-67065 Vibration and damage control.

- Housekeeping changes to Table 8-B are being proposed. The proposal will correct the formulas by replacing Z with 2.

WAC 296-52-68060 Operation of vehicles transporting explosives.

- The proposal replaces class of explosive with division of explosive.
- Housekeeping changes to correct a numbering error.

WAC 296-52-69010 Explosives.

- The proposal replaces class of explosive with division of explosive.

WAC 296-52-69015 Exempt explosives.

- The proposal replaces smokeless propellants with smokeless powder.

WAC 296-52-69095 Ammonium nitrate.

- The proposal replaces class of explosive with division of explosive.

WAC 296-52-69125 Table H-24 - Low explosives.

- The proposal replaces class of explosive with division of explosive.

WAC 296-52-70010 (1)(a), Building construction for Class 1 magazine.

- The proposal would correct an error in the current standard by requiring the masonry wall be at least eight inches thick.

WAC 296-52-710 Exemptions.

- The proposal replaces smokeless propellants with smokeless powder.

WAC 296-52-71020 Storage with Division 1.1, 1.2, or 1.3 explosives.

- The proposal replaces class of explosive with division of explosive.

WAC 296-52-71040 Shipping container.

- The proposal replaces class of explosive with division of explosive.
- The proposal replaces smokeless propellants with smokeless powder.

WAC 296-52-71045 Storage.

- The proposal replaces smokeless propellants with smokeless powder.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The proposed changes to chapter 296-52 WAC are a result of the legislative bill replacing the class of the explosive to be consistent with the international coding, updating definitions, and replacing the term smokeless propellants with smokeless powder.

Reasons Supporting Proposal: The expedited proposal is a result of the passage of chapter 370, Laws of 2002 (2SSB 6080).

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The changes to chapter 296-52 WAC, Safety standards for possession and handling of explosives, is a result of the passage of chapter 370, Laws of 2002 (2SSB 6080) that was enacted in 2002. Additional housekeeping changes will also be made throughout the chapter and the low explosive table from the nationally recognized standard, the Bureau of Alcohol, Tobacco, and Firearms is being proposed. The department filed an expedited proposal on July 23, 2002, in response to the legislative changes. Comments were received during the comment period. In order to incorporate these comments into the rule making the expedited proposal was withdrawn and this new expedited proposal was filed which includes the comments received.

Proposal Changes the Following Existing Rules: The changes to chapter 296-52 WAC, Safety standards for possession and handling of explosives, is a result of the passage of chapter 370, Laws of 2002 (2SSB 6080) that was enacted in 2002. Additional housekeeping changes will also be made throughout the chapter and the low explosive table from the nationally recognized standard, the Bureau of Alcohol, Tobacco, and Firearms is being proposed. The department filed an expedited proposal on July 23, 2002, in response to the legislative changes. Comments were received during the comment period. In order to incorporate these comments into the rule making the expedited proposal was withdrawn and this new expedited proposal was filed which includes the comments received.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Carmen Moore, Rules Coordinator, Department of Labor and Industries, P.O. Box

44001, Olympia, WA 98504-4001, AND RECEIVED BY January 21, 2003.

November 19, 2002  
Gary Moore  
Director

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-60020 Exemptions. (1) The following are exempt from this chapter:**

(a) Explosives or blasting agents transported by railroad, water, highway, or air under the jurisdiction of the Federal Department of Transportation (DOT), the Washington state utilities and transportation commission, and the Washington state patrol.

(b) Laboratories of schools, colleges, and similar institutions if confined to the purpose of instruction or research and if the quantity does not exceed one pound.

(c) Explosives in the forms prescribed by the official United States Pharmacopoeia.

(d) The transportation, storage, and use of explosives or blasting agents in the normal and emergency operations of ~~((federal agencies and departments including the regular United States military departments on military reservations and))~~:

• The United States agencies and departments including the regular United States military departments on military reservations

• Arsenals, navy yards, depots, or other establishments owned by, operated by, or on behalf of, the United States

• The duly authorized militia of any state ((or territory))

• The emergency operations of any state department or agency, any police, or any municipality or county

~~((Any police~~

~~Any municipality or county))~~

(e) A hazardous devices technician when they are carrying out:

• Normal and emergency operations

• Handling evidence

• Operating and maintaining a specially designed emergency response vehicle that carries no more than ten pounds of explosive materials

• When conducting training and whose employer possesses the minimum safety equipment prescribed by the Federal Bureau of Investigation (FBI) for hazardous devices work

**Note:** A hazardous devices technician is a person who is a graduate of the FBI Hazardous Devices School and who is employed by a state, county, or municipality.

(f) The importation, sale, possession, and use of fireworks, signaling devices, flares, fuses, and torpedoes.

(g) The transportation, storage, and use of explosives or blasting agents in the normal and emergency avalanche control procedures used by trained and licensed ski area operator personnel. However, the storage, transportation, and use of explosive and blasting agents for such use must meet the requirements in chapter 296-59 WAC, Safety standards for ski operations.

EXPEDITED

**Note:** The purpose of this chapter is to protect the public by enabling ski area operators to exercise appropriate avalanche control measures. The legislature finds that avalanche control is of vital importance to safety in ski areas and that the provisions of the Washington State Explosives Act contain restrictions, which do not reflect special needs for the use of explosives as a means of clearing an area of serious avalanche risks. This act recognizes these needs while providing for a system of regulations designed to make sure that the use of explosives for avalanche control conforms to fundamental safety requirements.

(h) Any violation under this chapter if any existing ordinance of any city, municipality, or county is more stringent.

(2) **Noncommercial military explosives.** Storage, handling, and use of noncommercial military explosives are exempt from this chapter while they are under the control of the United States government or military authorities.

(3) **Import, sale, possession, or use of:**

- Consumer fireworks
- Signaling devices
- Flares
- Fuses
- Torpedoes

(4) **Class C Consumer fireworks.** Fireworks classified as **Class C** **Division 1.4** explosives by U.S. DOT (**Division 1.4**) and regulated through the State fireworks law (chapter 70.77 RCW) and the fireworks administrative code (chapter 212-17 WAC) by the Washington state fire marshal.

**Note:** Consumer fireworks are classified as fireworks UN0336 and UN0337 by U.S. DOT (49 CFR 72.101).

(5) **Partial exemption—Class A and B Division 1.1, 1.2, or 1.3 display fireworks.** Display fireworks are fireworks classified as **Class A or B** **Division 1.1, 1.2, or 1.3** explosives by US DOT (**International Designations 1.1, 1.2, or 1.3**). Users of **Class A and B** **Division 1.1, 1.2, or 1.3** display fireworks must comply with all storage or storage related requirements (for example, licensing, construction, and use) of this chapter.

**Note:** Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by U.S. DOT (49 CFR 172.101).

(6) **Conditional exemption small arms explosive materials.** Public consumers possessing and using:

- Black powder, under five pounds
- Smokeless powder, under fifty pounds
- Small arms ammunition
- Small arms ammunition primers
- Unless these materials are possessed or used illegally or for a purpose inconsistent with small arms use.

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-60130 Definitions. American Table of Distances** means the American Table of Distances for Storage of Explosives as revised and approved by Institute of the Makers of Explosives (IME).

**Approved storage facility** means a facility for the storage of explosive materials which is in compliance with the following chapter:

- Storage licensing (WAC 296-52-660)

- Storage of explosive materials (WAC 296-52-690)
- Magazine construction (WAC 296-52-700).

**Attend** means the physical presence of an authorized person who stays in view of the explosives.

**Authorized, approved, or approval** means authorized, approved, or approval by:

- The department
- Any other approving agency
- An individual as specified in this chapter.

**Authorized agent** means a person delegated by a licensed purchaser, who possesses a basic knowledge of explosives handling safety, to order and receive explosives on the purchaser's behalf.

**Authorized agent list** means a current list of agents the purchaser has authorized to order or receive explosives on their behalf.

**Authorized person** means a person approved or assigned by an employer, owner, or licensee to perform a specific type of duty or be at a specific location at the job site.

**Barricades**

• **Barricade** means effectively screening a building containing explosives by means of a natural or artificial barrier from a magazine, another building, a railway, or highway.

• **Artificial barricade** means a barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier, an artificial mound or properly revetted wall of earth with a minimum thickness of three feet.

• **Natural barricade** means any natural hill, mound, wall, or barrier composed of earth, rock, or other solid material at least three feet thick.

**BATF** means the Bureau of Alcohol, Tobacco, and Firearms.

**Blast area** means the area of a blast that is effected by:

- Flying rock missiles
- Gases
- Concussion.

**Blast pattern** means the plan of the drill holes laid out and a display of the burden distance, spacing distance, and their relationship to each other.

**Blast site** means the area where explosive material is handled during loading and fifty feet in all directions from loaded blast holes or holes to be loaded.

**Blaster** means a person trained and experienced in the use of explosives and licensed by the department.

**Blaster in charge** means a licensed blaster who is:

- Fully qualified, by means of training and experience in explosives use
- Adequately trained, experienced, and capable of recognizing hazardous conditions throughout the blast area
- In charge of:
  - The blast process
  - All aspects of explosives and blasting agent storage, handling, and use as recommended by the manufacturer and as required by this chapter
- In a position of authority:

– To take prompt corrective action in all areas of the blast operation

– Over all other blasters at the blast area

**Blasting agent** means any material or mixture consisting of a fuel and oxidizer:

• That is intended for blasting

• ((That is)) Not otherwise ((classified)) defined as an explosive

~~((Where none of the ingredients are classified as an explosive,~~

~~– Provided, the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a Number 8 test detonator))~~

• If the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined

– A number 8 test blasting cap is one containing two grams of a mixture of eighty percent mercury fulminate and twenty percent potassium chlorate, or a blasting cap of equivalent strength. An equivalent strength cap comprises 0.40-0.45 grams of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed 0.03 of an inch, to a specific gravity of not less than 1.4 g/cc., and primed with standard weights of primer depending on the manufacturer

**Blockholing** means the breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

**Competent person** means a person who:

• Is capable of identifying existing hazardous and the forecasting of hazards of working conditions which might be unsanitary or dangerous to personnel or property

• Has authorization to take prompt corrective action to eliminate such hazards.

**Consumer fireworks** means:

• Any small firework device:

– Designed to produce visible effects by combustion

– That must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (Title 16 CFR, Parts 1500 and 1507),

• A small device designed to produce audible effects which include, but are not limited to:

– Whistling devices

– Ground devices containing 50 mg or less of explosive materials

– Aerial devices containing 130 mg or less of explosive materials

**Note:** Fused set pieces containing components, which, together, exceed 50 mg of salute powder are not included.

**Conveyance** means any unit used for transporting explosives or blasting agents, including, but not limited to:

• Trucks

• Trailers

• Rail cars

• Barges

• Vessels.

**Day box** means a box which:

• Is a temporary storage facility for storage of explosive materials

• Is not approved for unattended storage of explosives

• May be used at the worksite during working hours to store explosive materials, provided the day box is:

– Constructed as required (WAC 296-52-70065, Explosives day box),

– Marked with the word "explosives"

– Used in a manner that safely separates detonators from other explosives

– Guarded at all times against theft

**Dealer** means any person who purchases explosives or blasting agents for the sole purpose of resale and not for use or consumption.

**Detonating cord** means a round flexible cord containing a center core of high explosive and used to initiate other explosives.

**Detonator** means any device containing any initiating or primary explosive that is used for initiating detonation and includes, but is not limited to:

• Electric detonators of instantaneous and delay types

• Detonators for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous delay detonators which use detonating cord, shock tube, or any other replacement for electric leg wires.

**Discharge hose** means a hose with an electrical resistance high enough to limit the flow of stray electric currents to safe levels, but not high enough to prevent drainage of static electric charges to the ground. Hose not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

**Display fireworks** means large fireworks:

• Designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, and include, but are not limited to:

– Salutes containing more than 2 grains (130 mg) of explosive materials

– Aerial shells containing more than 40 grams of pyrotechnic compositions

– Other display pieces, which exceed the limits of explosive materials for classification as "consumer fireworks"

– Fused set pieces containing components, which together exceed 50 mg of salute powder

**Electric detonator** means a blasting detonator designed for and capable of detonation by means of electric current.

**Electric blasting circuitry** consists of these items:

• **Bus wire.** An expendable wire used in parallel or series, or in parallel circuits, which are connected to the leg wires of electric detonators.

• **Connecting wire.** An insulated expendable wire used between electric detonators and the leading wires or between the bus wire and the leading wires.

• **Leading wire.** An insulated wire used between the electric power source and the electric detonator circuit.

• **Permanent blasting wire.** A permanently mounted insulated wire used between the electric power source and the electric detonator circuit.

**Electric delay detonators** means detonators designed to detonate at a predetermined time after energy is applied to the ignition system.

**Emulsion** means an explosive material containing:

- Substantial amounts of oxidizer dissolved in water droplets, surrounded by an immiscible fuel
- Droplets of an immiscible fuel surrounded by water containing substantial amounts of oxidizer.

**Explosives** means:

- Any chemical compound or mechanical mixture:
  - Commonly intended or used for the purpose of producing an explosion
  - That contains any oxidizing and combustible units or other ingredients in proportions, quantities or packing that an ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may cause sudden generation of highly heated gases resulting in gaseous pressures capable of producing destructive effects on contiguous objects or of destroying life or limb
- All material classified as ~~((Class A, Class B, and Class C))~~ Division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by U.S. DOT

• For the purposes of public consumer use, the following are not considered explosives unless they are possessed or used for a purpose inconsistent with small arms use or other legal purposes:

- Small arms ammunition
- Small arms ammunition primers
- Smokeless powder, not exceeding fifty pounds
- Black powder, not exceeding five pounds

**Explosive actuated power devices** means any tool or special mechanized device, which is activated by explosives and does not include propellant actuated power devices.

**Explosives classifications.** Explosives classifications include, but are not limited to:

- ~~((Class A (Division 1.1)))~~ Division 1.1 and Division 1.2 explosives ~~((possessing))~~ possess mass explosion or detonating hazard):
  - Dynamite
  - Nitroglycerin
  - Picric acid
  - Lead azide
  - Fulminate of mercury
  - Black powder (exceeding 5 pounds)
  - Detonators (in quantities of 1,001 or more)
  - Detonating primers
- ~~((Class B (Division 1.2 and))~~ Division 1.3 ~~(( ))~~ explosives ~~((possessing))~~ possess a minor blast hazard, a minor projection hazard, or a flammable hazard):
  - Propellant explosives
  - Smokeless ~~((propellants))~~ powder (exceeding fifty pounds)
- ~~((Class C (Division 1.4) explosives~~
  - ~~Certain types of manufactured articles, which contain Class A and/or Class B explosives as compounds (but in restricted quantities)~~
  - ~~Detonators (in quantities of 1,000 or less))~~ Division 1.4 explosives:
    - Explosives that present a minor explosion hazard
    - Includes detonators that will not mass detonate in quantities of 1,000 or less
- Division 1.5 explosives:

– Explosives with a mass explosion hazard but are so insensitive that there is little probability of initiation

– ANFO and most other blasting agents are in this division

• Division 1.6 explosives:

– Explosives that are extremely insensitive and do not have a mass explosion hazard

**Explosives exemption.** The exemption for small arms ammunition, small arms ammunition primers, smokeless powder, not exceeding fifty pounds, and black powder, not exceeding five pounds:

- Applies to public consumer use only
- Does not apply to the employer employee relationship covered under the Washington Industrial Safety and Health Act.

**Explosives international markings.**

• The department will accept U.S. DOT and/or BATF international identification markings on explosives and/or explosives containers or packaging

• This exception is under the authority of RCW 70.74.020(3) and in lieu of Washington state designated markings (as defined by RCW 70.74.010(4) ~~((Class A, B, or C))~~ (Division 1.1, 1.2, and 1.3) and required by RCW 70.74.300).

**Explosives manufacturing building** means any building or structure, except magazines:

- Containing explosives where the manufacture of explosives, or any processing involving explosives, is conducted
- Where explosives are used as a component part or ingredient in the manufacture of any article or device.

**Explosives manufacturing plant** means all lands with buildings used:

- In connection with the manufacturing or processing of explosives
- For any process involving explosives
- For the storage of explosives
- To manufacture any article or device where explosives are used as a component part or ingredient in the article or device.

**Fireworks** means any composition or device:

- Designed to produce a visible or an audible effect by combustion, deflagration, or detonation
- Which meets the definition of "consumer fireworks" or "display fireworks."

**Forbidden or not acceptable explosives** means explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the Federal Department of Transportation (DOT).

**Fuel** means a substance, which may react with oxygen to produce combustion.

**Fuse (safety).** See "safety fuse."

**Fuse lighters** means special devices used for the purpose of igniting safety fuses.

**Handler** means any individual who handles explosives or blasting agents for the purpose of transporting, moving, or assisting a licensed blaster in loading, firing, blasting, or disposal.

**Note:** This does not include employees of a licensed manufacturer engaged in manufacturing process, drivers of common carriers, or contract haulers.

**Hand loader** means any person who engages in the non-commercial assembly of small arms ammunition for personal use; specifically, any person who installs new primers, powder, and projectiles into cartridge cases.

**Highway** means roads, which are regularly and openly traveled by the general public and includes public streets, alleys, roads, or privately financed, constructed, or maintained roads.

**Improvised device** means a device, which is:

- Fabricated with explosives
- Fabricated with destructive, lethal, noxious, pyrotechnic, or incendiary chemicals, and designed, or has the capacity to disfigure, destroy, distract, and harass.

**Inhabited building** means:

- A building which is regularly occupied, in whole or in part, as a habitat for human beings
- Any church, schoolhouse, railroad station, store, or other building where people assemble.

**Note:** This does not mean any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

**Low explosives** means explosive materials, which can be caused to deflagrate when, confined. This includes:

- Black powder, safety fuses, igniters, igniter cords, fuse lighters, and display fireworks defined as ((Class-B)) Division 1.2 or Division 1.3 explosives by U.S. DOT (49 CFR Part 173).

**Note:** This does not apply to bulk salutes.

**Magazine** means any building, structure, or container approved for storage of explosive materials.

**Note:** This does not apply to an explosive manufacturing building.

**Manufacturer** means any person, partnership, firm, company, or corporation who manufactures explosives or blasting agents, or use any process involving explosives as a component part in the manufacture of any device, article, or product.

**EXEMPTIONS:** The following exemptions are restricted to materials and components, which are not classified (by U.S. DOT) as explosives until after they are mixed. With this restriction, the definition of manufacturer *does not* include:

- Inserting a detonator into a cast booster or a stick of high explosive product to make a primer for loading into a blast hole
- The act of mixing on the blast site, either by hand or by mechanical apparatus, binary components, ammonium nitrate, fuel oil, and/or emulsion products to create explosives for immediate down blast hole delivery.

**Misfire** means the complete or partial failure of an explosive charge to explode as planned.

**Mudcap** (also known as bulldozing and bodying) means covering the required number of cartridges that have been placed on top of a boulder with a three or four-inch layer of mud, which is free from rocks or other material that could cause a missile hazard.

**Nonelectric delay detonator** means a detonator with an integral delay element in conjunction with and capable of being detonated by a:

- Detonation impulse
- Signal from miniaturized detonating cord
- Shock tube.

**Oxidizer** means a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

**Permanent magazines** means magazines that:

- Are fastened to a foundation
- Do not exceed permanent magazine capacity limits (RCW 70.74.040)
- Are approved and licensed
- Are left unattended.

**Person** means any individual, firm, partnership, corporation, company, association, person or joint stock association or trustee, receiver, assignee, or personal representative of that entity.

**Person responsible**, for an explosives magazine, means:

- The person legally responsible for a magazine that actually uses the magazine
- The person is responsible for the proper storage, protection, and removal of explosives, and may be the owner lessee, or authorized operator.

**Portable (field) magazines** means magazines that are:

- Designed to be unattended
- Not permanently fastened to a foundation
- Constructed or secured to make sure they cannot be lifted, carried, or removed easily by unauthorized persons
- Limited to the capacity of explosives required for efficient blasting operation
- Approved and licensed.

**Possess** means the physical possession of explosives in one's hand, vehicle, magazine, or building.

**Primary blasting** means the blasting operation that dislodged the original rock formation from its natural location.

**Primer** means a unit, package, cartridge, or container of explosives inserted into or attached to a detonator or detonating cord to initiate other explosives or blasting agents.

**Propellant actuated power device** means any tool, special mechanized device, or gas generator system, which is actuated by a propellant and releases and directs work through a propellant charge.

**Public utility transmission systems** means:

- Any publicly owned systems regulated by:
  - The utilities and transportation commission
  - Municipalities
  - Other public regulatory agencies, which include:
    - Power transmission lines over 10 kV, telephone cables, or microwave transmission systems
    - Buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil or refined products and chemicals

**Purchaser** means any person who buys, accepts, or receives explosives or blasting agents.

**Pyrotechnics**, commonly referred to as fireworks, means any combustible or explosive compositions or manu-

factured articles designed and prepared for the purpose of producing audible or visible effects.

**Qualified person** means a person who has successfully demonstrated the ability to solve or resolve problems relating to explosives, explosives work, or explosives projects by:

- Possession of a recognized degree or certificate
- Professional standing
- Extensive knowledge, training, and experience.

**Railroad** means any type of railroad equipment that carries passengers for hire.

**Safety fuse (for firing detonators)** means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate.

**Secondary blasting** means using explosives, mudcapping, or blockholing to reduce oversize material to the dimension required for handling.

**Shock tube** means a small diameter plastic tube:

- Used for initiating detonators
- That contains a limited amount of reactive material so energy, transmitted through the tube by means of a detonation wave, is guided through and confined within the walls of the tube.

**Small arms ammunition** means any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant actuated power devices and industrial guns.

**Note:** This does not mean military type ammunition containing explosive bursting incendiary, tracer, spotting, or pyrotechnic projectiles.

**Small arms ammunition primers** means small percussion sensitive explosive charges encased in a detonator or capsule used to ignite propellant power or percussion detonators used in muzzle loaders.

**Smokeless ((propellants)) powder** means solid chemicals or solid chemical mixtures that function by rapid combustion.

**Special industrial explosive devices** means explosive actuated power devices and propellant-actuated power devices.

**Special industrial explosives materials** means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include:

- Dynamite
- Trinitrotoluene (TNT)
- Pentaerythritol tetranitrate (PETN)
- Hexahydro-1, 3, 5-trinitro-s-triazine (RDX)
- Other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

**Springing** means the creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives so that larger quantities of explosives may be inserted.

**Sprung hole** means a drilled hole that has been enlarged by a moderate quantity of explosives to allow for larger quantities of explosives to be inserted into the drill hole.

**Stemming** means a suitable inert incombustible material or device used to confine or separate explosives in a drill hole or cover explosives in mudcapping.

**Trailer** means semi-trailers or full trailers, as defined by U.S. DOT, which are:

- Built for explosives
- Loaded with explosives
- Operated in accordance with U.S. DOT regulations.

**U.S. DOT** means the United States Department of Transportation.

**Vehicle** means any car, truck, tractor, semi-trailer, full trailer, or other conveyance used for the transportation of freight.

**Water-gels or emulsion explosives.** These explosives:

- Comprise a wide variety of materials used for blasting. Two broad classes of water-gels are those which:
  - Are sensitized by material classed as an explosive, such as TNT or smokeless powder
  - Contain no ingredient classified as an explosive which are sensitized with metals, such as aluminum, or other fuels
- Contain substantial proportions of water and high proportions of ammonium nitrate, some ammonium nitrate is in the solution in the water, and may be mixed at an explosives plant, or the blast site immediately before delivery into the drill hole.

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-67065 Vibration and damage control.**

(1) Ground vibration - maximum limits.

**Either Table 8-A or Table 8-B can be used to determine the maximum limits of ground vibration for any dwelling, public building, school church, commercial site, cofferdams, piers, underwater structures, or institutional building nearby the blasting site. The methods used for monitoring vibration and calculating frequency must be included in the blast plan.**

Table 8-A PEAK PARTICLE VELOCITY LIMITS	
Distance from blasting site	Maximum allowable peak particle velocity <sup>1</sup>
0 to 300 ft (91.4 m)	1.25 in/sec (31.75 mm/sec)
301 to 5000 ft (91.5 m to 1524 m)	1.00 in/sec (25.4 mm/sec)
5001 ft (1525 m) and beyond	0.75 in/sec (19 mm/sec)

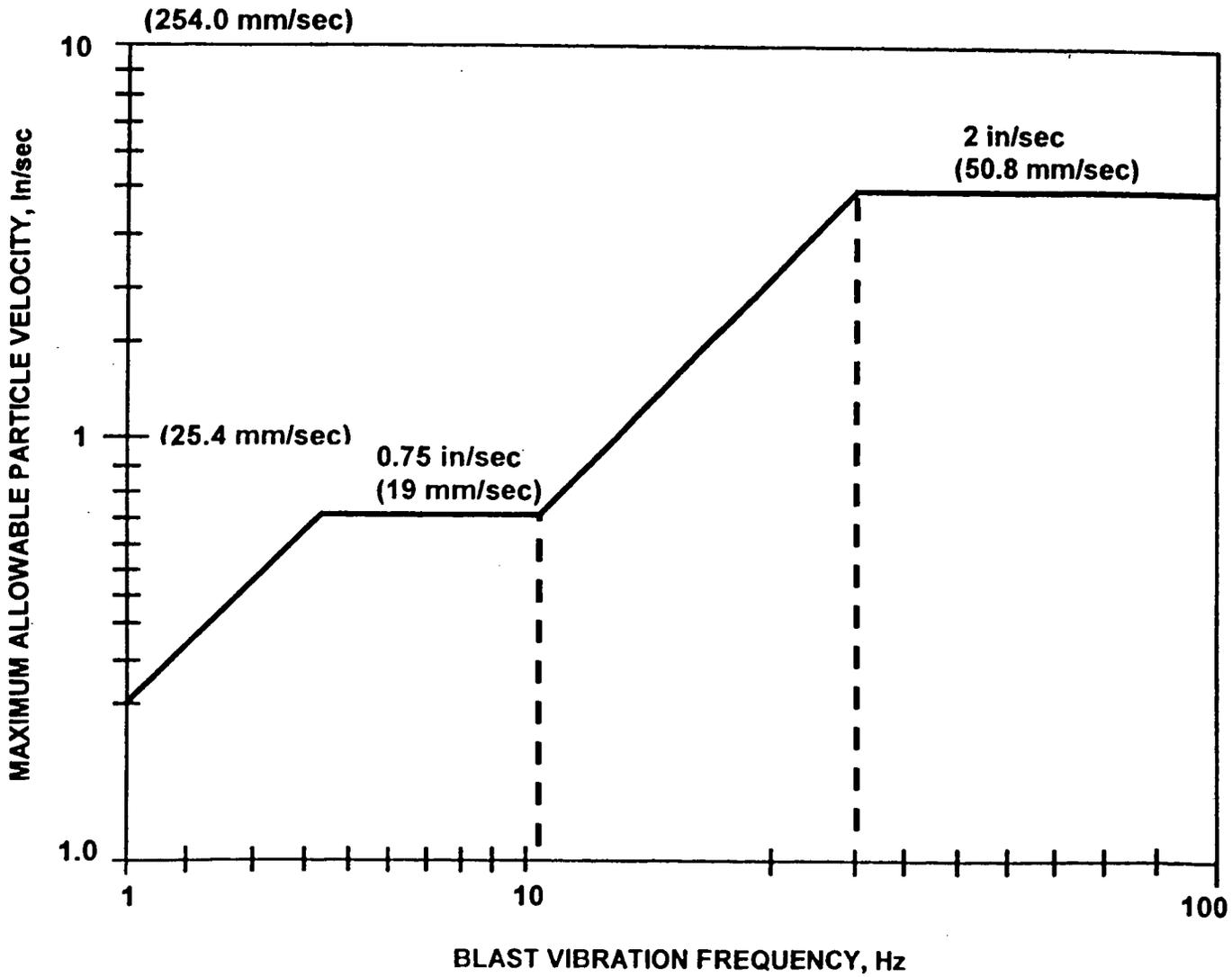
<sup>1</sup> Peak particle velocity must be measured in three mutually perpendicular directions and the maximum allowable limits must apply to each of these measurements.

(a) Frequency versus particle velocity graphics. In lieu of Table 8-A, a blasting operation has the option to use the graphs shown in Figure 8a or 8b to limit peak particle velocity based upon the frequency of the blast vibration. If either of the graphs in Figure 8a or 8b is used to limit vibration levels, the methods used for monitoring vibration and calculating frequency must be included in the blast plan.

EXPEDITED

FIGURE 8a

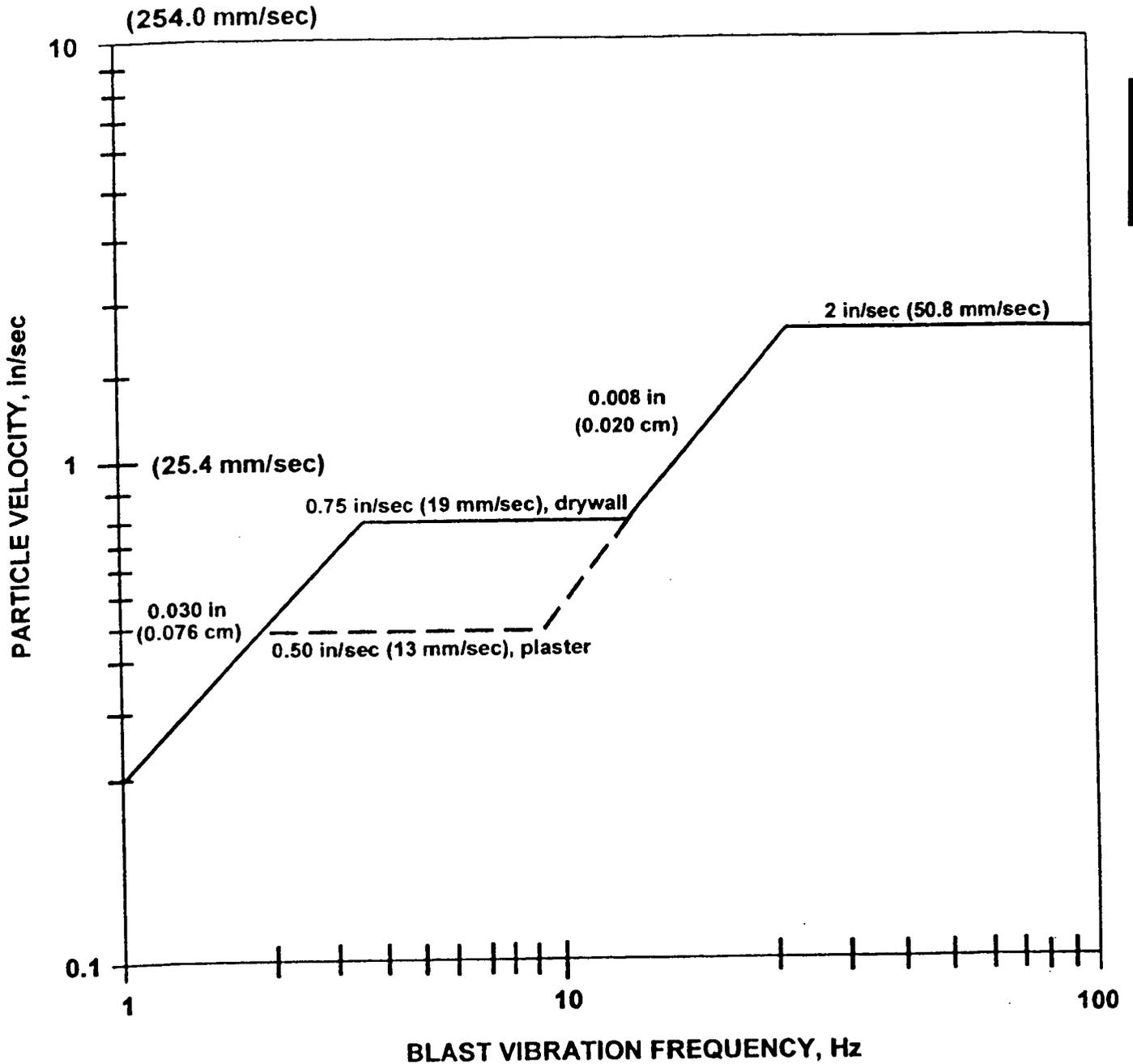
Alternative Blasting Level Criteria



EXPEDITED

**FIGURE 8b**

**Alternative Blasting Level Criteria**



EXPEDITED

(b) Scaled distance equations. Unless a blasting operation uses a seismograph to monitor a blast to assure compliance with Table 8-A or Figures 9a or 8b, the operation must comply with the scaled distance equations shown in Table 8-B.

Table 8-B  
SCALED-DISTANCE EQUATIONS

Distance from Blasting Site	Scaled Distance Equation
0 to 300 ft (91.4 m)	$W \text{ (lbs)} = (d \text{ (ft)}/50)^2$ or $W \text{ (kg)} = (d \text{ (m)}/22.6)^2$
301 to 5000 ft (92 m to 1524 m)	$W \text{ (lbs)} = (d \text{ (ft)}/55)^2$ or $W \text{ (kg)} = (d \text{ (m)}/24.9)^2$
5001 ft (1524 m) and beyond	$W \text{ (lbs)} = (d \text{ (ft)}/65)$ or $W \text{ (kg)} = (d \text{ (m)}/29.4)^2$

**Key:**

**W** = The maximum weight of explosives in pounds (or kilograms) that can be detonated per delay interval of 8 milliseconds or greater.

**d** = The distance in feet (or meters) from the blast to the nearest dwelling, public building, school, church, commercial, or institutional building not owned, leased, or contracted by the blasting operation, or on property where the owner has not given a written waiver to the blasting operation.

**Note:** To convert English Units of scaled distances (ft/lb<sup>2</sup>) to metric units (m/kg<sup>2</sup>) divide by a factor of 2.21.

(2) **Air blast - Maximum limits.** Air blast must not exceed the maximum limits listed in Table 8-C. Use Table 8-C to determine maximum air blast limits at any dwelling, public building, school, church, commercial, or institutional building not owned, leased, contracted, or on the property where the owner has not provided a written waiver to the blasting operation.

(2) **Contains no explosive substance.** Water-gel and emulsion explosive materials that do not contain any substance classified as an explosive or as cap-sensitive (as defined under "blasting agent" in WAC 296-52-60130, Definitions) must be classified as an explosive.

**Note:** Water-gel formulas, which are tested and classified as a U.S. DOT (Class-B) Division 1.2 or 1.3 explosives do not require bullet resistant magazines.

(3) **Contains blasting agent substance.** Water-gel and emulsion explosive materials that do not contain any substance classified as an explosive and are not cap-sensitive (as defined under "blasting agent" in WAC 296-52-60130, Definitions) must be classified as blasting agents.

Table 8-C  
AIR-BLAST LIMITS

Lower Frequency of Measuring System in Hz (+ or - 3 decibels)	Measurement Level in Decibels	
0.1 Hz or Lower	Flat Response	134 Peak
2 Hz or Lower	Flat Response	133 Peak
6 Hz or Lower	Flat Response	129 Peak
C-Weighted	Slow Response	105 Peak dBC

(3) Flyrock outside the blast area:

(a) **Uncontrolled flyrock.** Flyrock traveling in the air or along the ground cannot be cast from the blast area in an uncontrolled manner, which could result in personal injury or property damage. Uncontrolled flyrock (airborne or along the ground), that could cause personal injury or property damage, is not allowed from the blast area.

(b) **Contract or written waiver.** Flyrock cannot be propelled from the blast area onto property where the blasting operation has not contracted or received a written waiver from the owner.

(c) **Use of protective material.** When blasting in congested areas or close to a structure, railway, highway, or any other installation that could be damaged, the blast must be covered, before firing, with a mat or other protective material that will prevent fragments from being thrown.

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-67160 Types and classifications.** (1) **Contains explosive substance.** Water-gel and emulsion explosive materials that contain a substance classified as an explosive must be classified as an explosive.

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-68060 Operation of vehicles transporting explosives.** (1) **Authorized explosives transportation.** Explosives may only be transported by a:

- Licensed manufacturer
  - Blaster
  - Purchaser, seller, or their designated representative
- OR**
- Contract carrier for hire who complies with all requirements for transportation of hazardous materials

(2) **Driver qualifications.**

(a) Vehicles transporting explosives must be driven by a responsible licensed driver who is:

- At least twenty-one years old
- Physically fit
- Careful
- Capable
- Reliable
- Able to read and write the English language
- Not addicted to or under the influence of intoxicants, narcotics, or other dangerous drugs. (This does not apply to people taking prescription drugs and/or narcotics as directed by a physician, as long as use of the prescription drug does not endanger the worker or others.)

(b) The driver must be:

- Familiar with all:

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– Traffic regulations  
 – Department of Transportation (U.S. DOT) and other state laws in the transportation of explosives and hazardous material laws

- Aware of:
  - What they are carrying
  - Safety precautions for the explosives being transported

(3) **Parking** - ~~((Class A or B))~~ Division 1.1 or 1.2 explosives. A vehicle that contains ~~((Class A or B))~~ Division 1.1 or 1.2 explosives cannot be parked:

- On or within five feet of the traveled portion of a public street or highway
- On private property, including fueling or eating facilities, without the knowledge and consent of the person. The person in charge must be aware of the hazardous materials in the vehicle

OR

• Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble

Exemption: These restrictions do not apply when:  
 – Routine operations require the vehicle be parked for a brief period of time  
 – It is impractical to park the vehicle any other place

(4) **Vehicle attendance**. A vehicle transporting any quantity of ~~((Class A or B))~~ Division 1.1 or 1.2 explosives must be attended at all times by a driver or other representative of the vehicle carrier, exceptions are:

• A vehicle containing explosive materials may be left unattended for a period not to exceed forty-eight hours provided:

– The vehicle is parked in a designated parking lot, which complies with NFPA Std. 498 and the appropriate distance table for the type and quantity of explosives.

• The parking lot must:

- Be correctly bermed, walled, or fenced, and gated to prevent unauthorized entry
- Be inspected and approved by the department
- Provide a full-time, continuous security patrol when explosives are present

• An explosives delivery truck does not need to be attended when it only contains ~~((International Class 1.5 D blasting agents))~~ Division 1.5 and no high explosives, provided the:

- Vehicle is locked so it cannot be moved
- Cargo compartments are locked to prevent theft
- Vehicle is parked according to all applicable storage distance requirements

– Vehicle is located in a secured area that restricts entry of unauthorized personnel

~~((6))~~ (5) **Attendant**.

(a) An authorized attendant must be physically present and able to see the explosives at all times.

(b) In an emergency, the attendant must be able to quickly get to the explosives without interference.

(c) The attendant must:

- Be awake
- Be alert
- Not be engaged in activities, which could divert their attention

• Be aware of the ~~((class))~~ division of the explosive material and its dangers

• Be instructed in the methods and procedures used to protect the public

• Be familiar with the particular vehicle being driven

• Be trained in the use of the vehicle

• Have authorization and be able to move the vehicle if required

~~((7))~~ (6) **Loading precautions**. A vehicle must comply with U.S. DOT loading regulations in order to transport explosives in the same vehicle body with the following items:

- Spark producing metal
- Spark producing tools
- Oils
- Matches
- Firearms
- Electric storage batteries
- Flammable substances
- Acids
- Oxidizing materials

OR

• Corrosive compounds

~~((8))~~ (7) **Congested areas**. Vehicles transporting explosives must avoid congested areas and heavy traffic.

~~((9))~~ (8) **Disabled vehicles**.

• A qualified person must be present before explosives can be transferred from a disabled vehicle to another vehicle

• If a vehicle becomes disabled in a congested area, you must promptly notify local fire and police authorities. In a remote area they may be notified if necessary.

~~((10))~~ (9) **Explosives delivery and issue**. Delivery and issue of explosives must be made:

- Only by and to authorized people
- Into authorized magazines or authorized temporary storage or handling areas.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-69010 Explosives**. All ~~((Class A, B, and C))~~ Division 1.1, 1.2, 1.3, and 1.4 explosives, special industrial explosives, and any newly developed unclassified explosives, must be kept in magazines that meet the requirements of RCW 70.74.120 and this chapter, unless the explosives are:

- In the manufacturing process
- Being physically handled
- Being used at the blast site

OR

• Being transported to a place of storage or use.

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**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-69015 Exempt explosives.** Explosives exempt from these storage requirements are:

Type of Explosive	Exempted Amount
Stocks of: • Small arms ammunition, • Propellant-actuated power cartridges, and • Small arms ammunition primers	Quantities less than 750,000
Smokeless ((propellants) powder	Quantities less than 150 pounds
Black powder (as used in muzzleloading firearms)	Quantities less than 5 pounds
Explosive-actuated power devices	Quantities less than 50 pounds net weight of explosives
Fuse lighters and igniters	(not applicable)
Safety fuses (except cordeau detonant fuses)	(not applicable)

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-69095 Ammonium nitrate. (1) Storage.**

(a) Ammonium nitrate storage requirements do not apply to:

- The transportation of ammonium nitrates while under the jurisdiction of and in compliance with U.S. DOT regulations (see 49 CFR, Part 173)
- The storage of ammonium nitrates while under the jurisdiction of and in compliance with U.S. Coast Guard (see 49 CFR, Parts 146-149)
- The storage of ammonium nitrate and ammonium nitrate mixtures, which are more sensitive than allowed by the bulletin

"Definition and test procedures for ammonium nitrate fertilizers" from the Fertilizer Institute 501 2nd St. NE, Washington, DC 20006.

This definition limits the contents of organic materials, metals, sulfur, etc., in products that may be classified ammonium nitrate fertilizer.

- The production of ammonium nitrate or the storage of ammonium nitrate on the premises of the producing plant, if no hazards are created to the employees or public
- The standards for ammonium nitrate (nitrous oxide grade) that are found in the:

"Specifications, properties and recommendations for packaging, transportation, storage and use of ammonium nitrate," from the Compressed Gas Association, Inc., 1235 Jefferson Davis Highway, Suite 1004, Arlington, VA 22202-4100.

(b) Ammonium nitrate storage requirements apply to:

- Anyone, in addition to the owner or lessee of any building, premises, or structure having or storing ammonium nitrate in quantities of one thousand pounds (425 kg) or more
- Ammonium nitrate in the form of crystals, flakes, grains, or prills including fertilizer grade, dynamite grade, nitrous oxide grade, technical grade, and other mixtures containing sixty percent or more ammonium nitrate by weight

**Note:** The approval of large quantity storage is based on the fire and explosion hazards, including exposure to toxic vapors from burning or decomposing ammonium nitrate.

(c) Storage buildings housing ammonium nitrate must:  
• Have adequate ventilation or be self-ventilating in the event of a fire

- Have fire resistant walls when the exposed side of a storage building is within fifty feet (15.2 m) of a combustible building, forest, piles of combustible materials, and similar exposure hazards. Other suitable means of exposure protection such as a freestanding wall may be used instead of a fire resistant wall

- Have roof coverings that are ((Class C)) Division 1.4 or better as defined in Roof Coverings, NFPA 203M-1970

- Have flooring of noncombustible material or be protected against saturation by ammonium nitrate. In case of fire, the floor must not have open drains, traps, tunnels, pits, or pockets into which molten ammonium nitrate could flow and be confined

- Be dry and free from water seepage through the roof, walls, and floors

- Not have basements, unless the basements are open on at least one side

- Not be over one story in height

**Note:** The continued use of an existing storage building or structure may be approved in cases where continued use will not constitute a hazard to life or adjoining property.

Bags, drums, and other containers of ammonium nitrate must:

(d) Comply with specifications and standards required for use in interstate commerce (see 49 CFR, Chapter 1). Containers used on the premises in the actual manufacturing or processing do not need to comply.

- Not be used for storage when the temperature of the ammonium nitrate exceeds 130°F (54.4°C)

- Not be stored within thirty inches (76 cm) of the storage building walls and partitions

- Not be stacked higher than twenty feet (6.1 m) in height, twenty feet (6.1 m) in width, and fifty feet (15.2 m) in length. When buildings are constructed of noncombustible materials or protected by automatic sprinklers, there are no stacking height restrictions

- Never be stacked closer than thirty-six inches (.09 m) below the roof or overhead supporting and spreader beams

- Be separated by aisles a minimum of 3 feet wide. There must be one main aisle in the storage area a minimum of four feet (1.2 m) wide

(e) Bulk ammonium nitrate must be stored:

- In warehouses with adequate ventilation or be capable of adequate ventilation in case of fire

- In structures that are not more than forty feet (12.2 m) high, unless:

- They are constructed of noncombustible material

**OR**

- Have adequate facilities for fighting a roof fire

- In clean bins that are free of materials that could cause contamination

- In bins or piles that are clearly identified by signs reading "AMMONIUM NITRATE" in letters a minimum of two inches (5 cm) high

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- In bins or piles sized and arranged so all material is moved periodically to minimize the possibility of caking
- Adequately separated from easily combustible fuels. Bins cannot be made of galvanized iron, copper, lead, and zinc because of the:

- Corrosive and reactive properties of ammonium nitrate

**AND**

- To avoid contamination
- In tightly constructed wooden and aluminum bins that are protected against saturation from ammonium nitrate
- In tightly constructed partitions that divide the ammonium nitrate from other products to avoid contamination
- Where the temperature of the product does not exceed 130°F (54.4°C)
- No higher than thirty-six inches (0.9 m) below the roof or overhead supporting and spreader beams if stacked in piles. Stack limits (height and depth), should be determined by the pressure setting tendency of the product

(f) Bulk ammonium nitrate when caked, cannot be broken up or loosed by the use of dynamite, other explosives or blasting agents.

(g) Bulk ammonium nitrate cannot be stored with:

- LP Gas on the premises except when such storage complies with WAC 296-24-475, Storage and handling of liquefied petroleum gases
- Sulfur and finely divided metals in the same building except when such storage complies with this chapter and NFPA standard 495, Explosives Materials Code

- Explosives and blasting agents in the same building except on the premises of manufacturers, distributors, and user of explosives or blasting agents

- When explosives or blasting agents are stored in separate buildings, other than on the approval of manufacturers, distributors, and user, they must be separated from the ammonium nitrate by the distances and/or barricades specified in Table H-22 or a minimum of fifty feet (15.2 m)

- With flammable liquids, such as gasoline, kerosene, solvents, and light fuel oils on the premises except when such storage conforms to WAC 296-24-330, Flammable and combustible liquids, and when walls, sills or curbs are provided in accordance with WAC 296-52-69095, Ammonium nitrate

(2) Contaminants must be stored in a separate building from ammonium nitrate

**OR**

Be separated by an approved firewall of not less than one-hour fire resistance rating which should extend to the underside of the roof. Alternatively, the contaminants may be separated by a minimum of thirty feet (9.1 m), instead of using walls. These contaminants are:

- Organic chemicals
- Acids
- Other corrosive materials
- Materials that may require blasting during processing or handling
- Compressed flammable gases
- Flammable and combustible materials
- Other substances including:

Animal fats	Baled cotton	Baled rags	Baled scrap paper
Bleaching powder	Burlap or cotton bags	Caustic soda	Coal
Coke	Charcoal	Cork	Camphor
Excelsior	Fibers of any kind	Fish oil	Fish meal
Foam rubber	Hay	Lubricating oil	Linseed oil
Other oxidizable or drying oils	Naphthalene	Oakum	Oiled clothing
Oiled paper	Oiled textiles	Paint	Straw
Sawdust	Wood shavings	Vegetable oil	

(3) Housekeeping requirements must have:

- Electrical installations, which meet the requirements of chapter 296-24 WAC, Part L, Electrical, and WAC 296-800-280, Basic electrical rules, for ordinary locations and be designed to minimize damage from corrosion
- Adequate lightning protections in areas where lightning storms are prevalent (see NFPA 78-1992, Lightning Protection Code)
- Procedures to prevent unauthorized personnel from entering the ammonium nitrate storage area

(4) Fire protection must provide:

- Water supplies and fire hydrants
- Suitable fire control devices, such as a small hose or portable fire extinguishers, throughout the warehouse and in the loading/unloading areas. These devices must comply with the requirements of WAC 296-800-300, Portable fire extinguishers, and WAC 296-24-602, Standpipe and hose systems

- Approved sprinkler systems installed according to WAC 296-24-607, Automatic sprinkler systems

- Two thousand five hundred tons (two thousand two hundred seventy metric) or less of bagged ammonium nitrate may be stored in a structure that does not have an automatic sprinkler system.

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-69125 Table H-24—Low explosives.** (1)

Use Table H-24 for: Magazines that are restricted to:

- ((Class B)) Division 1.2 or 1.3
- ((Class C (~~Division 1.3 or 1.4~~))) Division 1.4, low explosives

- Low explosives classified by BATF

(2) Detonators cannot be stored with low explosives.

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**Table H-24**

TABLE OF DISTANCES FOR STORAGE OF LOW EXPLOSIVES

Pounds		From inhabited building distance (feet)	From public railroad and highway distance (feet)	From above ground magazine (feet)
Over	Not Over			
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

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**NEW SECTION**

**WAC 296-52-69130 Table of distances for the storage of display fireworks (except bulk salutes).**

Net weight of fireworks (pounds)	Distance between magazine and inhabited building, passenger railway, or public highway (feet)	Distance between magazine (feet)
0-1,000	150	100
1,001-5,000	230	150
5,001-10,000	300	200
Above 10,000	Use Table H-20	

- Note 1: The net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.
- Note 2: For the purposes of applying this table, the term magazine also includes fireworks shipping buildings for display fireworks.
- Note 3: For fireworks storage magazines in use prior to (2000) the distances in this table may be halved if properly barricaded between the magazine and potential receptor sites.
- Note 4: This table does not apply to the storage of bulk salutes. Use Table H-20 for storage of bulk salutes.

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-70010 Building construction for Class 1 magazines.** All building-type storage facilities must:

- Be constructed of masonry, wood, metal, or a combination of these materials
- Have no openings except for entrances and ventilation
- Have the ground around the facility slope away for drainage
- (1) **Wall construction.**
- (a) **Masonry wall construction.** Masonry wall construction must:
  - Consist of brick, concrete, tile, cement block, or cinder block

- Be at least ~~((six))~~ **eight** inches thick
- (b) **Hollow masonry construction.** Hollow masonry construction must:
  - Have all hollow spaces filled with well tamped coarse dry sand
- OR**
- Have weak concrete (a mixture of one part cement to eight parts sand with enough water to dampen the mixture) while tamping in place
- AND**
- Have interior walls covered with a nonsparking material
- (c) **Fabricated metal wall construction.**
  - Metal wall construction must be securely fastened to a metal framework and consist of one of the following types of metal:
    - Sectional sheets of steel (at least number 14 gauge)
- OR**
- Aluminum (at least number 14 gauge)
- Metal wall construction must:
  - Be lined with brick, solid cement blocks, and hardwood at least four inches thick or material of equivalent strength
  - Have a minimum of six-inch sand fill between interior and exterior walls
  - Have interior walls constructed of or covered with a nonsparking material
- (d) **Wood frame wall construction.**
  - Exterior wood walls must be covered with iron or aluminum at least number 26 gauge
  - Inner walls, made of nonsparking materials must be constructed with a space:
    - A minimum of six inches between the outer and inner walls
- AND**
- Filled with coarse dry sand or weak concrete
- (2) **Floors.** Floors must be:
  - (a) Constructed of a nonsparking material.
  - (b) Strong enough to hold the weight of the maximum quantity to be stored.
- (3) **Foundation.**
  - Foundations must be constructed of brick, concrete, cement block, stone, or wood posts
  - If piers or posts are used instead of a continuous foundation, the space under the building must be enclosed with metal
- (4) **Roof.**
  - (a) Roofs must be covered with no less than number 26 gauge iron or aluminum fastened to a 7/8-inch sheathing, except for buildings with fabricated metal roofs.
  - (b) If it is possible for a bullet to be fired directly through the roof at such an angle that it would strike a point below the top of the inner walls, storage facilities must be protected by one of the following two methods:
    - A sand tray must be:
      - Located at the top of the inner wall covering the entire ceiling area, except the area necessary for ventilation.
      - Lined with a layer of building paper.
      - Filled with at least four inches of coarse dry sand.

• A fabricated metal roof must be constructed of 3/16-inch plate steel lined with four inches of hardwood or material of equivalent strength. For each additional 1/16-inch of plate steel, the hardwood or material of equivalent strength lining may be decreased one inch.

**(5) Doors and hinges.**

(a) All doors must be constructed of 1/4-inch plate steel and lined with two inches of hardwood or material of equivalent strength.

(b) Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

- Welding
- Riveting

**OR**

- Bolting nuts on the inside of the door

**(6) Locks.**

(a) Each door must be equipped with:

- Two mortise locks
- Two padlocks fastened in separate hasps and staples
- A combination of a mortise lock and a padlock
- A mortise lock that requires two keys to open

**OR**

- A three-point lock

(b) Padlocks must:

- Have a minimum of five tumblers
- Have a case hardened shackle at least 3/8 inches in diameter

• Be protected with a minimum of 1/4-inch steel hoods, constructed to prevent sawing or lever action on the locks, hasps, and staples

**Note:** These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

**(7) Ventilation.**

• A two-inch air space must be left around ceilings and the perimeter of floors, except in doorways

• Foundation ventilators must be at least four inches by six inches

• Vents in the foundation, roof, or gables must be screened and offset

**(8) Exposed metal.**

• Sparking metal construction cannot be exposed below the tops of walls in storage facilities

• All nails must be blind nailed, countersunk, or nonsparking.

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-710 Exemptions.** These rules do not apply to in process storage and intraplant transportation during the manufacture of small arms ammunition, small arms primers, and smokeless ((~~propellants~~)) powder.

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-71020 Storage with ((~~Class A or B~~)) Division 1.1, 1.2, or 1.3 explosives.** Small arms ammunition

cannot be stored with ((~~Class A or Class B~~)) Division 1.1, 1.2, or 1.3 explosives. Unless the storage facility is adequate for ((~~Class A or Class B~~)) Division 1.1, 1.2, or 1.3 storage, small arms ammunition cannot be stored there.

**SMALL ARMS SMOKELESS  
((~~PROPELLANTS~~)) POWDER**

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-71040 Shipping container.**

• Small arms smokeless ((~~propellants~~-(~~Class B~~))) powder (Division 1.2 or 1.3) must be packed, stored, and transported in U.S. DOT approved shipping containers.

• All smokeless ((~~propellants~~)) powder must be stored in shipping containers made for smokeless ((~~propellants~~)) powder (as required by 49 CFR 173.93).

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-71045 Storage. (1) Private residence or car.**

• Twenty-five pounds or less of small arms smokeless ((~~propellants~~)) powder, no restrictions

• Twenty-five to fifty pounds of small arms smokeless ((~~propellants~~)) powder, they must be stored in a strong box or cabinet constructed of a minimum of 3/4-inch plywood or equivalent material, on all sides, top, and bottom

**(2) Commercial stocks.**

• Over twenty pounds but not more than one hundred pounds of small arms smokeless ((~~propellants~~)) powder must be stored in portable wooden boxes with a minimum of one-inch thick walls

• Small arms smokeless ((~~propellants~~)) powder not exceeding one hundred fifty pounds, must be stored in a non-portable storage cabinet with a minimum of one-inch thick wood walls

**(3) Dealer's warehouse.**

• A dealer's warehouse cannot hold more than one hundred fifty pounds of small arms smokeless ((~~propellants~~)) powder

• Twenty to one hundred pounds of small arms smokeless ((~~propellants~~)) powder must be stored in a minimum of one-inch thick portable or fixed wooden boxes

**(4) Dealer's display.**

• The dealer's display cannot exceed more than seventy-five pounds of small arms smokeless ((~~propellants~~)) powder

• Small arms smokeless ((~~propellants~~)) powder must be stored in one-pound containers

**(5) Magazines.** Small arms smokeless ((~~propellants~~)) powder that exceed one hundred fifty pounds must be stored in approved licensed magazines. See Storage licensing, WAC 296-52-660, Storage of explosive materials, WAC 296-52-690, and Magazine construction, WAC 296-52-700.

EXPEDITED



WSR 02-22-057

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Disabilities and Long-Term Care Administration)

[Filed October 31, 2002, 3:54 p.m.]

Date of Adoption: October 23, 2002.

Purpose: The rules in new chapter 388-826 WAC are adopted for the purpose of clarifying the operational guidelines for services offered in the Division of Developmental Disabilities - Voluntary placement program. Rule making and adoption comply with law and enhance operations.

Statutory Authority for Adoption: RCW 74.13.350.

Adopted under notice filed as WSR 02-16-061 on August 2, 2002.

Changes Other than Editing from Proposed to Adopted Version: Editorial changes only.

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 26, 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 26, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 23, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

Chapter 388-826 WAC

VOLUNTARY PLACEMENT PROGRAM

NEW SECTION

WAC 388-826-0001 What is the purpose of the voluntary placement program? The purpose of the voluntary placement program is to:

(1) Support the optimal growth and development of the child or youth in out-of-home placement. The sole reason for the out-of-home placement is the child's developmental disability. Services are offered by DSHS/DDD through a voluntary placement agreement. Parents retain custody of their child or youth.

(2) Support the child and family with a shared parenting arrangement through the use of licensed foster care providers.

(3) Complement other public and private resources in providing supports to the child and family.

(4) Encourage the relationship between the child and parents, even when the child or youth is not living in their own home.

(5) These rules are adopted under the authority of RCW 74.13.350.

NEW SECTION

WAC 388-826-0005 Definitions. "Best interest" includes, but is not limited to:

(1) Prevent regression or loss of skills already acquired;

(2) Achieve or maintain self-sufficiency;

(3) Provide the least restrictive setting that will meet the child's/youth's medical, social, developmental and personal needs;

(4) Benefits the medical, personal, social and developmental needs of the child/youth;

(5) Maintains family relationships.

"Child or youth" means an individual who is eligible for division services per RCW 71A.16.040 and chapter 388-825 WAC, is less than eighteen years of age and who is in the custody of a parent by blood, adoption or legal guardianship.

"Client or person" means an individual is eligible for division services per RCW 71A.16.040 and WAC 388-825-030.

"Community support services" means one or more of the services listed in RCW 71A.12.040 including, but not limited to the following services: Architectural, social work, early childhood intervention, employment, family counseling, respite care, information and referral, health services, legal services, therapy services, residential services and support, transportation services, and vocational services.

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

"Director" means the director of the division of developmental disabilities.

"DDD" means the division of developmental disabilities of the department of social and health services.

"Emergency" means a sudden, unexpected occurrence demanding immediate action.

"Exemption" means the department's approval of a written request for an exception to a rule in this chapter.

"Family" means individuals of any age, living together in the same household related by blood, marriage, adoption or as a result of sharing legal custody of a minor child.

"Foster care provider" means the individual person licensed by the DSHS, children's administration, division of licensed resources (DLR) (chapter 388-148 WAC) to provide foster care in the person's home; or a group care agency licensed by DLR to provide foster care for an individual in a group facility or staffed residential setting.

"In the voluntary placement program the legal status of the child" means that the child is in legal custody of the biological or adoptive parent(s) or legal and custodial guardian.

"The judicial determination and review" means a process that occurs in court and its purpose is to affirm that out-of-home placement is in the best interest of the child.

PERMANENT

The parent is notified of the court date and may appear in court with the child's DDD social worker.

**"Out-of-home placement"** means a DLR licensed home, a licensed group care facility or another licensed setting.

**"Parent"** means the individual who is the biological or adoptive person or legal custodial guardian who has legal responsibility for and physical custody of the child.

**"Shared parenting"** means biological or adoptive parents or legal guardians and foster care providers share responsibilities. Responsibilities are for the physical and emotional care, education and medical well-being of child/youth who meets DDD eligibility criteria and who is in a voluntary out of home placement as is described in the shared parenting agreement.

**"Shared parenting plan"** means a written plan among the parent, a foster care provider and DDD, with the expectation of sharing responsibilities for care of a child/youth, including exchanging information on a routine basis about medical, education, daily routines and special situations in the life of the child/youth.

**"Voluntary out-of-home placement"** for a child who is eligible for DDD services means:

- (1) When a parent and the division of developmental disabilities (DDD) agree that it is in the best interest of the child to reside out of the home of the parents;
- (2) The placement is solely due to the child's disability;
- (3) There are no unresolved issues of abuse and neglect;
- (4) When the parent or custodial and legal guardian and division sign a voluntary placement agreement; and
- (5) When a child lives more than fifty percent of her/his life in a licensed setting that is other than in the parents' home. The setting may be a licensed foster family home, group care facility, or staffed residential home as licensed under chapter 74.15 RCW.

**"Voluntary placement agreement,"** as used in this section, means a written agreement between the department and a child's parent or legal guardian authorizing the department to place the child in a licensed facility.

**"Written request for out-of-home placement"** means a written request signed by the custodial parent requesting out-of-home placement for the child or youth under eighteen years of age.

#### NEW SECTION

**WAC 388-826-0010 Who is eligible for the voluntary placement program?** Children who:

- (1) Are determined eligible for DDD services under RCW 71A.16.040;
- (2) Are under eighteen years of age when the request for services through VPP is made;
- (3) Have no unresolved issues of abuse or neglect pending with DSHS children's administration;
- (4) Are in the legal and physical custody of their parent or legal guardian; and
- (5) The request is made solely due to the child's disability RCW 74.13.350 and parents have used all other appropriate services for their child through DDD.

#### NEW SECTION

**WAC 388-826-0015 Who else may be eligible to participate in the voluntary placement program?** Within available resources:

(1) Children or youth who are eligible for DDD services per RCW 71A.16.040, may transfer from children's administration, as long as they are under eighteen years of age, in a stable guardianship, and have no unresolved issues of abuse or neglect pending with children's administration.

(2) Youth who turn eighteen while in the VPP and reside in a DLR licensed setting, may continue to participate in VPP until age twenty-one as long as her/his placement remains in tact and does not disrupt and she/he remains in school until graduation or reaches age twenty-one, whichever comes first (see WAC 388-826-0115).

#### NEW SECTION

**WAC 388-826-0020 How does the family, whose child is a client of DDD request access to the VPP?** Parents must make a written request for voluntary out-of-home placement services (DSHS 10-277) for their child to their DDD case resource manager. The request is considered when the following criteria are met:

- (1) The child is under eighteen years of age;
- (2) The placement is due solely to the child's disability;
- (3) The family is currently using some DDD services or is on the list for services;
- (4) There are available funds for the VPP;
- (5) There are no issues of abuse and neglect; and
- (6) The custodial parent and the division of developmental disabilities (DDD) agree that it is in the best interest of the child to reside outside of the parent's home.

#### NEW SECTION

**WAC 388-826-0025 What is the process for a child or youth who transfers from children's administration to get into the VPP?** (1) At the regional level, a staffing occurs. It involves DDD and DCFS social workers and supervisors, and any other agency representatives who have knowledge of the child or youth's issues.

(2) At the staffing the participants discuss the criteria outlined in WAC 388-826-0010 and 388-826-0015.

(3) Within available resources and when appropriate criteria are met, social workers determine the appropriateness of the transfer of the child's case from one administration to the other.

#### NEW SECTION

**WAC 388-826-0030 How is a decision made for out-of-home placement?** A parent makes a written request for out-of-home placement, to her/his child's case manager. Prior to a decision for out-of-home placement, a staffing is held. The purpose of the staffing is to determine whether all other available and appropriate services have been used or could be used by the family. The parents, the DDD case manager, the DDD social worker, and/or resource developer and

where appropriate, DCFS social worker may participate in staffings.

#### NEW SECTION

#### **WAC 388-826-0035 How is a decision made regarding participation in the voluntary placement program?**

(1) A decision regarding participation in VPP is based on the premise that all available DDD services to the child and family have been used and that out-of-home placement is in the best interest of the child and that the placement is due solely to the child's disability;

(2) There are funds available in VPP;

(3) Through a staffing, the family's DDD case resource manager, VPP supervisor and VPP social worker, and any other person who can provide useful information, discuss the services used, and share information and resources regarding the needs of the family and child;

(4) DDD and the parents must be in agreement about the need for out-of-home placement and that the request fits the criteria for the program. When both parties are in agreement, a written voluntary placement agreement is signed by the parent and DDD representative:

(a) If there are no funds available, parents may sign a request for out-of-home placement (DSHS 10-277);

(b) When it is determined that the request is appropriate, the child or youth is eligible for out-of-home placement, there are available funds and there is a placement, the agreement is signed and the child's file is transferred to a DDD social worker in the voluntary placement program;

(c) If there are funds available, the consideration for out-of-home placement continues. The name of the child/youth is placed on the VPP database for consideration of placement outside the home.

#### NEW SECTION

**WAC 388-826-0040 What is a voluntary placement agreement?** It is a mutually voluntary and written document between the parent and the department. It must be signed by the child's parent and the DSHS/DDD representative to be in effect. An agreement regarding a Native American child is not valid unless executed in writing before the court and filed with the court as provided in RCW 13.34.130. Any party to the voluntary placement agreement may terminate the agreement at any time. When one party ends the agreement, per the VPA, the voluntary agreement is ended.

The agreement authorizes DSHS/DDD to facilitate a placement for the child who is under eighteen years of age in a licensed facility. Under the term of the agreement, the parent retains legal custody. DSHS/DDD is responsible for the child's placement and care. The agreement shall at a minimum specify the legal status of the child and the rights and obligations of the parent or legal guardian, the child, and the department while the child is in placement.

#### NEW SECTION

**WAC 388-826-0045 What happens after a voluntary placement agreement is signed, what are the legal issues and who is responsible?** When the DDD social worker facilitates the placement of a child in a licensed out-of-home care arrangement, under a DDD voluntary placement agreement, the department has the responsibility for the child's placement and care. The department shall:

(1) In conjunction with the parents, develop an individual services plan for the child no later than sixty days from the date that the department assumes responsibility for the child's placement and care;

(2) Develop a shared parenting plan with foster care providers and parents;

(3) Obtain a judicial determination, within one hundred eighty days of placement, in accordance with RCW 13.34.030 and 13.34.270 that the placement is in the best interest of the child;

(4) Attend the permanency planning hearing reviews where a review of the child's out-of-home placement determines if it continues to be in the best interest of the child to continue the out-of-home placement;

(5) Make a face-to-face visit with the child and visit with the child in their licensed placement, every ninety days;

(6) Facilitate a judicial review at one hundred eighty days and annually thereafter, unless the child's placement ends before one hundred eighty days have elapsed;

(7) Provide for periodic administrative reviews of the child's case, unless a judicial review occurs every one hundred eighty days after initial placement.

#### NEW SECTION

**WAC 388-826-0050 Is there an ongoing court process when the child is in out-of-home placement and how does the process work?** The ongoing court process involves the following activities:

(1) When a child is placed in a licensed out-of-home setting, within one hundred eighty days, the DDD social worker must file an order with the court that says the custodial and legal parent has signed a voluntary placement agreement with DDD and voluntarily requests placement of their child in out-of-home care;

(2) The child's DDD social worker prepares the necessary papers and files them with the court clerk; and

(3) Once a year, the DDD social worker prepares a report that must be presented to the court. It is called an order for continued placement and it describes in the words of the social worker, why the out-of-home placement continues to be in the best interest of the child.

#### NEW SECTION

**WAC 388-826-0055 What basic services may a child receive from the voluntary placement program?** (1) Shared parenting between foster care providers and parents on daily routines;

(2) Medical coverage, under a medical coupon issued from the foster care medical unit (FCMU);

PERMANENT

- (3) Coordination with special education services in the local school district when the child meets eligibility criteria;
- (4) Supervised special activities in the community when appropriate;
- (5) Safe, developmentally appropriate care;
- (6) Supervision by a DDD social worker who has responsibility for visiting the child/youth at a minimum, every ninety days;
- (7) An individual services plan for the child within sixty days from the date that DSHS/DDD assumes responsibility for the child's placement and care;
- (8) DDD social worker prepares documents for court, and pursuant to RCW 13.34.030 and 13.34.270 shares the documents at the court hearings in order to determine that the placement is in the best interest of the child;
- (9) Social work services such as needs assessment, referral, service coordination and case monitoring;
- (10) Early intervention services: DDD ensures coordination of services for children from birth through thirty-five months of age with early intervention and special education; and
- (11) Medically intensive services under WAC 388-531-3000.

NEW SECTION

**WAC 388-826-0060 Are there other services a child may receive in this program?** In-home supports may be available to support a child in the parent's home. Approval of in-home support services is based on available funds. The criteria to receive in-home supports when there are available funds are:

- (1) Children whose current out of home placement disrupts and who are awaiting new out-of-home placements;
  - (2) Children whose names are on the database and whose parents have signed a "request for out-of-home placement."
- Service need level for in-home services are evaluated every six months and reviewed every ninety days thereafter. Any reduction in service or denial of services allows the child's family the right to appeal the decision under chapter 388-825 WAC.

NEW SECTION

**WAC 388-826-0065 What can parents expect if they use in-home supports under this program?** Within available funds, the child may sometimes receive supports. Supports may be in the form of respite services, specialized behavioral support, and other services that are needed to support the child's continued living arrangement in the parent's home. A person meeting provider qualifications may provide the supports to the child in the home, through a contract with DDD.

NEW SECTION

**WAC 388-826-0070 What is the responsibility of the department for the child who is in out-of-home care?** When DDD facilitates an out-of-home placement, DDD is responsible for:

- (1) A voluntary placement agreement according to this section;
- (2) Monitoring of the child's placement and care;
- (3) A permanency plan of care for the child;
- (4) A plan that monitors the health, safety and appropriateness of the child's placement at a minimum every ninety days, making face-to-face visits at that time;
- (5) The DDD social worker maintains any records as required by court oversight; and
- (6) DDD social worker facilitates a needs assessment, individual service plan and a shared parenting plan.

NEW SECTION

**WAC 388-826-0075 What are the responsibilities of the parents when their child receives services in the voluntary placement program?** Parents retain custody of their child at all times when the child is receiving services in the voluntary placement program. Parents responsibilities include, but are not limited to, the following:

- (1) The right to make all major nonemergency decision about medical care, enlistment in military service, marriage and other important legal decisions for the person under eighteen years of age;
- (2) Maintain ongoing and regular contact with the child;
- (3) Agree to work cooperatively with their child's DDD social worker and other DSHS staff and persons caring for their child;
- (4) Participate in decision making for their child;
- (5) Cooperate with DDD in selecting a representative payee for the child's Social Security benefits, received from the Social Security Administration, and which are used for basic maintenance while the child is in out-of-home care;
- (6) Agree that if their child's out-of-home placement disrupts, their child will return to the parents physical care until a new placement is developed. The parent's signature on the voluntary placement agreement confirms their understanding of the responsibilities listed in the VPA.

NEW SECTION

**WAC 388-826-0080 What are the expectations for parents when their child is in out-of-home care?** Parents are expected to be active in the "shared parenting" plan and continue to be involved in their child's life. The plan is a written agreement between the licensed foster parents or provider caring for the child and the child's parents. It includes:

- (1) Responsibilities of legal and foster parents or provider;
- (2) Plan for respite;
- (3) Emergency procedures;
- (4) Planned activities;
- (5) Expectations and special considerations; and
- (6) Involvement on a regular basis by the parent.

NEW SECTION

**WAC 388-826-0085 Are other DDD services available for a child through the voluntary placement program?** When a parent signs a voluntary placement agreement and the child enters the VPP, the child will no longer be eligible for services from the family support opportunity program, or the Medicaid Personal Care program. A parent will not be able to obtain other DDD services when the parent's child is in the VPP. The DDD VPP services will be authorized and obtained through the VPP. Some services will be similar to other DDD services, but they will not be paid for out of any other program, as long as the child is receiving services in the VPP.

NEW SECTION

**WAC 388-826-0090 What does a parent do with the child's Social Security benefits when the parent's child lives outside the parent's home?** (1) When a parent signs a DDD VPA, the DDD social worker shares with the parent a list of representative payee agencies. From the list, parents must select a representative payee for their child's SSI benefits.

(2) Each month, the child's SSI check will be sent to the representative payee. The portion of the check designated for "room and board," the amount that is allowed for basic maintenance while in foster care and when parents are not caring for their child in their own home, is sent to the licensed foster care provider for reimbursement for basic maintenance.

(3) The representative payee sets aside an amount from the child's SSI warrants designated as "client personal incidentals or CPI" and it is entered into a trust account for the child or youth. It is made available for items that are of a direct benefit to the child. The representative payee monitors the account held in trust for the child and notifies the DDD social worker when the account is within three hundred dollars of the maximum reserve exemption allowance.

NEW SECTION

**WAC 388-826-0095 Who pays for a child's care when a child is in out-of-home placement?** State funds, federal funds and the child's SSI, that is used for basic maintenance support the cost of the child's care while the child is in licensed out-of-home placement. The parent is encouraged to continue to support their child with typical activities, e.g., presents, clothing, special items, special outings. Licensed providers who care for the child in a licensed setting will be paid directly through a contract with DDD and according to an established rate structure, established within DDD.

NEW SECTION

**WAC 388-826-0100 What happens if the voluntary placement ends?** The child must be returned to the physical care of the child's legal parent unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The agreement as

described in RCW 74.13.350, between DDD and legal parents is completely voluntary. Per RCW 74.13.350, any party may terminate the agreement at any time.

NEW SECTION

**WAC 388-826-0105 When the child leaves the voluntary placement program for any reason, what DDD services are available to the child and family when voluntary placement ends?** Depending on availability of funds, the child and family may be eligible for other DDD programs and that would support the child.

NEW SECTION

**WAC 388-826-0110 Will a child or youth continue to receive special education or early intervention services while in VPP?** (1) Early intervention services are available to a child, birth through thirty-five months when in VPP and when that child meets the early intervention eligibility criteria.

(2) When a child or youth meets eligibility criteria for special education programs, ages three to twenty-one years, the child or youth continues to receive special education services through their local public school district.

(3) Office of superintendent of public instruction is responsible for the special education program for the eligible children, ages three to twenty-one years, RCW 28A.155.220 allows that children and youth who meet eligibility criteria may remain in special education until graduation, if that occurs during the school year.

NEW SECTION

**WAC 388-826-0115 What happens after a youth turns eighteen?** When a youth turns eighteen, and is considered an adult, while in the voluntary placement program, the youth may remain in the child foster home, in VPP, under the following circumstances:

(1) Youth remains in the education or vocational program in the local public school district in which he/she has been enrolled until graduation or age twenty-one, whichever is earlier, per WAC 392-172-030(2), RCW 74.13.031 (10) and (13), 28A.155.020, and 28A.155.030;

(2) The placement remains intact and does not disrupt;

(3) When needed, youth who turns eighteen can self-administer medication;

(4) Youth cannot remain in foster care, living in a child foster home, and in VPP, after eighteen years of age when:

(a) The child foster home placement disrupts;

(b) The youth leaves education or vocational program; or

(c) The youth who turns eighteen needs someone to administer medication.

Dependency guardianships end at age eighteen. If a youth has been in a legal guardianship, under chapter 11.88 RCW and if the reason for guardianship was the minority of the child the guardianship ends.

NEW SECTION

**WAC 388-826-0120 What happens if a parent disagrees with a decision made by DDD?** If a parent disagrees with a decision made by DDD staff, the parent has the right to pursue the appeal process, as outlined in RCW 71A.10.050 and chapter 388-02 WAC.

NEW SECTION

**WAC 388-826-0125 Does DDD make exceptions to the requirements in this chapter?** DDD may grant exceptions to the requirements specified in this chapter as long as the DDD director approves the request in writing within sixty days.

**WSR 02-23-001****PERMANENT RULES****PUBLIC DISCLOSURE COMMISSION**

[Filed November 6, 2002, 2:14 p.m.]

Date of Adoption: October 2 [29], 2002.

Purpose: To provide guidance to candidates and authorize committees as to under what circumstances surplus and nonsurplus funds may be transferred to other candidates or political committees, direct the major political party organizations to notify the Public Disclosure Commission, in writing, of the designated county central committees and legislative district committees that are to be considered bona fide political party committees and outline the role of complainants in compliance matters before the commission in accordance with the current Administrative Procedure Act.

Citation of Existing Rules Affected by this Order: Amending WAC 390-17-200, 390-37-030, and 390-16-234.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 02-19-094 on September 17, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 5, 2002

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

**WAC 390-16-234 Transfers of surplus and nonsurplus candidate funds.** (1) One candidate may reimburse another for the former's proportionate share of ((a)) documented and properly reported joint campaign expenses without the transaction constituting a "transfer" within the meaning of RCW 42.17.095.

(2) ~~((A candidate may transfer any amount of his or her surplus funds to an exempt contributions account of a party or caucus committee.))~~ Candidate surplus funds may be transferred without limit to a bona fide political party or to a caucus political committee.

(3) ~~((If a candidate transfers his or her surplus funds to an account, other than an exempt account of a bona fide political party or caucus, the candidate may only transfer up to the \$2,500 to the bona fide political party or \$500 to the caucus committee per year.~~

~~((4) Transfers to exempt accounts must be made by a separate written instrument.))~~ Except as provided in subsections (1) and (2) of this section, no candidate or candidate's authorized committee may transfer surplus or nonsurplus funds to any other candidate or political committee.

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

**WAC 390-17-200 Major political party organizations.** (1) With respect to a major political party, each of the following is considered a separate organization for purposes of making and receiving contributions: governing body of the state organization, county central committee and legislative district committee.

(2) Each major political party is restricted to one state central committee, one county central committee per county and one legislative district committee per legislative district.

(3) Each major political party shall designate each county central committee and each legislative district committee and shall notify the commission in writing of the names, addresses, telephone numbers, and e-mail addresses of each committee officer within two weeks following the designation ~~((by filing a PDC Form C-1pe)).~~

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

**WAC 390-37-030 Enforcement procedures—Status of citizen complainant and others.** (1) When a citizen complaint has been filed with the ~~((commission))~~ agency, neither the complainant nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the commission. However, the staff shall give notice to the complainant of any open commission hearings on the matter and the complainant may be called as a witness in any enforcement hearing or investigative proceeding.

(2) The complainant or any other person may submit documentary evidence and/or written factual or legal statements to the ~~((commission))~~ staff at any time up to and

including the fifth calendar day before the date of any enforcement hearing or proceeding. ~~((The complainant or any other person wishing to be heard in a compliance matter may request permission in advance of a public hearing on the matter or at such hearing, and the commission may grant such person a reasonable opportunity to be heard.))~~

(3) A person not satisfied with the dismissal of a complaint by the commission or its executive director when no violation is found, may pursue an appropriate remedy under RCW 42.17.400(4).

**WSR 02-23-002**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 02-278—Filed November 6, 2002, 2:44 p.m.]

Date of Adoption: November 4, 2002.

Purpose: Amend closed area rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-20-015, 220-20-020, and 220-20-025.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-15-025 on July 10, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 4, 2002

Evan Jacoby

for Jeff Koenings

Director

AMENDATORY SECTION (Amending Order 00-149, filed 8/16/00, effective 9/16/00)

**WAC 220-20-015 Lawful and unlawful acts—Salmon.** (1) It is unlawful to operate in any river, stream or channel any gill net gear longer than three-fourths the width of the stream; this provision shall supersede all other regulations in conflict with it.

(2) It is unlawful to operate any net for removing snags from state waters without permit from the department of fisheries.

(3) It is unlawful to take, fish for or possess for commercial purposes chinook salmon less than 28 inches in length or coho salmon less than 16 inches in length except as follows:

(a) In the Puget Sound, Grays Harbor, Willapa Bay and Columbia River commercial salmon net fisheries there is no minimum size limit on salmon taken with gill net gear.

(b) In the Pacific Ocean commercial salmon troll fishery frozen chinook salmon, dressed heads off shall be 21 1/2 inches minimum and frozen coho salmon dressed heads off shall be 12 inches minimum, measured from the midpoint of the clavicle arch to the fork of the tail.

(c) This subsection does not apply to salmon raised in aquaculture.

(4) It is unlawful to set, maintain, or operate any reef net gear at any location which places the stern ends of either or both reef net boats of said gear less than a distance of 800 feet in front of or behind the head buoys of any row or reef net gear, within the boundaries of the Lummi Island Reef Net Fisheries Area, as described in RCW 75.12.140.

(5) It is lawful to possess salmon for any purpose which were lawfully obtained from state and federal government fish hatcheries and facilities. Subsections (3) and (12) of WAC 220-20-010 and subsection (3) of WAC 220-20-015 do not apply to salmon possessed under this subsection.

(6) It is unlawful to take or fish for food fish from a commercial salmon trolling vessel with gear other than lawful troll line gear while said vessel is engaged in commercial fishing or has commercially caught fish aboard.

(7) It shall be unlawful to angle for salmon for personal use from any vessel that is engaged in commercial salmon trolling or has commercially caught salmon aboard.

~~((8) It is unlawful to fish for or possess salmon taken for commercial purposes from the Sund Rock Marine Preserve, the Titlow Beach Marine Preserve or the Colvos Passage Marine Preserve.~~

~~(9) It is unlawful to take salmon for personal use from the Colvos Passage Marine Preserve except by trolling, defined as fishing from a vessel under power and in gear making forward progress.))~~

AMENDATORY SECTION (Amending Order 01-286, filed 12/27/01, effective 1/27/02)

**WAC 220-20-020 General provisions—Lawful and unlawful acts—Food fish other than salmon.** (1) It is unlawful to fish for or possess for commercial purposes any round, undressed white sturgeon less than 48 inches or greater than 60 inches in length or any round, undressed green sturgeon less than 48 inches or greater than 66 inches in length.

(2) It is unlawful to fish for or possess for commercial purposes or possess aboard a commercial fishing vessel for any purpose any species of halibut (*Hippoglossus*) unless permitted by the current regulations of the International Pacific Halibut Commission.

(3) It is unlawful to fish for or possess for commercial purposes sturgeon taken from any of the waters of Puget Sound or tributaries, and any sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(4) It is unlawful to fish for food fish for commercial purposes in the waters of Shilshole Bay inland and inside a line projected in a southwesterly direction from Meadow Point to West Point.

(5) It is unlawful to fish for or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial gear, in all Puget Sound Marine Fish-Shellfish Areas.

(6) It shall be unlawful to harvest herring eggs naturally deposited on marine vegetation or other substrate, unless a person has a permit issued by the director.

~~(7) ((It is unlawful to fish for or possess food fish other than salmon taken for commercial purposes from the San Juan Islands Marine Preserve, except that it is lawful to take herring-~~

~~(8) It is unlawful to fish for or possess food fish other than salmon taken from the Titlow Beach Marine Preserve, the Sund Rock Marine Preserve or the Colvos Passage Marine Preserve.~~

~~(9))~~ It is unlawful to fish for or possess carp taken for commercial purposes except as authorized by written permit from the director, except that carp taken incidental to a commercial fishery for other species may be retained for commercial purposes. Failure to comply with the provisions of the carp permit constitutes unlawful use of the carp commercial fishery license.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

**WAC 220-20-025 General provisions—Shellfish.** (1) It is unlawful to drive or operate any motor-propelled vehicle, land any airplane or ride or lead any horse on the razor clam beds of the state of Washington, as defined in WAC 220-16-257. A violation of this subsection shall be punished as an infraction.

(2) It is unlawful to possess soft-shelled crab for any commercial purpose.

(3) It is unlawful to possess in the field any crab from which the back shell has been removed.

(4) It is unlawful to willfully damage crab or other shellfish. Any crab taken incidentally to a net fishery must be immediately returned to the water with the least possible damage to the crab.

~~((5) It is unlawful to fish for or possess shellfish taken for commercial purposes from the San Juan Islands Marine Preserve, except it is lawful to fish for crab in Parks Bay.~~

~~(6) It is unlawful to fish for, harvest, or possess shellfish taken from the Titlow Beach Marine Preserve, the Sund Rock Marine Preserve or the Colvos Passage Marine Preserve.))~~

**WSR 02-23-004**

**PERMANENT RULES**

**UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed November 7, 2002, 10:43 a.m., effective January 1, 2003]

**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 03-01 issue of the Register.

**WSR 02-23-027**

**PERMANENT RULES**

**DEPARTMENT OF LICENSING**

[Filed November 12, 2002, 11:59 a.m.]

Date of Adoption: September 19, 2002.

**Purpose:** To repeal chapter 196-27 WAC in its entirety and replace it with a completely new rewritten chapter 196-27A WAC. The reason for rewriting the chapter was to modernize the language, improve clarity, put the language into a positive format, establish a set of expectations for engineers and land surveyors to strive for in their professional practice, include issues that are pertinent to current and future practice and include a section that lists "explicit acts of misconduct."

**Citation of Existing Rules Affected by this Order:** Repealing WAC 196-27-010 and 196-27-020.

**Statutory Authority for Adoption:** RCW 18.43.035.

Adopted under notice filed as WSR 02-15-139 on July 22, 2002.

**Changes Other than Editing from Proposed to Adopted Version:** There were three word changes from the proposed to adopted version. In WAC 196-27A-020 (1)(b), "products" was changed to "documents" and "plans" was changed to "products." In WAC 196-27A-030(6), the word "products" was deleted from the sentence.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; **or Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted on the Agency's Own Initiative:** New 3, Amended 0, Repealed 2.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 3, Amended 0, Repealed 2.

**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.

November 8, 2002  
George A. Twiss  
Executive Director

PERMANENT

## Chapter 196-27A WAC

### RULES OF PROFESSIONAL CONDUCT AND PRACTICE

#### NEW SECTION

**WAC 196-27A-010 Purpose and applicability.** (1) RCW 18.43.110 provides the board of registration for professional engineers and land surveyors (board) with the exclusive power to fine and reprimand registrants and suspend or revoke the certificate of registration of any registrant for violation of any provisions of chapter 18.43 or 18.235 RCW. This includes, as stated in RCW 18.43.105(11), "Committing any other act, or failing to act, which act or failure are customarily regarded as being contrary to the accepted professional conduct or standard generally expected of those practicing engineering or land surveying." The purpose of chapter 196-27A WAC is to provide further guidance to registrants with respect to the accepted professional conduct and practice generally expected of those practicing engineering or land surveying.

(2) These rules of professional conduct and practice are applicable to all registrants and engineering/land surveying firms. A registrant is any person holding a certificate or license issued in accordance with chapter 18.43 RCW and an engineering/land surveying firm is one that has been issued a certificate of authorization to practice by the board.

(3) All persons, corporations, joint stock associations and limited liability companies registered under the provisions of chapter 18.43 RCW are charged with having knowledge of, and practicing in accordance with, the provisions of this chapter.

#### NEW SECTION

**WAC 196-27A-020 Fundamental canons and guidelines for professional conduct and practice.** Registrants are to safeguard life, health, and property and promote the welfare of the public. To that end, registrants have obligations to the public, their employers and clients, other registrants and the board.

**(1) Registrant's obligation to the public.**

(a) Registrants are obligated to be honest, fair and timely in their dealings with the public, their clients and other licensed professionals.

(b) Registrants must be able to demonstrate that their final documents and work products conform to accepted standards.

(c) Registrants must inform their clients or employers of the harm that may come to the life, health, property and welfare of the public at such time as their professional judgment is overruled or disregarded. If the harm rises to the level of an imminent threat, the registrant is also obligated to inform the appropriate regulatory agency.

(d) Registrants shall maintain their competency by continuing their professional development throughout their careers and shall provide opportunities for the professional development of those individuals under their supervision.

(e) Registrants shall be objective and truthful in professional documents, reports, public and private statements and testimony; all material facts, and sufficient information to support conclusions or opinions expressed, must be included in said documents, reports, statements and testimony. Registrants shall not knowingly falsify, misrepresent or conceal a material fact in offering or providing services to a client or employer.

(f) Registrants shall offer their services in a truthful, objective, professional manner that effects integrity and fosters public trust in the engineering and land surveying professions.

(g) Registrants should endeavor to extend the public knowledge of engineering and land surveying.

(h) Registrants shall accurately represent their academic credentials, professional qualifications and experience.

(i) Registrants may advertise professional services only in ways that are representative of their qualifications, experience and capabilities.

(j) Registrants shall forbid the use of their name or firm name by any person or firm that is engaging in fraudulent or dishonest business or professional practices.

**(2) Registrant's obligation to employer and clients.**

(a) Registrants are expected to strive with the skill, diligence and judgment exercised by the prudent practitioner, to achieve the goals and objectives agreed upon with their client or employer. They are also expected to promptly inform the client or employer of progress and changes in conditions that may affect the appropriateness or achievability of some or all of the goals and objectives of the client or employer.

(b) Registrants and their clients should have a clear and documented understanding and acceptance of the work to be performed by the registrant for the client. The registrant should maintain good records throughout the duration of the project to document progress, problems, changes in expectations, design modifications, agreements reached, dates and subject of conversations, dates of transmittals and other pertinent records consistent with prudent professional practice.

(c) Registrants shall seal only documents prepared by them or under their direct supervision as required by RCW 18.43.070.

(d) Registrants shall be competent in the technology and knowledgeable of the codes and regulations applicable to the services they perform.

(e) Registrants must be qualified by education or experience in the technical field of engineering or land surveying applicable to services performed.

(f) Registrants may accept primary contractual responsibility requiring education or experience outside of their own fields of competence, provided, their services are restricted to those parts and aspects of the project in which they are qualified. Other qualified registrants shall perform and stamp the work for other parts and aspects of the project.

(g) Registrants shall act as faithful agents or trustees in professional matters for each employer or client.

(h) Registrants shall advise their employers or clients in a timely manner when, as a result of their studies and their professional judgment, they believe a project will not be successful.

(i) Registrants shall avoid conflicts of interest, or the appearance of a conflict of interest, with their employers or clients. Registrants must promptly inform their employers or clients of any business association, interest, or circumstances that could influence their judgment or the quality of their services or would give the appearance that an existing business association, interest, or circumstances could result in influencing their judgment or the quality of their services.

(j) Registrants shall accept compensation from only one party for services rendered on a specific project, unless the circumstances are fully disclosed and agreed to by the parties of interest.

**(3) Registrant's obligation to other registrants.**

(a) If registrants issue statements, critiques, evaluations or arguments on engineering or land surveying matters, they shall clearly indicate on whose behalf the statements are made.

(b) Registrants shall negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of services required.

(c) Registrants shall respond to inquiries from other registrants regarding their work in a timely, fair and honest manner as would be expected from a prudent practitioner.

**(4) Registrant's obligation to the board.**

(a) Registrants shall cooperate with the board by providing, in a timely manner, all records and information requested in writing by the board, or their designee.

(b) Registrants shall respond to, or appear before the board at the time, date and location so stated in a legally served board order.

(c) Registrants shall notify the board of suspected violations of chapter 18.43 or 18.235 RCW or of these rules by providing factual information in writing to convey the knowledge or reason(s) to believe another person or firm may be in violation.

**NEW SECTION**

**WAC 196-27A-030 Explicit acts of misconduct.** In addition to any failure to conform with the requirements of chapter 18.43 or 18.235 RCW, or this chapter, the following acts and any act or condition listed in RCW 18.235.130, are explicitly defined as misconduct in the practice of engineering and/or land surveying.

(1) Aiding or abetting the unsupervised practice of engineering or land surveying in the state by a person or firm that is not registered in accordance with chapter 18.43 RCW, or, aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required.

(2) The practice of engineering or land surveying by a registrant when the registrant's license is retired (see WAC 196-25-100(6)), expired, suspended or revoked.

(3) Failing to comply with the terms and conditions of an order issued by the board.

(4) Failing to provide relevant information on plans and surveys in a clear manner consistent with prudent practice.

(5) Failing to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC.

(6) Failing to respond to inquiries from clients, or other professionals regarding conflicts with the registrant's work, opinions or procedures, in a manner that would be expected from a prudent practitioner.

(7) Failing to correct engineering or land surveying documents or drawings known to contain substantive errors.

(8) Failing to notify a client or employer that a project could not, or would not, be completed once that assessment is made.

(9) Modifying another licensee's work without notifying that licensee, and clearly delineating the modifications and sealing and signing the modifications made; EXCEPT where the plans, maps, or documents are modified by the owner to reflect changes over time for their own purposes and are not used for submittals or bid documents.

(10) Offering or accepting money, goods or other favors as inducement to receive favorable consideration for a professional assignment, or as an inducement to approve, authorize or influence the granting of a professional assignment.

(11) Soliciting or accepting gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with clients or employers in connection with work for which the registrant is responsible.

(12) Using privileged information coming to registrants in the course of their assignments as a means of making personal profit beyond their professional compensation.

(13) Requesting, proposing, or accepting professional commissions on a contingent basis under circumstances in which the registrant's integrity may be compromised.

(14) Willfully attempting to interfere with a board investigation by falsifying records, making false statements and intimidating or influencing witnesses.

(15) Willfully attempting to suborn another person to violate the law or administrative code, public policy or their code of professional ethics.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 196-27-010	Purpose and definitions.
WAC 196-27-020	Fundamental canons and guidelines for professional practice.

**WSR 02-23-028  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed November 12, 2002, 3:31 p.m., effective December 1, 2002]

Date of Adoption: November 7, 2002.

Purpose: This rule explains how the department treats vehicles for food assistance. Certain vehicles can be excluded in their entirety. If a vehicle cannot be completely excluded, we must count it towards the resource limit.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-470-0075.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Adopted under notice filed as WSR 02-16-032 on July 29, 2002.

Changes Other than Editing from Proposed to Adopted Version: Changed the program name from "food assistance program" to "Washington basic food program" in the WAC caption and first paragraph. The change does not alter the effect of the rule. There were no other text changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Pursuant to RCW 34.05.380 (3)(a), such action is required by the state or federal constitution, a statute, or court order. This rule change is necessary to comply with federal regulations found in 7 C.F.R. 273.9. Failure to meet these regulations could result in federal sanctions and loss of benefits for needy clients.

Effective Date of Rule: December 1, 2002.

November 7, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-16-134, filed 7/31/01, effective 11/1/01)

**WAC 388-470-0075 How is my vehicle counted for the Washington basic food ((assistance)) program? This rule applies to the Washington basic food program only.**

(1) A vehicle is a motorized device that the client can use as a regular means of transportation.

(2) If you own a licensed vehicle we (the department) ((exclude)) do not count its entire value ((even when you are temporarily unemployed;)) if the vehicle ((is)):

(a) Has an equity value (Fair Market Value (FMV) minus what you owe on the vehicle) of one thousand five hundred dollars or less.

(b) Is used over fifty percent of the time ((for)) to make income((producing purposes)). This includes vehicles such as a taxi, truck, or fishing boat. If you are a self-employed farmer or fisher and your self-employment ends, we ((con-

tinue to)) still exclude your vehicle for one year from the date you end your self-employment.

((b)) (c) Is used to ((produce)) make income each year that is consistent with its ((fair market value-))FMV((;)), even if used on a seasonal basis.

((e-Necessary))

(d) Is needed for long-distance travel, other than daily commuting, for the employment of ((a household member whose resources are considered available to the assistance unit (AU), such as an ineligible alien or disqualified person-

(d) Needed for hunting or fishing to support the household)) an assistance unit (AU).

(e) Is used as ((the)) your AU's home.

(f) Is used to carry fuel for heating or water for home use when this is the primary source of fuel or water for ((the)) your AU.

(g) Is needed to transport a physically disabled AU member, no matter if the disability is permanent or temporary.

((h) Likely to produce an equity value (FMV less what is owed on the vehicle) of no more than one thousand five hundred dollars-

(2) If your))

(3) For licensed ((vehicle is)) vehicles we did not ((excluded)) exclude in subsection ((4)) (2) above ((and the)), we subtract four thousand six hundred fifty dollars from the vehicle's FMV ((is)) and count the remaining amount toward the resource limit for:

(a) ((Less than four thousand six hundred fifty dollars, we exclude each)) One vehicle ((less than four thousand six hundred fifty dollars)) for each adult AU member no matter how it is used; and

(b) ((Greater than four thousand six hundred fifty dollars, we count the amount in excess of four thousand six hundred fifty dollars toward the resource limit for:

(i) One vehicle for each adult household member no matter how it is used; and

(ii)) Any vehicle ((a household)) an AU member under age eighteen uses to drive to work, school, training, or to look for work.

((3)) (4) If you have other licensed vehicles, we count the larger value of the following toward ((the)) your AU's resource limit:

(a) FMV greater than four thousand six hundred fifty dollars; or

(b) Equity value (FMV ((less)) minus what is owed on the vehicle).

((4)) (5) If you are a tribal member and drive an unlicensed vehicle on ((those reservations that don't)) a reservation that does not require vehicle licensing, we count or exclude your vehicle ((will be treated like)) as if it was a licensed vehicle.

((5)) (6) For all other unlicensed vehicles we count the equity value towards ((the)) your AU's resource limit unless the vehicle is:

(a) Used to ((produce)) make income each year that is consistent with its FMV, even if used on a seasonal basis; or

(b) Work-related equipment ((necessary)) needed for employment or self-employment of a ((household)) member of your AU.

~~((6) When excluding vehicles due to their equity value,))~~

~~(7) We do not add ((up)) the equity values of ((multiple)) different vehicles together to perform the equity test. We look at each vehicle ((is evaluated)) separately ((and compared to your resource limit. For vehicles evaluated using the FMV test, we add the values of multiple vehicles together and compare the result to your resource limit)). If a vehicle passes the equity test, we do not count it towards the resource maximum.~~

(8) After we determine the countable value of each vehicle, we add those values to your other countable resources to see if your resources are below your resource limit.

RCW 74.04.770. Failure to meet these requirements could result in loss of benefits for needy clients.

Effective Date of Rule: December 1, 2002.

November 7, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-11-108, filed 5/21/01, effective 7/1/01)

**WAC 388-478-0015 Need standards for cash assistance.** The need standards for cash assistance units are:

(1) For assistance units with obligation to pay shelter costs:

Assistance Unit Size	Need Standard
1	\$ <del>((797))</del> <u>944</u>
2	<del>((1,008))</del> <u>1,194</u>
3	<del>((1,247))</del> <u>1,474</u>
4	<del>((1,467))</del> <u>1,740</u>
5	<del>((1,690))</del> <u>2,005</u>
6	<del>((1,918))</del> <u>2,271</u>
7	<del>((2,215))</del> <u>2,624</u>
8	<del>((2,452))</del> <u>2,905</u>
9	<del>((2,693))</del> <u>3,185</u>
10 or more	<del>((2,926))</del> <u>3,465</u>

(2) For assistance units with shelter provided at no cost:

Assistance Unit Size	Need Standard
1	\$ <del>((480))</del> <u>492</u>
2	<del>((607))</del> <u>623</u>
3	<del>((752))</del> <u>769</u>
4	<del>((884))</del> <u>907</u>
5	<del>((1,019))</del> <u>1,046</u>
6	<del>((1,156))</del> <u>1,184</u>
7	<del>((1,335))</del> <u>1,369</u>
8	<del>((1,478))</del> <u>1,515</u>
9	<del>((1,623))</del> <u>1,661</u>
10 or more	<del>((1,764))</del> <u>1,807</u>

**WSR 02-23-029**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed November 12, 2002, 3:34 p.m., effective December 1, 2002]

Date of Adoption: November 7, 2002.

Purpose: Need standards for cash assistance programs represent the amount of income required by individuals and families to maintain a minimum and adequate standard of living. Need standards are based on assistance unit size and include basic requirements for food, clothing, shelter, energy costs, transportation, household maintenance and operations, personal maintenance, and necessary incidentals. This rule specifies the need standards for cash assistance based on assistance unit size.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0015.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.510, and 74.04.770.

Adopted under notice filed as WSR 02-20-039 on September 24, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Pursuant to RCW 34.05.380 (3)(a), such action is required by the state or federal constitution, a statute, or court order. This rule change is necessary to comply with statutory requirements of

**WSR 02-23-030**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Disabilities and Long-Term Care Administration)

[Filed November 12, 2002, 3:37 p.m.]

Date of Adoption: November 7, 2002.

Purpose: Adopting new WAC 388-97-143 to incorporate new legislation (chapter 256, Laws of 2002) regarding immunizations for influenza virus and pneumococcal disease; amending WAC 388-97-650 in order to correct references; and amending WAC 388-97-570 (1)(i) and (3)(c) by

PERMANENT

reference in order to clarify language regarding criminal convictions and protection proceedings per new legislation (chapter 219, Laws of 2002).

Citation of Existing Rules Affected by this Order: Amending WAC 388-97-570 and 388-97-650.

Statutory Authority for Adoption: RCW 18.51.070, 74.42.620.

Adopted under notice filed as WSR 02-20-103 on October 2, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 7, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

#### NEW SECTION

**WAC 388-97-143 Influenza and pneumococcal immunizations.** (1) The nursing home shall provide residents access on-site or make available elsewhere, the ability to obtain the influenza virus immunization on an annual basis.

(2) Upon admission, the nursing home shall inform residents or the resident's representative, verbally and in writing, of the benefits of receiving the influenza virus immunization and the pneumococcal disease immunization.

(3) Nursing homes who rely exclusively upon treatment by nonmedical religious healing methods, including prayer, are exempt from the above rules.

**AMENDATORY SECTION** (Amending WSR 02-14-063, filed 6/27/02, effective 7/28/02)

**WAC 388-97-570 Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license.** (1) The department may deny, suspend, modify, revoke, or refuse to renew a nursing home license when the department finds the proposed or current licensee, or any partner, officer, director, managing employee, owner of five percent or more of the proposed or current licensee of the nursing home, owner of five percent or more of the assets of the nursing home, proposed or current administrator, or employee or individual providing nursing home care or services has:

- (a) Failed or refused to comply with the:
  - (i) Requirements established by chapters 18.51, 74.42, or 74.46 RCW and regulations adopted under these chapters; or
  - (ii) Medicaid requirements of Title XIX of the Social Security Act and Medicaid regulations.
- (b) A history of significant noncompliance with federal or state regulations in providing nursing home care;
- (c) No credit history or a poor credit history;
- (d) Engaged in the illegal use of drugs or the excessive use of alcohol or been convicted of "crimes relating to drugs" as defined in RCW 43.43.830;
- (e) Unlawfully operated a nursing home, or long term care facility as defined in RCW 70.129.010, without a license or under a revoked or suspended license;
- (f) Previously held a license to operate a hospital or any facility for the care of children or vulnerable adults, and that license has been revoked, or suspended, or the licensee did not seek renewal of the license following written notification of the licensing agency's initiation of revocation or suspension of the license;
- (g) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;
- (h) Permitted, aided, or abetted the commission of any illegal act on the nursing home premises;
- (i) Been convicted of a felony(,) or other ((~~than a felony that is a "crime against children or other persons," or a "crime relating to financial exploitation" as defined in RCW 43.43.830, if the~~) crime that would be prohibited under RCW 74.39A.050(8), if it reasonably relates to the competency of the individual to own or operate a nursing home;
- (j) Failed to:
  - (i) Provide any authorization, documentation, or information the department requires in order to verify information contained in the application;
  - (ii) Meet financial obligations as the obligations fall due in the normal course of business;
  - (iii) Verify additional information the department determines relevant to the application;
  - (iv) Report abandonment, abuse, neglect or financial exploitation in violation of chapter 74.34 RCW; or in the case of a skilled nursing facility or nursing facilities, failure to report as required by 42 C.F.R. 483.13; or
  - (v) Pay a civil fine the department assesses under this chapter within ten days after assessment becomes final(,);
- (k) Been certified pursuant to RCW 74.20A.320 as a person who is not in compliance with a child support order (license suspension only);
  - (l) Knowingly or with reason to know makes a false statement of a material fact in the application for a license or license renewal, in attached data, or in matters under department investigation;
  - (m) Refused to allow department representatives or agents to inspect required books, records, and files or portions of the nursing home premises;
  - (n) Willfully prevented, interfered with, or attempted to impede the work of authorized department representatives in the:
    - (i) Lawful enforcement of provisions under this chapter or chapters 18.51 or 74.42 RCW; or

(ii) Preservation of evidence of violations of provisions under this chapter or chapters 18.51 or 74.42 RCW.

(o) Retaliated against a resident or employee initiating or participating in proceedings specified under RCW 18.51.220; or

(p) Discriminated against Medicaid recipients as prohibited under RCW 74.42.055.

(2) In determining whether there is a history of significant noncompliance with federal or state regulations under subsection (1)(b), the department may, at a minimum, consider:

(a) Whether the violation resulted in a significant harm or a serious and immediate threat to the health, safety, or welfare of any resident;

(b) Whether the proposed or current licensee promptly investigated the circumstances surrounding any violation and took steps to correct and prevent a recurrence of a violation;

(c) The history of surveys and complaint investigation findings and any resulting enforcement actions;

(d) Repeated failure to comply with regulations;

(e) Inability to attain compliance with cited deficiencies within a reasonable period of time; and

(f) The number of violations relative to the number of facilities the proposed or current licensee, or any partner, officer, director, managing employee, employee or individual providing nursing home care or services has been affiliated within the past ten years, or owner of five percent or more of the proposed or current licensee or of the assets of the nursing home.

(3) The department must deny, suspend, revoke, or refuse to renew a proposed or current licensee's nursing home license if the proposed or current licensee or any partner, officer, director, managing employee, owner of five percent or more of the proposed or current licensee of the nursing home or owner of five percent or more of the assets of the nursing home, proposed or current administrator, or employee or individual providing nursing home care or services has been:

(a) Convicted of a "crime against children or other persons" as defined under RCW 43.43.830;

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

(c) Found by a court in a criminal proceeding or a protection proceeding under chapter 74.34 RCW, or any comparable state or federal law, to have abandoned, abused, neglected or financially exploited a vulnerable adult;

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

(e) Found in any dependency action to have sexually assaulted or exploited any minor or to have physically abused any minor;

(f) Found by a court in a domestic relations proceeding under Title 26 RCW, or any comparable state or federal law, to have sexually abused or exploited any minor or to have physically abused any minor; or

(g) Found to have abused, neglected, abandoned or financially exploited or mistreated residents or misappropri-

ated their property, and that finding has been entered on a nursing assistant registry.

AMENDATORY SECTION (Amending WSR 02-14-063, filed 6/27/02, effective 7/28/02)

**WAC 388-97-650 Stop placement.** (1) The department must impose a stop placement order when required by RCW 18.51.060(5) and WAC (~~388-97-650~~) 388-97-630(1) and may impose a stop placement order as an optional remedy in accordance with WAC 388-97-635. The department's stop placement order becomes effective upon verbal or written notice.

(2) The nursing home has the right to an informal department review to refute the federal or state deficiencies, or both, cited as the basis for the stop placement and must request such review in accordance with WAC 388-97-620(3).

(3) The department will not delay or suspend a stop placement order because the nursing home requests an administrative hearing or informal department review.

(4) The stop placement order must remain in effect until:

(a) The department terminates the stop placement order; or

(b) The stop placement order is terminated by a final agency order following appeal conducted in accordance with chapter 34.05 RCW.

(5) The department must terminate the stop placement when:

(a) The nursing home states in writing that the deficiencies necessitating the stop placement action have been corrected; and

(b) Within fifteen working days of the nursing home's notification, department staff confirm by on-site revisit of the nursing home that:

(i) The deficiencies that necessitated the stop placement action have been corrected; and

(ii) The nursing home exhibits the capacity to maintain adequate care and services and correction of deficiencies.

(6) After lifting the stop placement, the department may continue to perform on site monitoring to verify that the nursing home has maintained correction of deficiencies.

(7) While a stop placement order is in effect, the department may approve a readmission to the nursing home from the hospital in accordance with RCW 18.51.060 (5)(b) and department guidelines for readmission decisions.

## WSR 02-23-034

### PERMANENT RULES

### DEPARTMENT OF REVENUE

[Filed November 13, 2002, 3:08 p.m.]

Date of Adoption: November 13, 2002.

Purpose: This rule discusses the B&O, sales, and use tax reporting responsibilities of persons providing laundry and/or dry cleaning services, linen and uniform supply services, and self-service and coin-operated laundry facilities. WAC 458-20-165 has been revised to reflect chapter 186, Laws of 2001, which provides that the place of sale for linen and uniform

supply services is the place of delivery to the customer. The rule also incorporates chapter 367, Laws of 2002, by explaining the use tax reporting responsibilities of persons who acquire laundry and/or dry cleaning services or linen and uniform supply services without payment of the retail sales tax.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-165 Laundry, dry cleaning, linen and uniform supply, and self-service and coin-operated laundry services.

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

Adopted under notice filed as WSR 02-17-079 on August 19, 2002.

Changes Other than Editing from Proposed to Adopted Version: The rule's title has been restructured.

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.

November 13, 2002

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 99-13-052, filed 6/9/99, effective 7/10/99)

**WAC 458-20-165 ((Laundries, dry cleaners)) Laundry, dry cleaning, linen and uniform supply, and self-service ((laundries and dry cleaners)) and coin-operated laundry services.** (1) **Introduction.** This rule discusses the application of the business and occupation (B&O), retail sales, and use taxes to laundries, dry cleaners, ((pickup and delivery services, and self-service laundries and dry cleaners. Persons selling laundry and/or dry cleaning services are generally making retail sales, except when making sales to nonprofit health care facilities or providing coin-operated laundry facilities in apartment houses, rooming houses, or mobile home parks. RCW 82.04.050.

(2) **Definitions.** The following definitions apply to this rule.

(a) A "laundry or dry cleaning business" includes operating a plant or establishment, or contracting with others, for laundering, cleaning, dyeing, pressing, and incidentally repairing such articles as clothing, linens, bedding, towels, curtains, drapes, and rugs. Laundry or dry cleaning busi-

nesses include self-service businesses which provide coin-operated and noncoin-operated laundry or dry cleaning facilities. This term also includes pickup and delivery laundry services performed by persons operating in their own respective names and not as commissioned agent for another laundry business.

(b) A "laundry or linen supply service" is the activity of providing customers with a supply of items such as clean linen, uniforms, and towels, whether ownership of such property is in the person operating the laundry or linen supply service or in the customer. The term includes supply services operating their own cleaning establishments as well as those contracting with other laundry or dry cleaning businesses.

(c) "~~Nonprofit health care facilities~~" means facilities operated by nonprofit organizations providing diagnostic, therapeutic, convalescent, or preventive inpatient or outpatient health care services. The term includes, but is not limited to, nonprofit hospitals, nursing homes, and hospices.

(3) **Business and Occupation Tax.** Business and occupation tax applies as follows:

(a) **Retailing.** Persons operating laundry or dry cleaning businesses are generally taxable under the retailing classification upon the gross proceeds of sales, without any deduction on account of commissions allowed or amounts paid to another for the performance of all or part of the laundry or dry cleaning service rendered.

The gross proceeds of sales include charges for cleaning and for sales of soap, bleach, fabric softener, laundry bags, hangers, and other tangible personal property to consumers. Charges for alterations are also subject to the retailing classification. See "retail sales tax" below for a more detailed explanation of the charges included in the retailing classification.

(b) **Wholesaling.** Tax is due under the wholesaling classification upon the gross proceeds of sales derived from laundry or dry cleaning services rendered for other laundry and dry cleaning businesses. The laundry or dry cleaning business purchasing these services should provide a resale certificate to the seller. See WAC 458-20-102 (Resale certificates).

(c) **Service and other activities.** Effective June 11, 1998, any person making sales of laundry services to a nonprofit health care facility is taxable under the service and other activities B&O classification on the gross income received for such services. For the period of July 1, 1993 June 10, 1998, the service and other activities B&O tax applied only to sales of laundry services to members by nonprofit associations composed exclusively of nonprofit hospitals.

(i) Effective July 1, 1998, the service and other activities B&O tax applies to charges for the use of coin-operated laundry facilities in apartment houses, rooming houses, or mobile home parks which are provided for the exclusive use of tenants. Chapter 275, Laws of 1998. Prior to this date these charges were considered a retail sale.

(ii) Persons who collect and distribute laundry or dry cleaning as a commissioned agent for one or more laundry or dry cleaning businesses, and who act as an independent contractor rather than as an employee, are liable for service B&O tax on their gross commissions. See WAC 458-20-159 for the recordkeeping requirements for showing agency status.

~~(4) Retail Sales Tax.—Laundry and dry-cleaning businesses, including self-service or coin-operated laundries or dry cleaners, and laundry or linen supply services are required to collect the retail sales tax upon the total charge made to the consumer for laundry and dry-cleaning service or laundry or linen supply service.~~

~~(a) Persons in Washington who provide laundry or linen supply services are making retail sales in this state even though their customers may be located outside this state. Gross income from such services is subject to tax because the charge is for laundering which takes place in this state, rather than being a true rental of property (e.g., uniforms, linen, and towels) to nonresidents. Conversely, persons located outside the state of Washington who provide laundry or linen supply services to consumers in this state are not making retail sales in this state. The laundering service is performed outside Washington state and is exempt from Washington's B&O and retail sales taxes.~~

~~(b) Prior to July 1, 1998, charges made for the use of coin-operated laundry facilities provided for the exclusive use of tenants in apartment houses, rooming houses, or mobile home parks were retail sales. This income is subject to the service and other activities B&O tax effective July 1, 1998. (Chapter 275, Laws of 1998.) Charges for the use of coin-operated laundry facilities in hotels, motels, trailer camps, and other locations providing lodging or camping facilities to transients remain subject to the retail sales tax.~~

~~(c) Laundry and dry-cleaning businesses providing services through commissioned agents should collect and remit the retail sales tax to the department.~~

~~(i) If the agent is a hotel or an apartment house billing guests or tenants for laundry or dry-cleaning services, the hotel or apartment house should collect the retail sales tax on the total charge for the laundry or dry-cleaning and remit the payment to the laundry or dry-cleaning business. The laundry or dry-cleaning business is responsible for remitting the tax to the department.~~

~~(ii) If the agent is a commissioned driver, the laundry or dry-cleaning business can bill the customer directly for the services or the driver can collect the payment from the customer and remit the payment to the laundry or dry-cleaning business. In either case, the retail sales tax must be collected on the total charge made to the customer and the laundry or dry-cleaning business is responsible for remitting the tax to the department.~~

~~(d) In most cases the retail sales tax must be stated separately from the selling price or collected separately from the buyer. (See RCW 82.08.050.) An exception is made for coin-operated sales. The seller may deduct the tax from the total amount received in coin-operated machines to arrive at the net amount which becomes the measure of the tax.~~

~~(e) In general, the place of sale for purposes of local sales tax is the place the laundry or dry-cleaning services are performed. See WAC 458-20-103 and 458-20-145.~~

~~(i) If a laundry or dry-cleaning business contracts with another laundry or dry-cleaning business to do the cleaning, the place of sale is the location of the laundry or dry-cleaning business used by the customer to drop-off and pickup the laundry.~~

~~(ii) If a laundry or dry-cleaning business uses a commissioned agent such as a hotel, an apartment house, or a commissioned driver for pickup and delivery of the articles to be cleaned, the place of sale is the location of the laundry or dry-cleaning business which does the cleaning.~~

~~(f) Sales to laundries or dry-cleaning businesses and laundry or linen supply services of soaps, cleaning solvents, and other articles or substances consumed in rendering a laundry, laundry supply or cleaning service are retail sales and are subject to the retail sales tax. Retail sales tax also applies to sales of equipment such as washing machines, irons, and furniture, and supplies such as hand tools, sewing notions, scissors, spotting brushes, and stationery.~~

~~(g) Sales to laundry and dry-cleaning businesses of dyes, fabric softeners, starches, sizing, and similar articles or substances, which become ingredients of the articles cleaned, are generally sales at wholesale and are not subject to the retail sales tax. Similarly, sales to persons operating laundry or linen supply services of linen, uniforms, towels, cabinets, hand soap, and similar property rented or supplied to customers as a part of the service rendered are generally wholesale sales.~~

~~Persons selling laundry services to nonprofit health care facilities are considered consumers of all items used in providing such services. RCW 82.04.190 (2)(a). As a result, sales of items such as dyes, fabric softeners, linens, and uniforms to these persons are retail sales and subject to the retail sales tax.~~

~~(h) Sales to self-service or coin-operated laundries of any items the laundries give to their customers are retail sales. Sales of soap, bleach, fabric softener or other supplies to self-service or coin-operated laundries for resale to their customers are wholesale sales. A sale is for resale if the self-service business sells the supplies to customers separate from the charge for the use of the laundry appliances. The laundry or dry-cleaning business should provide a resale certificate to the seller as provided in WAC 458-20-102.~~

~~(5) Deferred Sales or Use Tax.—With respect to purchases by laundries or dry-cleaning businesses and laundry or linen supply services, if the seller fails to collect the appropriate retail sales tax, the buyers are required to pay the retail sales tax (commonly referred to as the "deferred sales tax" or use tax to the department) laundry pickup and delivery services, self-service laundries and dry cleaners, and linen and uniform supply services. It also discusses the tax treatment of laundry services provided to nonprofit health care facilities and income received from coin-operated laundry facilities.~~

~~(2) What is a laundry or dry-cleaning service? A "laundry or dry-cleaning service" is the activity of laundering, cleaning, dyeing, and pressing of articles such as clothing, linens, bedding, towels, curtains, drapes, and rugs. It also includes incidental mending or repairing. The term applies to services operating their own cleaning establishments as well as those contracting with other laundry or dry-cleaning services. It also includes pickup and delivery laundry services performed by persons operating in their independent capacity and not as agent for another laundry or dry-cleaning service.~~

~~(a) Sales of laundry or dry-cleaning services. The gross proceeds of sale and selling price of laundry or dry~~

cleaning services provided to consumers are subject to the retailing B&O tax and retail sales tax, respectively. No deduction is available for commissions allowed or amounts paid to another for the performance of all or part of the laundry or dry cleaning service. RCW 82.04.070 and 82.08.010. The retailing B&O and retail sales taxes also apply to sales of soap, bleach, fabric softener, laundry bags, hangers, and other tangible personal property to consumers.

The wholesaling B&O tax applies to the gross proceeds of sale from laundry or dry cleaning services performed for persons reselling these services. The seller must obtain a resale certificate from the buyer to document the wholesale nature of any sale as provided in WAC 458-20-102 (Resale certificates).

(b) **Place of sale.** For the purposes of determining a seller's responsibility to remit B&O tax and/or to collect and remit retail sales tax, the place of sale for laundry and dry cleaning services is the place the laundering or dry cleaning is performed. RCW 82.14.020(4) and 82.04.050. For example, a laundry or dry cleaning service located in Washington must collect sales tax from an Oregon resident who brings clothing items to the business for laundering or dry cleaning. In addition, the gross proceeds are subject to the retailing B&O tax. Even though the customer resides in Oregon, both taxes apply because the laundering or dry cleaning occurs in Washington.

(i) **Seller hiring third-party to perform services.** A customer may purchase laundry or dry cleaning services from a seller who hires another person to perform the actual cleaning activity. In such cases, the customer will drop off and pick up the clothing or other articles to be cleaned at the seller's business location. The place of sale with respect to this sale is the seller's location where the customer drops off and picks up the articles.

(ii) **Seller using agent for pickup and delivery.** If a person providing laundry or dry cleaning services uses an agent such as a hotel or a driver for pickup and delivery of the articles to be cleaned, the place of sale is the seller's location where the cleaning is performed.

(c) **Purchases at wholesale.** The purchase of tangible personal property for resale as tangible personal property or as a component or ingredient of the cleaned article is a purchase at wholesale. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as discussed by WAC 458-20-102 (Resale certificates).

The following are examples of items that may be purchased at wholesale:

(i) Dyes, fabric softeners, starches, sizing, and similar articles or substances that become ingredients of the articles cleaned; and

(ii) Soap, bleach, fabric softener, laundry bags, hangers, and other tangible personal property that are not used in performing a laundry or dry cleaning services but are resold as tangible personal property.

(d) **Purchases subject to retail sales or use tax.** A laundry or dry cleaning business that acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the

appropriate retail sales tax. For further information about the use tax, refer to WAC 458-20-178 (Use tax).

The following are examples of purchases by a laundry or dry cleaning service that are subject to retail sales tax or use tax:

(i) Soaps, cleaning solvents, and other articles or substances that do not become ingredients of the articles cleaned;

(ii) Equipment such as washing machines, dryers, presses, irons, fixtures, and furniture;

(iii) Supplies such as hand tools, sewing notions, scissors, spotting brushes, and stationery; and

(iv) Items given to customers without charge.

(3) **What are linen and uniform supply services?** "Linen and uniform supply services" means the activity of providing customers with a supply of clean linen, towels, uniforms, gowns, protective apparel, clean room apparel, mats, rugs, and/or similar items whether ownership of the item is in the person operating the linen and uniform supply service or in the customer. RCW 82.08.0202. It also means the supply of diapers and bedding. "Linen and uniform supply services" includes supply services operating their own cleaning establishments as well as those contracting with other laundry or dry cleaning businesses.

A person providing linen and uniform supply services performs a number of different activities, often at multiple locations. Many of these activities are the same types of activities performed by a person providing laundry or dry cleaning services, such as: Laundering, dry cleaning, pressing, incidental mending, and/or pickup and delivery. Additional activities not generally performed by a person providing laundry or dry cleaning services may include: Providing linen and uniform items customized by application of the customer's business name, company logo, employee names, etc.; measuring and/or issuing uniforms to the customer's employees; repairing or replacing worn or damaged linen and uniform items; and/or performing various administrative functions for the customer, such as inventory control.

(a) **Sales of linen and uniform supply services.** The gross proceeds of sale and selling price from linen and uniform supply services provided to consumers are subject to the retailing B&O tax and retail sales tax, respectively. No deduction is available for commissions allowed or amounts paid to another for the performance of all or part of the laundry or dry cleaning service. RCW 82.04.070 and 82.08.010.

(b) **Place of sale.** Effective July 1, 2001, for the purposes of determining a seller of linen and uniform supply services' responsibility to remit B&O tax and to collect and remit retail sales tax, the place of sale is the place of delivery to the customer. For periods before July 1, 2001, the place of sale was the location at which the laundering activity was performed.

For assistance with determining appropriate local sales and use tax rates, the department's geographic information system (GIS) provides a mapping and address lookup system. The system is available on the department's Internet site at: <http://dor.wa.gov>.

(c) **Purchases at wholesale.** The purchase of tangible personal property for resale as tangible personal property or as a component or ingredient of the cleaned article is a whole-

sale sale. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as discussed by WAC 458-20-102 (Resale certificates).

The following are examples of items that may be purchased at wholesale:

(i) Linen, uniforms, towels, cabinets, hand soap, and similar property rented or supplied to customers as a part of the laundry and linen supply service; and

(ii) Dyes, fabric softeners, starches, sizing, and similar articles or substances that become ingredients of the articles being cleaned.

(d) **Purchases subject to retail sales or use tax.** A linen or uniform supply service that acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the retail sales tax. For further information about the use tax, refer to WAC 458-20-178 (Use tax).

The following are examples of purchases by a linen or uniform supply service that are subject to retail sales tax or use tax:

(i) Soaps, cleaning solvents, and other articles or substances that do not become ingredients of the articles cleaned;

(ii) Equipment such as washing machines, dryers, presses, irons, fixtures, and furniture; and

(iii) Supplies such as hand tools, sewing notions, scissors, spotting brushes, and stationery.

(4) **Customer's responsibility to remit use tax.** Effective July 1, 2002, chapter 367, Laws of 2002, imposes the use tax on certain retail services acquired by consumers without payment of the retail sales tax. Such services include installing, repairing, cleaning, altering, imprinting, or improving tangible personal property. Thus, a consumer must report and pay use tax directly to the department when a seller of laundry or dry cleaning services or linen and uniform supply services fails to collect the retail sales tax.

For example, a person with a restaurant location in Vancouver and another in Portland, Oregon, contracts with an Oregon business for linen and uniform supply services. Each week, the linen and uniform supply service delivers clean linens and uniforms and picks up soiled items for both locations at the person's Portland location. The person's Vancouver location turns in soiled uniforms and linens and receives its supply of clean items at the person's Portland location. The person is responsible for reporting and paying use tax on the value of the linen and uniform supply services used by its Vancouver location. For further discussion about use tax, refer to WAC 458-20-178.

(5) **Laundry agents collecting and distributing laundry.** Persons who collect and/or distribute laundered or dry cleaned items as an agent for a provider of laundry services, dry cleaning services, or linen and uniform supply services are liable for the service and other activities B&O tax on their gross commissions. See WAC 458-20-159 for the record-keeping requirements for showing agency status. The person providing the laundry service, dry cleaning services, or linen and uniform supply service must collect and remit to the department retail sales tax on the total charge made to the customer (see subsections (2) and (3) of this rule).

(6) **Self-service and coin-operated laundry facilities.** Charges for the use of self-service or coin-operated laundry facilities are subject to the retailing B&O and retail sales taxes, except as discussed below. Likewise sales of soap, bleach, fabric softener and other supplies to consumers are subject to the retailing B&O tax and retail sales tax. For most sales, the law requires a seller to separately state the retail sales tax from the selling price. However, the law allows a seller to deduct the tax from the total amount received in coin-operated machines to arrive at the net amount that becomes the measure of the tax. RCW 82.08.050 and 82.08.080.

(a) **Coin-operated laundry facilities for the exclusive use of tenants.** Effective July 1, 1998, the definition of a retail sale excludes charges for the use of coin-operated laundry facilities in apartment houses, rooming houses, or mobile home parks when the facilities are provided for the exclusive use of tenants. RCW 82.04.050 (2)(a). As a result, charges for the use of these facilities are not subject to the retailing B&O tax or the retail sales tax. However, the gross proceeds of sale received from these facilities is subject to the service and other activities B&O tax. Before July 1, 1998, these charges were retail sales and subject to the retailing B&O tax and retail sales tax.

Charges for the use of coin-operated laundry facilities in hotels, motels, trailer camps, and other locations providing lodging or camping facilities to transients remain subject to the retailing B&O and retail sales taxes. Persons providing transient lodging should refer to WAC 458-20-166 (Hotels, motels, boarding houses, rooming houses, resorts, trailer camps, etc.).

(b) **Place of sale.** For the purposes of determining a seller's responsibility to remit B&O tax and/or to collect and remit retail sales tax, the place of sale with respect to charges for the use of a self-service or coin-operated laundry facility is the location of the facility.

(c) **Purchases at wholesale.** The purchase of tangible personal property for resale as tangible personal property is a purchase at wholesale. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as discussed by WAC 458-20-102 (Resale certificates). Thus, purchases of soap, bleach, fabric softener and other supplies for resale to customers separate from charges for the use of the laundry facilities are wholesale purchases.

(d) **Purchases subject to retail sales or use tax.** A coin-operated laundry facility that acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the appropriate retail sales tax. For further information about use tax, refer to WAC 458-20-178 (Use tax).

The following are examples of purchases by a coin-operated laundry facility that are subject to retail sales tax or use tax:

(i) Washing machines, dryers, fixtures, and furniture; and

(ii) Items given to customers without charge.

(7) **Laundry services performed for nonprofit health care facilities.** For the purpose of this rule, "nonprofit health

care facilities" means facilities operated by nonprofit organizations providing diagnostic, therapeutic, convalescent, or preventive inpatient or outpatient health care services. The term includes, but is not limited to, nonprofit hospitals, nursing homes, and hospices.

(a) Sales of laundry services to nonprofit health care facilities. Effective July 1, 1998, the definition of a retail sale specifically excludes sales of laundry services to nonprofit health care facilities. As a result, charges for laundry services provided to these facilities are not subject to retail sales tax or the retailing B&O tax. However, effective July 1, 1998, the gross proceeds of sale received for providing laundry services to nonprofit health care facilities is subject to the service and other activities B&O tax. For the period of July 1, 1993, through June 10, 1998, the service and other activities B&O tax applied only to sales of laundry services to members by nonprofit associations composed exclusively of nonprofit hospitals.

(b) Purchases subject to retail sales or use tax. Persons providing laundry services to nonprofit health care facilities are considered consumers of all items used in providing such services. RCW 82.04.190. As a result, purchases of items such as dyes, fabric softeners, linens, and uniforms are subject to the retail sales tax. The same is true for purchases of washing machines, dryers, fixtures, furniture, and other items of tangible personal property. The buyer must remit retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the appropriate retail sales tax. For further information about the use tax, refer to WAC 458-20-178 (Use tax).

**WSR 02-23-036**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Board of Boiler Rules)  
 [Filed November 13, 2002, 4:51 p.m.]

Date of Adoption: November 13, 2002.

Purpose: The purpose of these rules is to address actions and requests of the Board of Boiler Rules by:

- Clarifying the rules so that they are easier to use and understand;
- Proposing changes to the clearances requirements;
- Establishing variances procedures;
- Requesting that markings be conspicuously located and as close as possible to the boiler or unfired pressure vessel nameplate;
- Changing the testing requirements and referencing the national board's "Rules for Commissioned Inspectors"; and
- Making several other necessary changes identified by the Board of Boiler Rules.

**Amended Sections:**

**WAC 296-104-010 Administration—What are the definitions of terms used in this chapter?** Changes were made to this section to:

- Add references to "unfired" and "reinstallation" were added to clarify the definitions that relate to the permit and types of boilers covered under these rules;
- Add a note to clarify that if the input on a "hot water heater" exceeds 200,000 BTU/hr that other terms defined in this section applied;
- Clarify the definition of "certificate of competency" to reference "the National Board Examination for Commissioned Inspectors"; and
- Remove unnecessary language in the definition of "commission."

**WAC 296-104-020 Administration—What are the filing requirements for boilers and unfired pressure vessels before their installation/reinstallation?** Made clarification changes to this section to add references to "unfired" and "reinstallation." Also, eliminated the provision that manufacturers' data reports be registered with the National Board of Boiler and Pressure Vessel Inspectors as this requirement was moved to the proposed new section WAC 296-104-021.

**WAC 296-104-050 Administration—What examinations must a boiler inspector take?** Made changes to this section to:

- Clarify the provisions relating to when and how many examinations were to be provided;
- Replace the provisions relating to the examination requirements with a reference the requirement that prospective National Board Commissioned Inspector applicants shall meet the minimum requirements as set forth in the national board's "Rules for Commissioned Inspectors," NB263, Revision 8 (4/02); and
- Clarified that the examination application forms are provided by the chief inspector.

**WAC 296-104-060 Administration—When shall inspectors' commissions be issued, suspended, or revoked?** Made clarification changes to this section and decreased the fees to the nearest whole dollar amount. Also, replaced unnecessary language associated with suspending or revoking commissions with a reference to RCW 70.79.180.

**WAC 296-104-125 Inspection—What are the requirements for obtaining a certificate ((fees required)) of inspection?** Made clarification changes to make this section of the rule easier to understand and use.

**WAC 296-104-140 Inspection—How should a state stamp be applied?** Made changes to this section to:

- Reference the definition of inspector defined in WAC 296-104-010;
- Request that markings be conspicuously located and as close as possible to the boiler or unfired pressure vessel nameplate; and
- Eliminate the provision that data sheets be made available at the time of the first inspection if not filed with the national board.

**WAC 296-104-145 Inspection—How are groups of vessels operating as a single unit classified?** Made changes to this section to:

- Change the requirement that vessels be given a letter designation to a serial number;

- Request that markings be conspicuously located and as close as possible to the boiler or unfired pressure vessel nameplate; and
- Add a reference to another section of the rules and clarify the rules so that they are easier to understand and use.

**WAC 296-104-150 Inspection—How are unfired steam boilers classified?** A reference to WAC 296-104-010 was added to this section to refer to the definition of "Unfired steam boilers" in WAC 296-104-010.

**WAC 296-104-151 Inspection—What are the requirements for rental boilers?** Added references and made clarification changes to this section so that it is easier to understand and use.

**WAC 296-104-155 Inspection—What preparations are necessary prior to internal inspections?** Clarified that inspection of the boiler drums will occur at each annual inspection. Also, added another option (installing isolation blinds) to prevent leakage of steam or water.

**WAC 296-104-170 Inspection—When are shop inspections required?** Added a reference to WAC 296-104-200 for determining applicable ASME codes.

**WAC 296-104-200 Construction—What are the standards for new construction?** Specified that it is the 1988 edition of ASME CSD-1 code with addenda and moved the reference to this code to a separate subsection.

**WAC 296-104-230 Construction—What are the testing requirements for new boilers or unfired pressure vessels exempted from code requirements for volume, pressure or temperature?** Corrected the title to include references to boilers and unfired pressure vessels.

**WAC 296-104-260 Installation—(~~Clearance front, back and sides.~~) What are the required clearances for boilers?** Made changes to this section to clarify the title and to specify that clearances must be to the manufacturers' recommendation, but in no case may the clearance be less than eighteen inches. Clearances of less than eighteen inches may be reviewed on a case-by-case basis under the new variance procedures in WAC 296-104-270.

**WAC 296-104-273 Installation—(~~Pressure vessel clearances.~~) What are the required clearances for unfired pressure vessels?** Made changes to this section to add references to "unfired" pressure vessels and to make the clearance requirements consistent with the changes in the proposed WAC 296-104-260.

**WAC 296-104-502 Repairs—What are the requirements for nonnuclear boilers and unfired pressure vessel repairs and alterations?** Added a provision to specify that repairs and alterations to nonstandard boilers and pressure vessels, as addressed in WAC 296-104-215, must be authorized by the chief inspector.

**WAC 296-104-700 What are the inspection fees—Certificate fees—Expenses?** Clarified that boiler and pressure vessel installation/reinstallation permit fee excludes inspection and certificate of inspection fee. Also, removed the reference to a reinspection fee as these fees are charged based on the number of hours required to perform the reinspection.

### New Sections:

**WAC 296-104-021 Administration—What is the registration requirement for new standard boilers and unfired pressure vessels?** Moved the requirement that manufacturers' data reports be registered with the National Board of Boiler and Pressure Vessel Inspectors from WAC 296-104-020.

**WAC 296-104-271 Installation—How does an owner, user, or installer obtain a variance from clearances?** Added a new section to establish variance procedures from the requirements found in WAC 296-104-255, 296-104-256, 296-104-260, and 296-104-265.

The following sections were renumbered to make the rules easier to follow, understand, and use:

Old WAC Number	New WAC Number
296-104-256	296-104-273
296-104-260	296-104-256
296-104-265	296-104-300
296-104-270	296-104-295
296-104-273	296-104-260
296-104-300	296-104-307
296-104-305	296-104-310
296-104-307	296-104-316
296-104-310	296-104-320
296-104-320	296-104-265

### Repealed Section:

**WAC 296-104-240 Construction—When are piping components considered unfired pressure vessels?** This section was eliminated as the provisions in this section already exist in WAC 296-104-200.

Citation of Existing Rules Affected by this Order: See Purpose above.

Statutory Authority for Adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350.

Other Authority: Chapter 70.79 RCW.

Adopted under notice filed as WSR 02-17-120 on August 21, 2002.

Changes Other than Editing from Proposed to Adopted Version: **WAC 296-104-020 Administration—What are the filing requirements for boilers and unfired pressure vessels before their installation/reinstallation?** Made clarification changes to unbold "A boiler and pressure vessel installation/reinstallation permit," at the beginning of the section.

**WAC 296-104-151 Inspection—What are the requirements for rental boilers?** Made necessary reference corrections to WAC 296-104-300 and 296-104-273 because of the section number changes associated with this rule making.

**WAC 296-104-155 Inspection—What preparations are necessary prior to internal inspections?** Eliminated the reference to "hot" water as leakage is to be prevented for both hot and cold water.

**WAC 296-104-200 Construction—What are the standards for new construction?** Made necessary reference corrections to WAC 296-104-300 because of the section number changes associated with this rule making.

**WAC 296-104-271 Installation—How does an owner, user, or installer obtain a variance from clearances?** Moved the proposed amendments to WAC 296-104-270 to a new section. The reason for this is that the existing WAC 296-104-270 would have been eliminated in the recodification section number changes associated with this rule making, which was not the intent. Also, made necessary reference corrections to WAC 296-104-256, 296-104-260, and 296-104-265 because of the section number changes associated with this rule making.

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 17, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 17, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 17, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

November 13, 2002

Craig Hopkins, Chair  
Board of Boiler Rules

**AMENDATORY SECTION** (Amending WSR 01-24-061, filed 11/30/01, effective 12/31/01)

**WAC 296-104-010 Administration—What are the definitions of terms used in this chapter?** "**Agriculture purposes**" shall mean any act performed on a farm in production of crops or livestock, and shall include the storage of such crops and livestock in their natural state, but shall not be construed to include the processing or sale of crops or livestock.

"**Attendant**" shall mean the person in charge of the operation of a boiler or unfired pressure vessel.

"**Automatic operation of a boiler**" shall mean unattended control of feed water and fuel in order to maintain the pressure and temperature within the limits set. Controls must be such that the operation follows the demand without interruption. Manual restart may be required when the burner is off because of low water, flame failure, power failure, high temperatures or pressures.

"**Board of boiler rules**" or "**board**" shall mean the board created by law and empowered under RCW 70.79.010.

"**Boiler and unfired pressure vessel installation/reinstallation permit**," shall mean a permit approved by the

chief inspector before starting installation or reinstallation of any boiler and unfired pressure vessel in this state.

Owner/user inspection agency's, Washington specials and rental boilers are exempt from "boiler and unfired pressure vessel installation permit."

"**Boilers and/or unfired pressure vessels**" - below are definitions for types of boilers and unfired pressure vessels used in these regulations:

- "**Condemned boiler or unfired pressure vessel**" shall mean a boiler or unfired pressure vessel that has been inspected and declared unsafe or disqualified by legal requirements by an inspector who has applied a stamping or marking designating its condemnation.
- "**Hot water heater**" shall mean a closed vessel designed to supply hot water for external use to the system. All vessels must be listed by a nationally recognized testing agency and shall not exceed any of the following limits:
  - \* Pressure of 160 psi (1100 kpa);
  - \* Temperature of 210 degrees F (99°C);
  - \* Capacity of 120 U.S. gallons (454 liters);
  - \* Input of 200,000 BTU/hr (58.58 kw). Note that if input exceeds 200,000 BTU/hr (58.58 kw), other terms defined in this section may apply.
  - \* Hot water heaters exceeding 200,000 BTU/hr (58.58 kw) must be ASME code stamped.
  - \* Each vessel shall be protected with an approved temperature and pressure safety relief valve.
- "**Low pressure heating boiler**" shall mean a steam or vapor boiler operating at a pressure not exceeding 15 psig or a boiler in which water or other fluid is heated and intended for operation at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy including lined potable water heaters.
- "**Nonstandard boiler or unfired pressure vessel**" shall mean a boiler or unfired pressure vessel that does not bear marking of the codes adopted in WAC 296-104-200.
- "**Pool heaters**" shall be considered a boiler or unfired pressure vessel unless it meets all of the following criteria:
  - \* Appliance used to heat water for swimming pools and spas.
  - \* A flow switch shall be wired to shut off the heating source under a condition of low flow.
  - \* There are no intervening stop valves on the inlet or outlet side of the unit. Any valves used for maintaining the appliance must be locked open during operation.
  - \* Appliance is equipped with an ASME approved pressure relief device, with no intervening stop valves, set not to exceed the maximum allowable working pressure (MAWP) of the appliance.
  - \* Unit is rated at less than 200,000 BTU/hr, and is operated at pressure and temperature no greater than 160 psig (1100 kpa) and 210°F (99°C), respectively.

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- \* Heating source operation is wired in series with the circulating pump.
- \* Unit is built to the ASME code or approved by a nationally recognized testing laboratory.
- **"Power boiler"** shall mean a boiler in which steam or other vapor is generated at a pressure of more than 15 psig for use external to itself or a boiler in which water or other fluid is heated and intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy.
- **"Reinstalled boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel removed from its original setting and reset at the same location or at a new location without change of ownership.
- **"Rental boiler"** shall mean any power or low pressure heating boiler that is under a rental contract between owner and user.
- **"Second hand boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel of which both the location and ownership have changed after primary use.
- **"Standard boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel which bears the marking of the codes adopted in WAC 296-104-200.
- **"Unfired pressure vessel"** shall mean a closed vessel under pressure excluding:
  - \* Fired process tubular heaters;
  - \* Pressure containers which are integral parts of components of rotating or reciprocating mechanical devices where the primary design considerations and/or stresses are derived from the functional requirements of the device;
  - \* Piping whose primary function is to transport fluids from one location to another;
  - \* Those vessels defined as low pressure heating boilers or power boilers.
- **"Unfired steam boiler"** shall mean a pressure vessel in which steam is generated by an indirect application of heat. It shall not include pressure vessels known as evaporators, heat exchangers, or vessels in which steam is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels, such as used in the manufacture of chemical and petroleum products, which will be classed as unfired pressure vessels.

**"Certificate of competency"** shall mean a certificate issued by the state board of boiler rules to a person who has passed ~~((an examination prescribed by the board of boiler rules))~~ the National Board Examination for Commissioned Inspectors.

**"Code, API-510"** shall mean the Pressure Vessel Inspection Code of the American Petroleum Institute with addenda and revisions, thereto made and approved by the institute which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

**"Code, ASME"** shall mean the boiler and pressure vessel code of the American Society of Mechanical Engineers with amendments thereto made and approved by the council of the society which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

**"Code, NBIC"** shall mean the National Board Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors with addenda and revisions, thereto made and approved by the National Board of Boiler and Pressure Vessel Inspectors and adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

**"Commission"** shall mean an annual ~~((state commission))~~ commission card issued to a person in the employ of the state, an insurance company or a company owner/user inspection agency holding a certificate of competency which authorizes them to perform inspections of boilers and/or unfired pressure vessels.

**"Department"** as used herein shall mean the department of labor and industries of the state of Washington.

**"Director"** shall mean the director of the department of labor and industries.

**"Domestic and/or residential purposes"** shall mean serving a private residence or an apartment house of less than six families.

**"Existing installations"** shall mean any boiler or unfired pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1952.

**"Inspection, external"** shall mean an inspection made while a boiler or unfired pressure vessel is in operation and includes the inspection and demonstration of controls and safety devices required by these rules.

**"Inspection, internal"** shall mean an inspection made when a boiler or unfired pressure vessel is shut down and handholes, manholes, or other inspection openings are open or removed for examination of the interior. An external ultrasonic examination of unfired pressure vessels less than 36" inside diameter shall constitute an internal inspection.

**"Inspector"** shall mean the chief boiler inspector, a deputy inspector, or a special inspector.

- **"Chief inspector"** shall mean the inspector appointed under RCW 70.79.100 who serves as the secretary to the board without a vote.
- **"Deputy inspector"** shall mean an inspector appointed under RCW 70.79.120.
- **"Special inspector"** shall mean an inspector holding a Washington commission identified under RCW 70.79.130.

**"Nationwide engineering standard"** shall mean a nationally accepted design method, formulae and practice acceptable to the board.

**"Owner"** or **"user"** shall mean a person, firm, or corporation owning or operating any boiler or unfired pressure vessel within the state.

**"Owner/user inspection agency"** shall mean an owner or user of boilers and/or pressure vessels that maintains an established inspection department, whose organization and inspection procedures meet the requirements of a nationally recognized standard acceptable to the department.

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"Place of public assembly" or "assembly hall" shall mean a building or portion of a building used for the gathering together of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, or dining or waiting transportation. This shall also include child care centers (those agencies which operate for the care of thirteen or more children), public and private hospitals, nursing and boarding homes.

"Special design" shall mean a design using nationwide engineering standards other than the codes adopted in WAC 296-104-200 or other than allowed in WAC 296-104-230.

AMENDATORY SECTION (Amending WSR 01-24-061, filed 11/30/01, effective 12/31/01)

**WAC 296-104-020 Administration—What are the filing requirements for boilers and unfired pressure vessels before their installation/reinstallation?** A "boiler and pressure vessel installation/reinstallation permit," as defined in WAC 296-104-010 shall be submitted by the owner or agent and approved by the chief inspector. ((Manufacturers' data reports on boilers and pressure vessels shall be registered with the National Board of Boiler and Pressure Vessel Inspectors.))

#### NEW SECTION

**WAC 296-104-021 Administration—What is the registration requirement for new standard boilers and unfired pressure vessels?** Manufacturers' data report for new "standard boilers and unfired pressure vessels" shall be registered with the National Board of Boiler and Pressure Vessel Inspectors.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

**WAC 296-104-050 Administration—What examinations must a boiler inspector take?** ((Examination for certificate of competency shall be held at locations selected by the board, four times each year, namely, the first Wednesday and following Thursday of the months of March, June, September and December. Special examinations may be held when considered necessary by the board.

Applicants for examination shall have had at least three years practical experience in the construction, maintenance, repair or operation of high pressure boilers or unfired pressure vessels as a mechanical engineer, steam engineer or boiler maker, or shall have had at least three years experience as an inspector of high pressure boilers and/or unfired pressure vessels. A credit of two years of the required experience will be given to applicants holding an engineering degree from a recognized college of engineering.)) In order to qualify as a prospective National Board Commissioned Inspector an applicant shall meet the minimum requirements as set forth in the national board's "Rules for Commissioned Inspectors," NB263, Revision 8 (4/02).

Application for examination for certificate of competency shall be in writing upon a form to be furnished by the

((director)) chief inspector stating the school and education of the applicant, a list of employers, period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected.

If the applicant's history and experience meet with the approval of the board of boiler rules, the candidate shall be given ((a written examination. The test will deal with Washington state boilers and unfired pressure vessels law as well as the construction, installation, operation, maintenance and repair of boilers and/or unfired pressure vessels and their appurtenances)) the national board and Washington state examinations. If the applicant is accepted on the merits of ((this)) the national board examination, a certificate of competency will be issued by the chief inspector.

Examinations shall be held at locations and times when considered necessary by the board of boiler rules. The examinations may be offered four times each year, namely, the first Wednesday and following Thursday of the months of March, June, September and December. Special examinations may be held when considered necessary by the board.

AMENDATORY SECTION (Amending WSR 02-12-021, filed 5/28/02, effective 6/28/02)

**WAC 296-104-060 Administration—When shall inspectors' commissions be issued, suspended, or revoked?** The chief inspector shall issue a commission as a deputy or special inspector in accordance with RCW 70.79.120 and 70.79.130.

The deputy inspector commission shall be held by the chief inspector. The deputy inspector commission shall be valid for one year and may be renewed annually at the request of the chief inspector. The fee for the special inspector commission is (((\$25.60)) twenty-five dollars. The special inspector commission shall be held at the home office of the employing company and shall be valid for one year and may be renewed annually at the request of the employing company for a fee of (((\$10.20)) ten dollars. ((The deputy inspector commission shall be held by the chief inspector. The deputy inspector commission shall be valid for one year and may be renewed annually at the request of the chief inspector.)) Inspectors shall carry identifying commission cards while they are inspecting. The state or employing company shall return the commission and the identifying commission card at once to the chief inspector when the inspector to whom the commission was issued is no longer in its employ, or at the request of the chief inspector.

((The chief inspector may suspend or revoke a certificate of competency and commission issued to an inspector upon written notice to the inspector and to the inspector's employer for:

- Incompetency or untrustworthiness;
- Willful falsification of any matter or statement contained in the application, or in the report of any inspection; or
- For other sufficient reason.

The holder of a certificate of competency is entitled to a hearing before the board prior to the revocation or suspension

of the certificate of competency. A person whose commission has been suspended, except for untrustworthiness, may apply to the board for reinstatement. A person whose commission has been revoked, except for untrustworthiness, may apply to the board to take a new examination for a commission after ninety days from the date of the revocation.) An inspector's commission may be suspended or revoked in accordance with RCW 70.79.180.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

**WAC 296-104-125 Inspection—What are the requirements for obtaining a certificate ((fees required)) of inspection?** ((If upon inspection a boiler or unfired pressure vessel is found to be suitable for use and to conform to these rules and regulations)) Before a certificate of inspection as defined in RCW 70.79.290 is issued, a boiler or unfired pressure vessel must be inspected by an inspector and have all necessary permits. In addition, the owner or user shall pay ((certificate)) the fees ((as)) scheduled in WAC 296-104-700 directly to the chief inspector. The inspection process is not complete until the certificate of inspection is posted.

If the owner or user of each boiler or unfired pressure vessel required to be inspected refuses to allow an inspection to be made, or refuses to pay the above fee, the certificate of inspection shall be suspended by the chief inspector until the owner or user complies with the requirements.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

**WAC 296-104-140 Inspection—How should a state stamp be applied?** Upon completion of the installation, all boilers and unfired pressure vessels shall be inspected by ~~((the chief inspector, a deputy inspector, or a special))~~ an inspector as defined in WAC 296-104-010. At the time of this inspection, each boiler or unfired pressure vessel shall be marked with a serial number of the state of Washington followed by the letter "W." The marking should be conspicuously located and as close as possible to the boiler or unfired pressure vessel nameplate.

~~((Data sheets shall be made available at the time of first inspection if not filed with the national board.))~~

Washington special numbers when assigned by the chief inspector shall be preceded by the letters "WS."

All rental boilers used in the state of Washington shall be marked with the serial number of the state of Washington followed by the letters "WR." This will indicate that the boiler is a rental unit.

The state of Washington markings, numbers and letters, referenced above, shall not be less than 5/16 inches in height and shall not be concealed by lagging or paint and shall be exposed at all times.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

**WAC 296-104-145 Inspection—How are groups of vessels operating as a single unit classified?** A group of unfired pressure vessels operating as a single unit such as the vessels in a refrigeration system, evaporators, ironers and paper machines ~~((may be given one number, designating the different vessels of the unit as a b c, etc. The inspector's report shall cover all pressure vessels in the system individually. One certificate shall be issued for the unit))~~ shall have an individual state serial number marked on each boiler or unfired pressure vessel. The marking should be conspicuously located and as close as possible to the boiler or unfired pressure vessel nameplate. The certificate ((charge)) of inspection fee shall be as outlined in ((RCW 70.79.290)) WAC 296-104-700, for each vessel of the system.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

**WAC 296-104-150 Inspection—How are unfired steam boilers classified?** Unfired steam boilers as defined in WAC 296-104-010 operating at pressures of 50 psi or more shall be inspected as power boilers. Unfired steam boilers operating at less than 50 psi shall be inspected as unfired pressure vessels.

AMENDATORY SECTION (Amending WSR 01-24-061, filed 11/30/01, effective 12/31/01)

**WAC 296-104-151 Inspection—What are the requirements for rental boilers?** Every rental boiler used in the state of Washington will have an internal inspection ~~((completed))~~ as defined in WAC 296-104-010 witnessed by an inspector once a year. An ((operating)) external inspection ((under pressure)) as defined in WAC 296-104-010 shall be ((conducted)) witnessed by an inspector at each and every rental location before being placed into service. Rental boilers shall also meet the requirements of WAC ((296-104-265)) 296-104-300.

A rental boiler, which has never been in rental service in the state of Washington, shall meet the requirements of WAC ~~((296-104-256))~~ 296-104-273. Each ~~((operating))~~ inspection will be reported to the state of Washington ~~((using the standard inspection form))~~ in accordance with WAC 296-104-040, and a copy of this report will be posted on the rental boiler.

~~((Inspections will be the responsibility of the rental boiler owner but may be completed by the user's special inspector.))~~ It is the responsibility of the rental boiler owner to arrange for all required inspections.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

**WAC 296-104-155 Inspection—What preparations are necessary prior to internal inspections?** The owner or user shall prepare a boiler for internal inspection in the following manner or as required by the inspector:

(1) Water shall be drawn off and the boiler thoroughly washed.

(2) All manhole and handhole plates and wash-out plugs and water column connections shall be removed, the furnace and combustion chambers thoroughly cooled and cleaned.

(3) All grates of internally fired boilers shall be removed.

(4) At each annual inspection brickwork shall be removed as required by the inspector in order to determine the condition of the boiler headers, drums, furnace, supports, or other parts.

(5) The steam gauge shall be removed for testing or evidence of testing shown.

(6) Any leakage of steam or ~~((hot))~~ water into the boiler shall be ~~((cut-off-by))~~ prevented by either disconnecting the pipe or block valve at the most convenient point or installing isolation blinds.

(7) The low water cutout shall be disassembled to such a degree as the inspector shall require.

Unfired pressure vessels shall be prepared for internal inspection to the extent deemed necessary by the inspector.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

**WAC 296-104-170 Inspection—When are shop inspections required?** Shop inspections shall be as required in the ~~((applicable sections of the ASME Code))~~ standards of construction as adopted in WAC 296-104-200. Only inspectors holding a national board commission with the appropriate endorsements and a commission issued by the state of Washington shall make shop inspections in this state. Supervisors of inspectors who perform shop inspections in the state need only a National Board Commission with the appropriate endorsements.

Upon request from a boiler or pressure vessel manufacturer holding an ASME Certificate of Authorization within the jurisdiction, the department shall provide inspection services as required by the ASME Code. The manufacturer receiving such inspection services shall reimburse the department for the time and expenses in accordance with the fee schedule established in WAC 296-104-700.

AMENDATORY SECTION (Amending WSR 01-24-061, filed 11/30/01, effective 12/31/01)

**WAC 296-104-200 Construction—What are the standards for new construction?** The standards for new construction are:

(1) ASME Boiler and Pressure Vessel Code, 2001 edition, with addenda Sections I, III, IV, VIII, X ~~((and CSD-1 (as referenced in WAC 296-104-265(3))))~~;

(2) ASME/ANSI PVHO-1 (Standard for Pressure Vessels for Human Occupancy), 1997 edition; and

(3) ASME CSD-1 1998 edition with addenda (as referenced in WAC 296-104-300(3)); and

(4) Standards of construction approved by the chief inspector and meeting the National Board Criteria for Registration of Boilers, Pressure Vessels and Other Pressure Retaining Items.

These codes and standards may be used on or after the date of issue and become mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2). The board recognizes that the ASME Code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. For nuclear systems, components and parts the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

AMENDATORY SECTION (Amending WSR 00-21-024, filed 10/10/00, effective 11/13/00)

**WAC 296-104-230 Construction—What are the testing requirements for new boilers or unfired pressure vessels exempted from code requirements for volume, pressure or temperature?** Boilers or unfired pressure vessels that are not required by the codes adopted in WAC 296-104-200 to be built to those codes (except those exempted in the RCWs), shall be tested as follows:

One boiler or unfired pressure vessel of each design and size taken from the manufacturer's stock at random, shall be subjected to a hydrostatic test of twice the rated maximum allowable working pressure in the presence of an inspector holding a national board commission. The boiler or unfired pressure vessel shall withstand the hydrostatic pressure test without leaks and without exceeding 80% of the boiler or unfired pressure vessel material's yield strength. Samples shall be taken from the longitudinal seam and tests made as outlined in Section IX ASME Code for root and face bends and reduced tensile coupons. Upon successfully passing the above tests, the maximum allowable working pressure will be allowed for all boilers or unfired pressure vessels constructed to identical specifications. The company name, serial number, maximum allowable working pressure, and energy input (if applicable) shall be stamped or marked in a permanent manner on each boiler or unfired pressure vessel. A retest shall be made at the inspector's discretion or by the request of the chief inspector. Any unfired pressure vessels containing water and an air cushion designed for less than 300 psi and 210 degree F, in use prior to January 1, 1997, may be accepted by hydrostatically testing them to twice their maximum allowable working pressure.

AMENDATORY SECTION (Amending WSR 96-21-081, filed 10/16/96, effective 11/16/96)

**WAC 296-104-260 Installation—~~((Clearance front, back and sides.))~~ What are the required clearances for boilers?** When boilers are replaced or new boilers installed in either existing or new buildings, minimum clearance shall be provided as specified below:

(1) Minimum clearance at sides and back wall shall be ~~((one and one-half feet or at the discretion of the inspector the manufacturers recommended clearances may be used if they allow sufficient room for inspection))~~ the manufacturers' recommendations, but in no case less than eighteen inches. Boilers having manholes shall have five feet clearance from the

manhole opening and any wall, ceiling, or piping that will prevent a person from entering the boiler.

(2) Clearance in front and back shall be sufficient for operation, maintenance, and repair.

**NEW SECTION**

**WAC 296-104-271 Installation—How does an owner, user, or installer obtain a variance from clearances?** Variances from WAC 296-104-255, 296-104-256, 296-104-260, and 296-104-265 may be requested. The variance request shall be in writing on an appropriate form approved by the chief inspector, and shall specify how equivalent safety is to be maintained. The chief inspector may grant the variance provided that safety and accessibility for inspections are acceptable.

**AMENDATORY SECTION** (Amending WSR 96-21-081, filed 10/16/96, effective 11/16/96)

**WAC 296-104-273 Installation—**~~((Pressure vessel clearances.))~~ **What are the required clearances for unfired pressure vessels?** When unfired pressure vessels are replaced or new vessels are installed in either existing or new buildings, ~~((a minimum height of))~~ manufacturers' recommendations shall be used, but in no case less than eighteen inches shall be provided between the top of the unfired pressure vessel ~~((proper))~~ and the ceiling and adjacent walls or other structures. All unfired pressure vessels having manholes shall have five feet clearance from manhole openings and any wall, ceiling, or piping that will prevent a person from entering the unfired pressure vessel. ~~((Lesser clearances may be acceptable at the discretion of the inspector.))~~

**AMENDATORY SECTION** (Amending WSR 01-24-061, filed 11/30/01, effective 12/31/01)

**WAC 296-104-502 Repairs—What are the requirements for nonnuclear boilers and unfired pressure vessel repairs and alterations?** Repairs and alterations to nonnuclear boilers and pressure vessels shall be made in accordance with the rules of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102. Additionally, repairs and alterations to nonstandard boilers and pressure vessels, as addressed in WAC 296-104-215, must be authorized by the chief inspector.

Repairs/alterations may be made by:

(1) An organization authorized by the jurisdiction and in possession of a valid Certificate of Authorization for use of the "R" symbol stamp, issued by the National Board provided such repairs/alterations are within the scope of the authorization.

(2) An organization authorized by the chief inspector and in possession of a valid ASME Certificate of Authorization provided such repairs/alterations are within the scope of the organization's Quality Control System. The chief inspector may limit or restrict repairs/alterations for cause.

Owner/user special inspectors may only accept repairs/alterations to boilers and unfired pressure vessels operated by their respective companies per RCW 70.79.130.

Documentation of repairs and alterations, in accordance with the requirements of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102, shall be submitted to the department.

**AMENDATORY SECTION** (Amending WSR 02-12-021, filed 5/28/02, effective 6/28/02)

**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	28.50	22.80
All other boilers less than 500 sq. ft.	34.30	22.80
500 sq. ft. to 2500 sq. ft.	57.20	28.50
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	22.80	11.40
Power boilers:	Internal	External
Less than 100 sq. ft.	28.50	22.80
100 sq. ft. to less than 500 sq. ft.	34.30	22.80
500 sq. ft. to 2500 sq. ft.	57.20	28.50
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	22.80	11.40
Pressure vessels:		
Automatic utility hot water supply heaters per RCW 70.79.090		5.60
All other pressure vessels:		
Square feet shall be determined by multiplying the length of the shell by its diameter.		
	Internal	External
Less than 15 sq. ft.	22.80	17.10
15 sq. ft. to less than 50 sq. ft.	34.30	17.10
50 sq. ft. to 100 sq. ft.	39.90	22.80
For each additional 100 sq. ft. or any portion thereof	39.90	11.40

Certificate of inspection fees: For objects inspected, the certificate of inspection fee is \$ 17.10 per object.

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Boiler and pressure vessel installation/reinstallation permit (excludes inspection and certificate of inspection fee) \$50.00

Nonnuclear shop inspections, field construction inspections, and special inspection services:  
 For each hour or part of an hour up to 8 hours 34.30  
 For each hour or part of an hour in excess of 8 hours 51.40

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 51.40  
 For each hour or part of an hour in excess of 8 hours 80.00

Nonnuclear triennial shop survey and audit:  
 When state is authorized inspection agency:  
 For each hour or part of an hour up to 8 hours 34.30  
 For each hour or part of an hour in excess of 8 hours 51.40  
 When insurance company is authorized inspection agency:  
 For each hour or part of an hour up to 8 hours 51.40  
 For each hour or part of an hour in excess of 8 hours 80.00

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 \$27.40.))~~ Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of \$317.20 must be paid to the department before the board meets to consider the ves-

sel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
296-104-256	296-104-273
296-104-260	296-104-256
296-104-265	296-104-300
296-104-270	296-104-295
296-104-273	296-104-260
296-104-300	296-104-307
296-104-305	296-104-310
296-104-307	296-104-316
296-104-310	296-104-320
296-104-320	296-104-265

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-104-240	Construction—When are piping components considered unfired pressure vessels?
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**WSR 02-23-037  
 PERMANENT RULES  
 DEPARTMENT OF  
 RETIREMENT SYSTEMS**

[Filed November 13, 2002, 8:36 a.m., effective January 1, 2003]

Date of Adoption: November 12, 2002.  
 Purpose: The Department of Retirement Systems is amending chapter 415-103 WAC, Washington State Patrol retirement system (WSPRS and other WACs as needed to implement ESB 5143 (2001) (chapter 329, Laws of 2001). Related "housekeeping" changes and codification of long-standing practices are being made at the same time. Please see Other Authority below for details.  
 Citation of Existing Rules Affected by this Order: Amending WAC 415-02-030, 415-10-040, 415-103-010, and 415-103-215.  
 Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority:

WAC	Title	Statutory Authority Statutory authority for adoption for all WACs is RCW 41.50.050(5). Statutes being implemented are as follows:
415-02-030	Definitions.	RCW 41.50.050(5).
415-10-040	Calculation of cost to purchase service credit for members of PERS Plan 1, TRS Plan 1, or WSPRS Plan 1 or 2.	Chapter 41.45 RCW, RCW 41.50.165.
415-103-010	WSPRS definitions.	Chapter 43.43 RCW.
415-103-100	Are payments I received reportable compensation?	Chapter 43.43 RCW.
415-103-215	What are the WSPRS Plan 1 retirement benefit options?	RCW 43.43.260, [43.43.]270, [43.43.]278, [43.43.]280(1).
415-103-225	What are the WSPRS Plan 2 retirement benefit options?	RCW 43.43.260, [43.43.]271, [43.43.]280(1), [43.43.]295.
415-108-727	Can I transfer service credit earned as a cadet in the public employees' retirement system to the WSPRS Plans 1 or 2?	RCW 41.40.092, 43.43.120(6), 43.43.130.

Adopted under notice filed as WSR 02-18-074 on August 30, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: January 1, 2003.

November 12, 2002

John Charles

Director

**AMENDATORY SECTION** (Amending WSR 02-01-120, filed 12/19/01, effective 1/19/02)

**WAC 415-02-030 Definitions.** This section contains a central location for definitions of words and phrases used in the department of retirement system's rules. It also serves as a directory for finding definitions within the RCWs and WACs.

(1) **Accumulated contributions** means the sum of all contributions paid into a member's defined benefit account, including interest.

(2) **Appeal** means the proceeding through which a party obtains review of a department action in an adjudicative proceeding conducted under chapter 34.05 RCW (the Administrative Procedure Act) and chapter 415-08 WAC (the department's appeal rules).

(3) **Average final compensation** - is defined in RCW 41.32.010(30) (TRS); RCW 41.35.010(14) (SERS); RCW 41.40.010(17) (PERS); and RCW ((43.42.120)) 43.43.120(15) ((WSP)) WSPRS).

(4) **Cafeteria plan** means a "qualified" employee benefit program under section 125 of the Internal Revenue Code, such as certain health and welfare plans.

(5) **Calendar month** refers to one of the twelve named months of the year, extending from the first day of the named month through the last day. For example: January 1st through January 31st is a calendar month. February 1st through February 29th is a calendar month in a leap year. March 13th through April 12th is *not* a calendar month.

(6) **Compensation earnable or earnable compensation** definitions can be found in RCW 41.32.010(10) and 41.32.345 (TRS); RCW 41.35.010(6) (SERS); and RCW 41.40.010(8) (PERS).

((6)) (7) **Contribution rate** is:

(a) For employees: The fraction (percent) of compensation a member contributes to a retirement system each month.

(b) For employers: The fraction (percent) of payroll a member's employer contributes to a retirement system each month. Contribution rates vary for the different systems and plans.

((7)) (8) **Deferred compensation** refers to the amount of the participant's compensation which the participant voluntarily defers from earnings before taxes.

((8)) (9) **Defined benefit plan** is a pension plan in which a lifetime retirement benefit is available, based on the member's service credit and compensation.

((9)) (10) **Defined contribution plan** is a plan in which part of members' or participants' earnings are deferred into an investment account in which tax is deferred until funds are withdrawn. The benefit is based on the contribution rate and the amount of return from the investment of the contributions. Members or participants receive the full market rate of return minus expenses. There is no guaranteed rate of return and the value of an account will increase or decrease based upon market fluctuations.

((10)) (11) **Department** means the department of retirement systems.

((11)) (12) **Dependent care assistance salary reduction plan (DCAP)** is a plan that allows an eligible employee of the state of Washington to set aside a "before tax" portion of his or her gross salary before federal income and Social Security taxes to be used for the reimbursement of dependent care expenses.

((12)) (13) **Director** means the director of the department of retirement systems.

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~~((13))~~ **(14) Employee** means a worker who performs labor or services for a retirement systems employer under the control and direction of the employer as determined under WAC 415-02-110(2). An employee may be eligible to participate as a member of one of the state-administered retirement systems according to eligibility requirements specified under the applicable retirement system.

~~((14))~~ **(15) Employer** is defined in RCW 41.26.030(2) (LEOFF), 41.32.010(11) (TRS), 41.34.010(5) (Plan 3), 41.35.010(4) (SERS), and 41.40.010(4) (PERS).

~~((15))~~ **(16) Ex-spouse** refers to a person who is a party to a "dissolution order" as defined in RCW 41.50.500(3).

**(17) Final average salary** is defined in RCW 41.26-030(12) (LEOFF).

~~((16))~~ **(18) Gainsharing** is the process through which members of certain plans share in the extraordinary investment gains on earnings on retirement assets under chapters 41.31 and 41.31A RCW.

~~((17))~~ **(19) Independent contractor** means a contract worker who is not under the direction or control of the employer as determined under WAC 415-02-110 (2) and (3).

~~((18))~~ **(20) Member** means a person who is included in the membership of one of the retirement systems created by chapters 2.10, 2.12, 41.26, 41.32, 41.34, 41.35, 41.40, or 43.43 RCW.

~~((19))~~ **(21) Participant** means an eligible employee who participates in a deferred compensation or dependent care assistance plan.

~~((20))~~ **(22) Participation agreement** means an agreement that an eligible employee signs to become a participant in a deferred compensation or dependent care assistance plan.

~~((21))~~ **(23) Pension plan** is a plan that provides a life-long post retirement payment of benefits to employees.

~~((22))~~ **(24) Petition** means the method by which a party requests a review of an administrative determination prior to an appeal to the director. The department's petitions examiner performs the review under chapter 415-04 WAC.

~~((23))~~ **(25) Plan 1** means the retirement plans in existence prior to the enactment of chapters 293, 294 and 295, Laws of 1977 ex. sess.

~~((24))~~ **(26) Plan 2** means the retirement plans established by chapters 293, 294 and 295, Laws of 1977 ex. sess., ~~(and)~~ chapter 341, Laws of 1998, and chapter 329, Laws of 2001.

~~((25))~~ **(27) Plan 3** means the retirement plans established by chapter 239, Laws of 1995, chapter 341 Laws of 1998, and chapter 247 Laws of 2000.

~~((26))~~ **(28) Pop-up** is a term that the department uses to refer to the benefit available to a retiree where the survivor of a retiree receiving a benefit reduced by a survivor option predeceases the retiree. Example: Linda is receiving a retirement benefit reduced by a survivor option for her husband, Joe. Joe dies before Linda. Linda's monthly retirement allowance increases. The department refers to the increase as a "pop-up."

~~((27))~~ **(29) Portability** is the ability to use membership in more than one Washington state retirement system in order

to qualify for retirement benefits. See chapters 41.54 RCW and 415-113 WAC.

~~((28))~~ **(30) Public record** is defined in RCW 42.17.-020(36).

~~((29))~~ **(31) Restoration** is the process of restoring a member's service credit for prior periods.

~~((30))~~ **(32) Retirement system employer - see "employer."**

~~((31))~~ **(33) Rollover** means a distribution that is paid to or from an eligible retirement plan within the statutory time limit allowed.

~~((32))~~ **(34) Separation date** is the date a member ends employment in a position eligible for retirement or disability benefit coverage.

~~((33))~~ **(35) Split account** is the account the department establishes for a member or retiree's ex-spouse.

**(36) Surviving spouse** refers to a person who was married to the member at the time of the member's death and who is receiving or is eligible to receive a survivor benefit.

**(37) Survivor** means a person designated by the member to receive a monthly benefit allowance after the member dies.

~~((34))~~ **(38) Survivor benefit** is a feature of a retirement plan that provides continuing payments to a beneficiary after the death of a member or retiree.

**(39) The Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA)** is the federal law that requires employers to reemploy and preserve job security, pension and welfare benefits for qualified employees who engage in military service.

AMENDATORY SECTION (Amending WSR 00-22-049, filed 10/27/00, effective 11/27/00)

**WAC 415-10-040 Calculation of cost to purchase service credit for members of PERS Plan 1, TRS Plan 1 or WSPRS Plan 1 or 2.** If you are a member of PERS 1, TRS 1 or WSPRS Plan 1 or 2, the department will calculate the actuarial value of the service credit you purchase under RCW 41.50.165(2) using the following three part formula:

<p><u>Part 1 Cost</u> =</p> <p>Service Credit Being Purchased</p> <p style="text-align: center;">x</p> <p>Average Earnings</p> <p style="text-align: center;">x</p> <p>Factor 1</p>	<p><u>Part 2 Cost</u> =</p> <p>Years of Service</p> <p style="text-align: center;">x</p> <p>Average Earnings</p> <p style="text-align: center;">x</p> <p>Factor 2</p> <p style="text-align: center;">x</p> <p>Years of Earlier Retirement</p> <p style="text-align: center;">x</p> <p>Factor 3</p>
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Cost to purchase service credit = Part 1 Cost + Part 2 Cost.

The Part 1 Cost represents the cost of including the additional service in your retirement allowance calculation. The Part 2 Cost represents the cost of commencing your retirement allowance at the earliest possible age.

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**AMENDATORY SECTION** (Amending WSR 01-13-010, filed 6/8/01, effective 7/9/01)

**WAC 415-103-010 WSPRS definitions.** (1) **General.** The definitions in RCW 43.43.120 and 41.50.010 apply to this chapter. In case of conflict between definitions, RCW 43.43.120 will prevail.

(2) (~~"Salary," for members commissioned:~~

(a) ~~Prior to July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040 or voluntary overtime earned on or after July 1, 2001.~~

(b) ~~On or after July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040, voluntary overtime, lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, holiday pay, or any form of severance pay.)~~ **Membership.**

(a) WSPRS Plan 1 refers to members of the Washington state patrol retirement system commissioned before January 1, 2003.

(b) WSPRS Plan 2 refers to members of the Washington state patrol retirement system commissioned on or after January 1, 2003.

**NEW SECTION**

**WAC 415-103-100 Are payments I receive reportable compensation?** The following table will help you determine whether certain types of payments are reportable compensation. The department determines reportable compensation based upon the nature of the payment, not the name applied. See RCW 43.43.120(23).

Type of Payment	Commission Date: Prior to 7/1/01	Commission Date: On or after 7/1/01
Overtime related to RCW 47.46.040(4) earned prior to 7/1/01	Yes	No
Overtime related to RCW 47.46.040(4) earned on or after 7/1/01	No	No
Voluntary overtime earned prior to 7/1/01	Yes	No
Voluntary overtime earned on or after 7/1/01	No	No
Fringe benefits, including, but not limited to, any type of insurance, or contributions for insurance, such as medical, dental, or life insurance, for members and/or their dependents	No	No
Lump sum payments for:		
Deferred annual sick leave <sup>1</sup>	No	No
Unused accumulated annual leave - 240 hour maximum <sup>2</sup>	Yes	No
Holiday pay - 80 hour maximum	Yes	No

<sup>1</sup>See also RCW 41.04.340(4).

<sup>2</sup>See also RCW 43.43.263, 43.01.040 and 43.01.044.

**AMENDATORY SECTION** (Amending WSR 01-13-010, filed 6/8/01, effective 7/9/01)

**WAC 415-103-215 (~~WSPRS retirement benefit options.~~)** **What are the WSPRS Plan 1 retirement benefit options?** (~~((1)When retiring for service, a married member can select either Option A (historic retirement option) under RCW 43.43.270 or Option B under RCW 43.43.278. Both options include a survivor feature that entitles the eligible surviving spouse to receive a monthly allowance after the retiree dies.~~

(2) As used in this section, the terms "spouse," "surviving spouse" and "eligible spouse" mean "lawful surviving spouse."

(3) ~~Option A (historic retirement option and survivor benefit). The department pays the retiree a monthly retirement allowance in accordance with RCW 43.43.260 (Benefits). The department pays survivor benefits in accordance with RCW 43.43.270 (Retirement allowances).~~

(a) ~~When the retiree dies, the department pays the retiree's lawful spouse a monthly retirement allowance equal to the gross monthly allowance received by the retiree, or an allowance equal to fifty percent of the average final salary~~

~~(AFS) used to determine the retiree's benefit, whichever is less. This allowance is paid for the duration of the spouse's lifetime. The surviving spouse allowance will be adjusted by the annual increase amount as provided by RCW 43.43.272 (Surviving spouse allowance—Annual adjustment).~~

~~(b) If a surviving spouse who is receiving benefits under this subsection marries another member of this retirement system and the retiree predeceases the spouse, the spouse can receive only the higher of the two survivor's allowances for which he or she qualifies. The surviving spouse cannot receive more than one survivor allowance at a time under this subsection.~~

~~(c) To be eligible for an allowance, the lawful surviving spouse of a retired member must have been married to the member prior to the member's retirement and continuously thereafter until the date of the member's death, or must have been married to the retired member at least two years prior to the member's death.~~

~~(d) If the retiree has surviving unmarried children under the age of eighteen years, each child shall be entitled to a benefit equal to five percent of the retiree's AFS at retirement. The combined benefits to the surviving spouse and all children cannot exceed sixty percent of the retiree's AFS.~~

~~(e) If there is no surviving spouse or the spouse dies, the child or children will receive a benefit equal to thirty percent~~

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of the retiree's AFS for one child and an additional ten percent of AFS for each additional child.

(f) All benefits cease upon the death of the surviving spouse or the youngest unmarried child's attainment of age eighteen, whichever occurs last. Any remaining balance of the member's accumulated contributions will be paid to:

(i) Such person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department of retirement systems; or

(ii) The member's estate; or

(iii) If there is neither such designated person or persons still living at the time of death, then to the member's legal representative.

(4) Option B (actuarially equivalent retirement option and survivor benefit). The department pays the retiree a monthly benefit that is actuarially reduced by three percent to offset the cost of the survivor feature. The retiree's annual post retirement increase (PRI) is based upon the amount of the retiree's reduced benefit.

(a) When the retiree dies, the department pays the retiree's eligible spouse a monthly retirement allowance equal to the gross monthly allowance received by the retiree. This allowance is paid for the duration of the spouse's lifetime. The surviving spouse allowance will be increased every July 1 by the amount of the PRI that had been paid to the retiree under the provisions of RCW 43.43.260(5).

(b) Benefits to the surviving spouse cease upon the spouse's death. Any remaining balance of the member's accumulated contributions will be paid to:

(i) Such person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department of retirement systems; or

(ii) The member's estate; or

(iii) If there is neither such designated person or persons still living at the time of death, then to the member's legal representative.

(5) Retiree's benefit increases if spouse ceases to be married to retiree or predeceases retiree (pop up provision):

(a) This subsection applies to members retiring on or after July 1, 2000, who select Option B.

(b) If the retiree's spouse ceases to be married to the retiree or dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that would have been received had the retiree chosen Option A; plus

(ii) Any post retirement increases the retiree received prior to the survivor's death or the termination of marriage.

(c) Pop up recalculation example:

Option B:

Bob retires on August 1, 2000. He selects Option B so that his spouse Linda, to whom he has been married for 30 years, will receive his monthly allowance and post retirement increases after he dies. As a result, his monthly allowance is reduced by three percent from \$3,000, the Option A, historic retirement and survivor benefit, to \$2,910. Bob's PRI is \$58.20, two percent of his reduced retirement allowance.

Unfortunately, Linda dies in September 2002. Under the "pop up" provision, Bob's monthly benefit will increase in October 2002 to a total of \$3,116.40. His new benefit amount is composed of the \$3,000 he would have received had he originally chosen Option A, plus the total of the PRIs he received in 2001 and 2002.

Year	Option A (Historic Survivor Benefit)	Annual PRI Based on Option A Benefit	Option B (Full Survivor Benefit)	Annual PRI Based on Optional B Benefit	Total Benefit
08/01/2000			2,910.00	(not eligible-)	2,910.00
07/01/2001			2,910.00	58.20	2,968.20
07/01/2002			2,968.20	58.20	3,026.40
10/01/2002	3,000.00				3,116.40
07/01/2003	3,000.00	60.00			3,176.40

On July 1, 2003, Bob's PRI will be two percent of the Option A amount (\$60.00) and his benefit will increase to \$3,176.40.

(d) If the retiree whose benefit increases under this section thereafter dies before all contributions are exhausted and there is no surviving spouse or eligible child, all benefits cease. Any remaining balance is paid to:

(i) Such person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department of retirement systems; or

(ii) The member's estate; or

(iii) If there is neither such designated person or persons still living at the time of death, then to the member's legal representative.) This section only applies to members commissioned before January 1, 2003 (WSPRS Plan 1).

(1) When retiring for service, a married member can choose either Option A (historic retirement option) under RCW 43.43.260 and 43.43.270 or Option B under RCW

43.43.278. Both options include a survivor feature that entitles the eligible surviving spouse and any eligible children to receive a monthly allowance after the retiree dies.

**(2) Option A (historic retirement option and survivor benefit).** The department pays the retiree a monthly retirement allowance in accordance with RCW 43.43.260 (Benefits). The department pays survivor benefits in accordance with RCW 43.43.270 (Retirement allowances).

**(a) Surviving spouse.** When the retiree dies, the department pays the retiree's surviving spouse a monthly retirement allowance equal to the gross monthly allowance then payable to the retiree, or an allowance equal to fifty percent of the average final salary (AFS) used to determine the retiree's benefit, whichever is less.

**(b) Surviving children when there is a surviving spouse.** If the retiree has a surviving spouse and surviving unmarried children under the age of eighteen years, each

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child shall be entitled to a benefit equal to five percent of the retiree's average final salary (AFS) at retirement. The combined benefits to the surviving spouse and all children cannot exceed sixty percent of the retiree's AFS.

**(3) Option B (actuarially equivalent retirement option and survivor benefit).** The department pays the retiree a monthly retirement allowance that is reduced by three percent from the benefit calculated under Option A. The department pays survivor benefits in accordance with RCW 43.43.278.

**(a) Surviving spouse.** When the retiree dies, the department pays the retiree's surviving spouse a monthly retirement allowance equal to the gross monthly allowance then payable to the retiree.

**(b) Surviving children when there is a surviving spouse.** If the retiree has a surviving spouse and surviving unmarried children under the age of eighteen years, each surviving unmarried child under the age of eighteen years shall be entitled to a benefit equal to five percent of the retiree's average final salary (AFS) at retirement.

**(4) Benefits included in Option A and Option B.**

**(a) Cost-of-living adjustment.** The retiree's annual adjustment every July is based upon the provisions in RCW 43.43.260(5). The annual adjustment applies to the eligible surviving spouse and any eligible children, who receive a monthly allowance after the retiree dies.

**(b) Surviving spouse eligibility.** To be eligible for an allowance, the surviving spouse of a retiree must either:

(i) Have been married to the retiree prior to his or her retirement and continuously thereafter until the retiree's death; or

(ii) Have been married to the retiree for at least two years prior to the retiree's death.

**(c) Remarriage of surviving spouse.** If a surviving spouse who is receiving benefits under this subsection marries another member of WSPRS and that retiree dies before the spouse, the spouse will receive only the higher of the two survivors' allowances for which he or she qualifies. The surviving spouse cannot receive more than one survivor allowance at a time under this subsection.

**(d) Surviving children when there is no surviving spouse.** If there is no surviving spouse or the surviving spouse dies, the unmarried child or children under the age of eighteen years shall be entitled to a benefit equal to thirty percent of the retiree's AFS for one child and an additional ten percent of AFS for each additional child. The combined benefits to the surviving children cannot exceed sixty percent of the retiree's AFS. Benefit payments under this subsection will be divided equally among the children.

**(e) End of benefits.** All benefits end when the surviving spouse dies or the youngest unmarried child reaches age eighteen, whichever occurs last.

**(f) Distribution of remaining contributions.** Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department desig-

nated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (f)(i) of this subsection is living or in existence at the time of the retiree's death.

**(5) Pop-up provision.**

(a) This subsection only applies to members retiring on or after July 1, 2000, who select Option B.

(b) If the retiree and spouse divorce, or if the spouse dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that the retiree would have received had the retiree chosen Option A at retirement; plus

(ii) Any cost of living adjustments (COLA) the retiree received prior to the divorce or the spouse's death.

(c) Pop-up recalculation example:

Option B: Bob retired on August 1, 2000. His Option A benefit would have been \$3,000. He selected Option B so that his spouse, Linda, will receive his monthly allowance and COLA after he dies. As a result, his monthly allowance was reduced by three percent from \$3,000, the Option A, historic retirement and survivor benefit, to \$2,910. Bob's COLA for 2001 was \$87.30 (three percent of \$2,910) and for 2002 was \$89.92 (three percent of \$2,997.30).

Linda died in September 2002. Under the "pop-up" provision, Bob's monthly benefit increased in October 2002 to a total of \$3,177.22. His new benefit amount includes the \$3,000 he would have received had he originally chosen Option A, plus the total of the COLAs he received in 2001 (\$87.30) and 2002 (\$89.92). On July 1, 2003, Bob's COLA will be based on the average consumer price index to a maximum of three percent. See RCW 43.43.260(5).

(d) If a retiree whose benefit increases under this subsection dies and there is no eligible child, all benefit payments end. Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (d)(i) of this subsection is living or in existence at the time of the retiree's death.

(6) For more information see chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors the department uses for calculating retirement allowances.

(7) Terms used in this section:

"Pop-up" - see WAC 415-02-030.

## NEW SECTION

**WAC 415-103-225 What are the WSPRS Plan 2 retirement benefit options?** This section only applies to members commissioned on or after January 1, 2003 (WSPRS Plan 2). RCW 43.43.271 enables the department to provide retiring WSPRS Plan 2 members with an irrevocable choice of four retirement benefit options for receipt of their retire-

ment benefit. The retiring member must choose an option when applying for service retirement:

(1) **Option One: Benefit option without survivor features (standard allowance).** The department will pay a monthly retirement allowance based solely on the single life of the retiree, as provided by RCW 43.43.260 (Benefits). When the retiree dies, all benefits end. Any remaining balance of the retiree's accumulated contributions will be paid to:

(a) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(b) To the retiree's legal representative, if no person or entity designated in (a) of this subsection is living or in existence at the time of the retiree's death.

(2) **Benefit options with a survivor feature.**

(a) At retirement, a member may select a survivor option in lieu of the standard allowance. With a survivor option, the retiree's monthly benefit payment is actuarially reduced from the standard allowance to offset the cost of the survivor features. The retiree designates a person to receive a monthly benefit payment after the retiree dies. The designated person or "survivor beneficiary" will receive this monthly allowance for the remainder of his or her life. If the retiree and survivor beneficiary both die before the retiree's accumulated contributions have been exhausted, all monthly payments end. Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (a)(i) of this subsection is living or in existence at the time of the retiree's death.

(b) **Option Two (joint and whole allowance).** When the retiree dies, the department pays the survivor beneficiary a monthly benefit equal to the gross monthly allowance then payable to the retiree.

(c) **Option Three (joint and one-half allowance).** When the retiree dies, the department pays the survivor beneficiary a monthly benefit equal to one-half of the amount of the retiree's gross monthly retirement allowance then payable to the retiree.

(d) **Option Four (joint and two-thirds allowance).** When the retiree dies, the department pays the survivor beneficiary a monthly benefit equal to two-thirds of the retiree's gross monthly retirement allowance then payable to the retiree.

(3) **Pop-up provision.**

(a) This subsection only applies to retiring members who select a benefit option with a survivor feature (Option Two, Three, or Four).

(b) If the survivor beneficiary dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that the retiree would have received had the retiree chosen Option One; plus

(ii) Any cost-of-living adjustments (COLA) the retiree received prior to the survivor beneficiary's death based on the original selection.

(c) If a retiree whose benefit increases under this section dies, all benefit payments end. Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (c)(i) of this subsection is living or in existence at the time of the retiree's death.

(4) **Postretirement benefit options.**

(a) **Postretirement marriage option.** A retiree who chose the standard allowance (Option One) at the time of retirement, and then marries has a one time only option to choose a survivor option. The retiree may choose a survivor option that names his or her new spouse as the survivor beneficiary, provided:

(i) The retiree's monthly benefit is not subject to a property settlement agreement from a court decree of dissolution or legal separation;

(ii) The retiree makes the choice during the one year window, on or after the date of the first anniversary and before the second anniversary of the postretirement marriage;

(iii) The retiree provides the department with a copy of a marriage certificate as proof of the postretirement marriage and proof of the birthdate of the new spouse; and

(iv) The retiree properly and timely completes and files the correct forms with the department.

(b) **Postretirement survivor change.** A retiree who chose a nonspouse as a survivor beneficiary at the time of retirement may remove that survivor designation one time only. The retiree may have the benefit adjusted to a standard allowance provided the retiree properly and timely completes and files the correct forms with the department.

(c) The change selected under (a) or (b) of this subsection will begin the first of the month following receipt of properly completed and filed paperwork with the department. The change becomes irrevocable on the date that the completed paperwork is received by the department.

(5) For more information, see chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors the department uses for calculating retirement allowances.

(6) Terms used in this section:

"Pop-up" - see WAC 415-02-030.

**AMENDATORY SECTION** (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

**WAC 415-108-727 Can I transfer service credit earned as a cadet in the public employees' retirement system to the Washington state patrol retirement system Plans 1 or 2?** (1) A PERS Plan 1 or Plan 2 member may transfer cadet service under RCW 41.40.092.

(2) A person who becomes a PERS Plan 3 member cannot transfer service credit earned as a cadet in PERS, regardless of when the credit was earned.

**WSR 02-23-041**  
**PERMANENT RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed November 14, 2002, 3:37 p.m., effective December 31, 2002]

Date of Adoption: November 14, 2002.

Purpose: The purpose of this action is to repeal these rules which has an effective date of January 1, 2003. This is due to the passage of SHB 1268. We will not be proceeding with merging Titles 251 and 356 WAC.

Citation of Existing Rules Affected by this Order: See repealer sections below.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-20-109 on October 2, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 40.

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 40; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: December 31, 2002.

November 14, 2002

E. C. Matt

Secretary

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 359-07-010 Purpose.
- WAC 359-07-020 Public records—Writings—Defined.
- WAC 359-07-030 Description and location of departmental organization.
- WAC 359-07-040 General method of operation.
- WAC 359-07-050 Office hours.
- WAC 359-07-055 Records index.
- WAC 359-07-060 Records availability—Copies obtained.

WAC 359-07-070 Exemptions—Public records.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 359-09-010 Purpose.
- WAC 359-09-012 Guidelines.
- WAC 359-09-015 Governor's affirmative action policy committee.
- WAC 359-09-020 Required submissions.
- WAC 359-09-030 Reasonable accommodation.
- WAC 359-09-040 Department of personnel.
- WAC 359-09-050 Testing—Supplemental certification.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 359-14-010 Maintenance of eligible lists.
- WAC 359-14-020 Name removal.
- WAC 359-14-030 Referrals.
- WAC 359-14-050 Noncompetitive eligible list.
- WAC 359-14-070 Combined eligible lists.
- WAC 359-14-080 Specialized qualifications.
- WAC 359-14-100 Eligible list designations.
- WAC 359-14-130 Internal procedure for transfer, lateral moves, and voluntary demotion.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 359-39-010 Purpose.
- WAC 359-39-020 Definitions.
- WAC 359-39-030 Assignment of responsibilities.
- WAC 359-39-040 Assignments for career development purposes.
- WAC 359-39-050 Human resource training and development plan—Criteria—Availability.
- WAC 359-39-090 Required entry-level management/supervisory training—Agency.

PERMANENT

WAC 359-39-140 Employee attendance at training.

Adopted under notice filed as WSR 02-20-108 on October 2, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 6, Amended 8, 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: January 1, 2003.

November 14, 2002

E. C. Matt  
Secretary

PERMANENT

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 359-40-010 Reasons for layoff.
- WAC 359-40-020 Seniority.
- WAC 359-40-050 Layoff procedure.
- WAC 359-40-060 Alternate review period.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 359-48-010 State internship program—Purpose.
- WAC 359-48-020 State internship program—Application of rules.
- WAC 359-48-030 State internship program—General provisions.
- WAC 359-48-040 State internship program—Eligibility—Duration of internship.
- WAC 359-48-050 State internship program—Return rights—Benefits.
- WAC 359-48-060 State internship program—Completion of internship.

**NEW SECTION**

**WAC 356-05-072 Child.** For the purposes of WAC 356-18-025, 356-18-060, 356-18-110, and 356-14-260, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is (a) under eighteen years of age; or (b) eighteen years of age or older and incapable of self-care because of a mental or physical disability. Persons who are *in loco parentis* includes those with day-to-day responsibilities to care for and financially support a child.

**NEW SECTION**

**WAC 356-05-148 Emergency health condition.** For the purposes of WAC 356-18-025, 356-18-060, 356-18-110, and 356-14-260, a sudden, generally unexpected occurrence or set of circumstances related to one's health, which requires immediate action and is typically short-term in nature.

**NEW SECTION**

**WAC 356-05-234 Parent.** For the purposes of WAC 356-18-025, 356-18-060, 356-18-110, and 356-14-260, a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child. A person who had day-to-day responsibilities to care for and financially support the employee when he or she was a child is considered to have stood *in loco parentis* to the employee.

**AMENDATORY SECTION** (Amending WSR 96-21-037, filed 10/10/96, effective 11/10/96)

**WAC 356-18-025 Holidays—Selected personal holiday—Regulations governing.** (1) An employee may select

**WSR 02-23-042**

**PERMANENT RULES**

**PERSONNEL RESOURCES BOARD**

[Filed November 14, 2002, 3:39 p.m., effective January 1, 2003]

Date of Adoption: November 14, 2002.

Purpose: The purpose of the new rules and modifications are due to the passage of SSB 6426. This bill allows employees to use any or all of the employees paid time off to care for a child condition that requires treatment or supervision or a spouse, parent, parent-in-law or grandparent who has a serious health condition or an emergency condition.

Citation of Existing Rules Affected by this Order: New sections WAC 356-05-072 Child, 356-05-148 Emergency health condition, 356-05-234 Parent, 251-01-056 Child, 251-01-129 Emergency health condition and 251-01-268 Parent; and amendatory sections WAC 356-18-025 Holidays—Selected personal holiday—Regulations governing, 356-18-060 Paid sick leave—Use, 356-18-110 Vacation leave—Allowance, 356-14-260 Compensatory time—Liquidation, 251-09-030 Overtime, 251-22-045 Personal holiday, 251-22-070 Vacation leave—Use, and 251-22-110 Sick leave—Use.

Statutory Authority for Adoption: RCW 41.06.150.

one workday as a personal holiday each calendar year provided:

(a) The employee has been continuously employed by the state for more than four months, or is scheduled to be continuously employed by the state for more than four months, and

(b) The employee who is scheduled to work less than six continuous months over a period covering two calendar years shall receive only one personal holiday during this period.

(2) The agency shall release the employee from work on the day selected as the personal holiday provided:

(a) The employee has given not less than fourteen calendar days' written notice to the supervisor, provided, however, the employee and the supervisor may agree upon an earlier date, and

(b) The number of employees selecting a particular day off does not prevent an agency from providing continued public service.

(3) The personal holiday must be taken during the calendar year or entitlement to the day will lapse, except that the entitlement shall carry over to the following year when an otherwise qualified employee has requested a personal holiday and the request has been denied.

(4) Agencies may also establish qualifying policies for determining which of the requests for a particular day will or will not be granted when the number of requests for a personal holiday would impair operational necessity.

(5) Part-time employees who were employed during the month in which the personal holiday is taken will be compensated for the personal holiday in an amount proportionate to the time in pay status during the month to that required for full-time employment.

(6) A personal holiday for full-time employees shall be equivalent to their workshift on the day selected for personal holiday absence.

(7) For purposes of shared leave donation, part or all of a personal holiday may be donated to another employee in accordance with WAC 356-18-112.

~~((a) Any portion of the personal holiday that remains after donation to shared leave shall be taken by the donating employee in one absence, not to exceed the workshift on the day of the absence. Such absence is subject to request and approval as described in this section.))~~

~~((i))~~ (a) For part-time employees, the amount of time an employee is entitled to for a personal holiday is calculated proportionate to full time as provided in (5) of this section. The amount of personal holiday remaining after donation is determined based on the proportionate hours earned minus any personal holiday hours donated.

~~((ii))~~ (b) For full-time employees, the amount of personal holiday remaining after donation is determined based on the employee's regular assigned workshift originally selected by that employee minus any personal holiday hours donated.

~~((b) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.))~~

(8) If eligible, an employee shall be granted use of part or all of the personal holiday for the following reasons:

(a) To care for a child with a health condition that requires treatment or supervision.

(b) To care for a spouse, parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency health condition.

(9) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program as provided in subsection (7) of this section or using a portion of the personal holiday to provide care as provided in subsection (8) of this section. Any portion of the personnel holiday that remains and is not being used for the purposes specified in subsection (7) or (8) of this section shall be taken by the employee in one absence not to exceed the workshift on the day of the absence. Such absence is subject to request and approval as described in this section.

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

AMENDATORY SECTION (Amending WSR 96-13-076, filed 6/18/96, effective 8/1/96)

**WAC 356-18-060 Paid sick leave—Use.** (1) Personal illness: Accumulated sick leave shall be granted when an employee is required to be absent from work for any of the following reasons:

(a) Illness or injury of the employee or for preventative health care.

(b) Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.

(c) Disability of the employee due to pregnancy or childbirth.

(d) The serious health condition of an eligible employee as provided in WAC 356-18-145.

(2) Illness of ~~((children))~~ a child: Accumulated sick leave shall be granted when an employee is required to be absent from work to provide care to a child ~~((under the age of eighteen))~~ with a health condition requiring treatment or supervision. ~~((For the purpose of this subsection, "children" shall be limited to the son or daughter of the employee or the employee's spouse.))~~

(3) Illness of relatives or household members: For purposes other than serious health condition as provided in subsection (4) of this section, up to five days of accumulated sick leave shall be granted for each occurrence or as extended by the agency when an employee is required to be absent from work to provide care to members of the employee's household or relatives of the employee or the employee's spouse who experience an illness or injury. For purposes of this subsection, "relatives" shall be limited to:

(a) Spouse.

(b) Son or daughter, eighteen years of age or over, grandchild, or foster child.

(c) Grandparent or parent.

(4) ~~((Serious health condition of spouse, child or parent.))~~ Accumulated sick leave shall be granted when an eligible employee is required to be absent from work to provide care to the employee's spouse, child, ~~((or))~~ parent, parent-in-law, or grandparent with a serious health condition ~~((as pro-~~

vided in WAC 356-18-145)) or an emergency health condition.

(5) Preventative health care of relatives or household members: Up to one day of sick leave shall be granted for each occurrence or as extended by the agency when an employee is required to be absent to provide care or transportation for a relative of the employee or the employee's spouse or for a member of the employee's household obtaining preventative health care. For the purposes of this subsection "relatives" shall be limited to:

- (a) Spouse.
- (b) Son, daughter, grandchild, or foster child.
- (c) Grandparent or parent.
- (6) For purposes of the provisions of subsections (3), (5), and (7)(a) of this section:

Members of household means "persons who reside in same home, who have reciprocal and natural and/or moral duties to and do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune."

(7) Bereavement: Accumulated sick leave shall be granted up to three days for each occurrence or as extended by the agency for reasons of travel when an employee is required to be absent from work for any of the following reasons:

- (a) Death of members of the employee's household or relatives of the employee or the employee's spouse.
- (b) For purposes of the provisions of subsection (7)(a) of this section, "relatives" shall be limited to:
  - (i) Spouse.
  - (ii) Son, daughter, grandchild, foster child, son-in-law, or daughter-in-law.
  - (iii) Grandparent, parent, brother, sister, niece, nephew, aunt, uncle, first cousin, brother-in-law, or sister-in-law.

(8) Inclement weather: Up to three days of accumulated sick leave shall be granted when the employee is unable to report for scheduled work because of severe inclement weather. (Such use of sick leave shall be limited to three days in any calendar year and shall be used only as specified in WAC 356-18-115.)

(9) Unforeseen family care requirements: Such use of sick leave shall normally be limited to a maximum of one day per incident, and to three days in any calendar year, unless extended by the appointing authority, and shall be used only as specified in WAC 356-18-116.

(10) When a condition listed under subsection (1)(a) or (c) of this section arises while the employee is on vacation leave, the employee shall be granted accrued sick leave as provided above for the condition (in lieu of the approved vacation leave) provided that the employee requests such sick leave within fourteen days after return to work. Such conversion rights shall not extend to vacation leave taken prior to an employee's separation as provided in WAC 356-18-100(2).

**AMENDATORY SECTION** (Amending WSR 96-13-076, filed 6/18/96, effective 8/1/96)

**WAC 356-18-110 Vacation leave—Allowance.** (1) Full-time employees shall not use or be compensated for

vacation leave credits until completion of six months continuous state service. Employees whose payroll hours are usually less than 40 hours a week shall not use nor be compensated for vacation leave credits until completion of twelve continuous months of state service.

(2) All requests for vacation leave shall be ~~((in writing and must be approved in advance of the effective date unless used))~~ made in accordance with the agency's leave policy, except that any requirement that requested leave must be approved in advance of the effective date is waived when the leave is being requested in lieu of sick leave or to respond to unforeseen child care requirements, or the supervisor chooses to approve the vacation leave on a retrospective basis, or for an emergency health condition as provided in subsection (3) of this section.

(3) Accumulated vacation leave shall be approved for the serious health condition or emergency health condition of the eligible employee, or the eligible employee's spouse, child ~~((or))~~ parent, ~~((as provided in WAC 356-18-145))~~ parent-in-law, or grandparent or to care for a child with a health condition that requires treatment or supervision.

(4) Accumulated vacation leave shall be approved for newborn, adoptive or foster child care as provided in WAC 356-18-150 and 356-18-145.

(5) Vacation leave shall be charged in half-hour increments or in smaller increments as set by the employing agency.

(6) When considering requests for vacation leave the employing agency shall give due regard to the needs of the employee but may require that leave be taken when it will least interfere with the work of the agency.

(7) Vacation leave for religious observances should be granted to the extent agency or program requirements permit.

**AMENDATORY SECTION** (Amending WSR 96-13-076, filed 6/18/96, effective 8/1/96)

**WAC 356-14-260 Compensatory time—Liquidation.** Agencies may require that compensatory time off shall be scheduled as soon as possible after accrual and with due regard for the employee's needs, insofar as this can be accomplished without detracting from sound and orderly administration. Accumulated compensatory time shall be granted for the following purposes: ((of WAC 356-18-145, Family and Medical Leave Act of 1993, or WAC 356-18-150, Newborn, adoptive, or foster child care. Compensatory time taken for the situations described in WAC 356-18-145(2) shall not be counted as part of the 12 weeks total absence granted for Family and Medical Leave Act.))

(a) Purpose of WAC 356-18-145, Family and Medical Leave Act of 1993. Compensatory time taken for the situations described in WAC 356-18-145(2) shall not be counted as part of the 12 weeks total absence granted for Family and Medical Leave Act.

(b) Purpose of WAC 356-18-150, Newborn, adoptive, or foster child care.

(c) To care for a child with a health condition that requires treatment or supervision.

(d) To care for a spouse, parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency health condition.

Agencies may require that accumulated compensatory time be liquidated before vacation leave is granted except in those instances where this procedure would result in loss of accumulated vacation leave.

#### NEW SECTION

**WAC 251-01-056 Child.** For the purposes of WAC 251-09-030, 251-22-045, 251-22-070, and 251-22-110, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is under eighteen years of age or eighteen years of age or older and incapable of self-care because of a mental or physical disability. Persons who are *in loco parentis* includes those with day-to-day responsibilities to care for and financially support a child.

#### NEW SECTION

**WAC 251-01-129 Emergency health condition.** For the purposes of WAC 251-09-030, 251-22-045, 251-22-070, and 251-22-110, a sudden, generally unexpected occurrence or set of circumstances related to one's health, which requires immediate action and is typically short-term in nature.

#### NEW SECTION

**WAC 251-01-268 Parent.** For the purposes of WAC 251-09-030, 251-22-045, 251-22-070, and 251-22-110, a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child. A person who had day-to-day responsibilities to care for and financially support the employee when he or she was a child is considered to have stood *in loco parentis* to the employee.

AMENDATORY SECTION (Amending WSR 92-05-034, filed 2/11/92, effective 4/1/92)

**WAC 251-09-030 Overtime.** (1) Any one of the following constitutes overtime:

- (a) Work in excess of the daily work shift for full-time employees assigned to scheduled work period positions;
- (b) Work in excess of forty hours in one work week for employees assigned to scheduled or nonscheduled work period positions; or
- (c) For hospital personnel assigned to a fourteen-day schedule, work in excess of eight hours in a twenty-four hour period or eighty hours in a fourteen-day period.

(2) Overtime worked by employees assigned to scheduled or nonscheduled work period positions shall be compensated at a rate of one and one-half times the employee's base rate plus any additional payment(s) required to be included by the Fair Labor Standards Act, such as shift differential, and other applicable state/federal law.

(3) Employees assigned to scheduled or nonscheduled work period positions shall receive monetary payment as

compensation for overtime worked; however, at the employee's request compensatory time off at one and one-half times the overtime hours worked may be granted in lieu of monetary payment, except that agricultural employees shall receive compensatory time off or monetary payment at the option of the institution. The accumulation of unused compensatory time that exceeds two hundred forty hours (four hundred eighty for employees engaged in public safety or emergency response activity) must be paid in cash.

(4) If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment. Upon termination of employment, an employee will be paid for any unused compensatory time in accordance with the Fair Labor Standards Act.

(5) Use of accrued compensatory time shall be approved by the employing official with consideration being given to the work requirements of the department and the wishes of the employee. Compensatory time off shall be granted by the employing official at the request of employee to care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition, or to care for a child with a health condition that requires treatment or supervision. Compensatory time off may be scheduled by the employing official during the final sixty days of a biennium.

(6) Employees assigned to excepted work period positions normally do not qualify for overtime pay. Under circumstances in which the employee is directed to work an excessive amount of overtime, the personnel officer may authorize additional compensation in cash or time off not to exceed one and one-half times the employee's regular rate. The employee may petition the personnel officer for compensation of the directed overtime.

(7) For purposes of computing overtime compensation, holidays or leave with pay during the employee's regular work schedule shall be considered as time worked.

AMENDATORY SECTION (Amending WSR 96-21-036, filed 10/10/96, effective 11/10/96)

**WAC 251-22-045 Personal holiday.** (1) Each employee may select one personal holiday each calendar year, as indicated in WAC 251-22-040(10) and the institution/related board must grant the day, provided:

- (a) The employee has been continuously employed by the institution for more than four months.
- (b) The employee has given not less than fourteen calendar days written notice to the supervisor; provided, however, the employee and the supervisor may agree upon an earlier date; and

(c) The number of employees selecting a particular day off does not prevent providing continued public service.

(2) Entitlement to the holiday will not lapse when denied under (1)(c) above.

(3) Full-time alternate work schedule employees shall receive eight hours of regular holiday pay for the personal holiday. Any differences between the scheduled shift for the day and eight hours may be adjusted by use of vacation leave,

use or accumulation of compensatory time as appropriate, or leave without pay.

(4) Part-time classified employees shall be entitled to the number of paid hours on a personal holiday that their monthly schedule bears to a full time schedule.

(5) Part or all of a personal holiday may be donated to another employee for shared leave as provided in WAC 251-22-250 and WAC 251-22-280.

~~((a) Any portion of the personal holiday that remains after donation to shared leave shall be taken by the donating employee in one absence subject to request and approval as described in subsection (1) and (2) of this section.))~~

~~((b)) That portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.~~

~~((c) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.))~~

(6) If continuously employed by the institution for four months, an employee shall be granted part or all of the personal holiday to care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or emergency health condition or to care for a child with a health condition that requires treatment or supervision.

(7) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program as provided in subsection (5) of this section or using a portion of the personal holiday to provide care as provided in subsection (6) of this section. Any portion of the personal holiday that remains and is not being used for the purposes specified in subsection (5) or (6) of this section shall be taken by the employee in one absence subject to request and approval as described in subsection (1) and (2) of this section.

AMENDATORY SECTION (Amending WSR 87-14-051, filed 7/1/87, effective 8/1/87)

**WAC 251-22-070 Vacation leave—Use.** (1) Vacation leave may not be taken until an employee has completed six months of continuous employment. An employee bringing an accrued balance from another state agency may use the previously accrued vacation leave during the institutional probationary or trial service period.

(2) All requests for vacation leave must be ~~((approved by the employing official or designee in advance of the effective date unless used for emergency child care as provided in WAC 251-22-117))~~ made and approved in accordance with the applicable institution and/or employing unit leave procedures. Leave procedures must make provisions for emergency health conditions as provided in subsection (4) of this section and emergency child care as provided in WAC 251-22-117 in which it is not possible for the employee to provide advance notice of the need to take leave and to obtain advance approval for the use of leave.

(3) Vacation leave shall be scheduled by the employing department at a time most convenient to the work of the department, the determination of which shall rest with the employing official. As far as possible, leave will be sched-

uled in accordance with the wishes of the employee in any amount up to the total of his/her earned leave credits.

(4) Consistent with the provisions of subsection (1) of this section, vacation leave shall be granted at the employee's request to care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition, or to care for a child with a health condition that requires treatment or supervision.

~~((4))~~ (5) Paid vacation leave may not be used in advance of its accrual.

AMENDATORY SECTION (Amending WSR 88-17-008, filed 8/5/88, effective 9/5/88)

**WAC 251-22-110 Sick leave—Use.** (1) Sick leave shall be allowed an employee under the following conditions:

(a) Because of and during illness, disability or injury which has incapacitated the employee from performing required duties.

(b) By reason of exposure of the employee to a contagious disease during such period as attendance on duty would jeopardize the health of fellow employees or the public.

(c) To care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or emergency health condition.

~~((e))~~ (d) Except as provided in subsection (1)(c) of this section, ((B))because of emergencies caused by serious illness or injury of a family member fifteen years of age and over that require the presence of the employee to provide immediate necessary care of the patient or to make arrangements for extended care. The personnel officer may authorize sick leave use as provided in this subsection for other than family members. The applicability of "emergency," "necessary care" and "extended care" shall be made by the personnel officer.

~~((d))~~ (e) To care for a child (as identified in WAC 251-01-172) under the age of eighteen with a health condition that requires treatment or supervision, or to make arrangements for extended care.

~~((e))~~ (f) Because of illness or injury of a family member who is a person of disability and requires the employee's presence to provide short-term care or to make arrangements for extended care.

~~((f))~~ (g) To provide emergency child care for the employee's child (as identified in WAC 251-01-172). Such use of sick leave is limited to three days in any calendar year, unless extended by the personnel officer, and shall be used only as specified in WAC 251-22-117.

~~((g))~~ (h) Because of a family member's death that requires the assistance of the employee in making arrangements for interment of the deceased.

~~((h))~~ (i) For personal medical, dental, or optical appointments or for family members' appointments when the presence of the employee is required, if arranged in advance with the employing official or designee.

(2) Sick leave may be granted for condolence or bereavement.

## WSR 02-23-060

## PERMANENT RULES

## DEPARTMENT OF LICENSING

[Filed November 18, 2002, 10:52 a.m., effective January 1, 2003]

Date of Adoption: November 12, 2002.

Purpose: The purpose for these rule changes is that the private investigator company principal and certified trainer examination was rewritten in 2002. The new exam has different study guide sources and the required minimum passing exam score as stated in the current WAC are no longer accurate.

Citation of Existing Rules Affected by this Order: Amending WAC 308-17-310 and 308-17-320, private investigator examination.

Statutory Authority for Adoption: Chapter 18.165 RCW.

Adopted under notice filed as WSR 02-20-085 on October 1, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: January 1, 2003.

November 14, 2002

Alan E. Rathbun

Assistant Director

**AMENDATORY SECTION** (Amending WSR 97-17-051, filed 8/15/97)

**WAC 308-17-310 Private investigative agency principal examination requirements.** (1) All principals of an agency who do not meet the experience requirements required by RCW 18.165.050, must pass an examination demonstrating their knowledge and proficiency in the following areas:

~~((a) All topics contained in the private investigator pre-assignment training course.~~

~~(b) Washington state law as it applies to private investigator licensing and regulation.~~

~~(c) Legal liability for employee actions pertaining to the private investigative industry.~~

~~(d) The Federal Freedom of Information Act (5 U.S.C. 552).~~

~~(e) The Federal Privacy Act (5 U.S.C. 522A).~~

~~(f) The Washington state Public Disclosure Act (chapter 42.17 RCW).~~

~~(g) Communication skills.)~~

~~A. Washington State Laws (45% of test)~~

~~I. Private Investigators Law - 18.165 RCW and 308-17~~

~~WAC~~

~~II. All topics contained in the private investigator pre-assignment training course (WAC 308-17-300)~~

~~III. Chapter 9.73 RCW Privacy, Violating Right of Privacy (e.g. Surveillance and Wiretapping)~~

~~IV. Chapter 42.17 RCW Public Disclosure~~

~~V. Title 9A RCW - Washington State Criminal Code~~

~~VI. Other Resources:~~

~~- Title 2 RCW - Courts of Record~~

~~- Title 3 RCW - District Courts/Courts of Limited Jurisdictions~~

~~- Title 26 RCW - Domestic Relations (e.g. marriage, dissolution, adoption)~~

~~- Title 36 RCW - Counties~~

~~- Title 46 RCW - Motor Vehicles (e.g. accidents, forms)~~

~~B. Federal Law (30% of test)~~

~~I. Federal Privacy Act (5 U.S.C. 522A)~~

~~II. Freedom of Information Act (5 U.S.C. 552)~~

~~III. Fair Credit Reporting Act (15 U.S.C. 1681)~~

~~IV. Federal Wiretapping Act (18 U.S.C.)~~

~~V. Gramm-Leach-Bliley Act~~

~~VI. United States Code~~

~~C. Court Systems (7.5% of test)~~

~~I. Federal Courts~~

~~II. Title 28 of the U.S. Code~~

~~III. Public Law 101-650~~

~~D. State Courts~~

~~I. Chapter 35.20 RCW - Municipal Courts~~

~~II. Title 2 RCW Courts of Records~~

~~III. Title 3 RCW - District Courts/Courts of Limited Jurisdictions~~

~~IV. Title 4 RCW - Civil Procedures~~

~~V. Title 5 RCW - Evidence~~

~~VI. Title 6 RCW - Enforcement of Judgments~~

~~E. Legal Procedures and Definitions (10% of test)~~

~~I. Terminology and Definitions~~

~~II. Title 9A RCW - Washington State Criminal Code~~

~~III. Title 2 RCW - Courts of Record~~

~~IV. Title 3 RCW - District Courts/Courts of Limited Jurisdictions~~

~~V. Title 4 RCW - Civil Procedures~~

~~VI. Title 5 RCW - Evidence~~

~~VII. Title 6 RCW - Enforcement of Judgments~~

~~VIII. Title 26 RCW - Domestic Relations (e.g. marriage, dissolution, adoption)~~

~~IX. Black's Law Dictionary~~

~~F. Other resources of public information (7.5% of test)~~

~~I. County Recorders Office~~

~~II. World Wide Locator~~

~~III. Secretary of State and State Recordings~~

~~IV. Computer Databases~~

~~V. Federal and State Laws and Acts can be found on the Internet.~~

(2) The examination shall consist of ~~((a minimum of fifty))~~ 75 questions based on information in the above required areas. ~~((A score of eighty five percent must be achieved in order to pass the examination.))~~ Applicants who

fail to achieve ~~((an eighty-five percent))~~ a passing score will be required to wait a minimum of seven days before reexamination.

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

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

AMENDATORY SECTION (Amending WSR 97-17-051, filed 8/15/97)

**WAC 308-17-320 Certification of preassignment training trainers.** An individual must successfully ~~((score at least ninety percent on))~~ pass the agency principal examination and have three years investigative experience to become a certified trainer. Individuals who fail ~~((to obtain a ninety percent score))~~ the exam will be required to wait a minimum of seven days before reexamination. There is no limit on the number of certified trainers an individual private investigative agency may have certified.

**WSR 02-23-062**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed November 18, 2002, 3:39 p.m., effective January 1, 2003]

Date of Adoption: November 18, 2002.

Purpose: To set officials compensation fees to be paid by the promoter. To amend, repeal, or retain current rules, which may no longer be needed or need further written clarification as per the governor's directive on state rules review.

Citation of Existing Rules Affected by this Order: Amending WAC 36-12-170; and new section WAC 36-14-120.

Statutory Authority for Adoption: RCW 67.08.017, 67.08.105.

Other Authority: RCW 43.24.023.

Adopted under notice filed as WSR 02-20-093 on October 1, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Effective Date of Rule: January 1, 2003.

November 18, 2003 [2002]

Alan E. Rathbun  
 Assistant Director

AMENDATORY SECTION (Amending WSR 02-03-069, filed 1/11/02, effective 2/11/02)

**WAC 36-12-170 Officials compensation fees to be paid by promoter.** (1) The following minimum fees shall be paid by the promoter of the event to the event officials for nontitle, nontelevision bouts:

Judge	\$75.00
Timekeeper	\$75.00
Referee (preliminary)	\$110.00
Referee (main event)	\$125.00
Physician	\$250.00
<u>Event chiropractor</u>	<u>\$200.00</u>

(2) The following minimum fees shall be paid by the promoter of the event to event officials for nontitle, local televised bouts:

Judges	\$100.00
Timekeepers	\$100.00
Referee (preliminary)	\$135.00
Referee (main event)	\$200.00
Physician	\$250.00
<u>Event chiropractor</u>	<u>\$200.00</u>

(3) In the event of a local, state or regional championship, or title fight, ~~((or nationally televised fight,))~~ event officials shall be paid by the promoter at the respective and prevailing scale of the ~~((sponsoring))~~ sanctioning organization. The event officials pay rate shall not be lower than the televised rate established in subsection (2) of this section.

(4) In the event of a championship, title fight, or nationally televised fight, event officials shall be paid by the promoter at the respective and prevailing scale of the sanctioning organization but shall not be lower than the rates established below:

<u>Judges</u>	<u>\$150.00</u>
<u>Timekeepers</u>	<u>\$150.00</u>
<u>Referee (preliminary)</u>	<u>\$175.00</u>
<u>Referee (main event)</u>	<u>\$225.00</u>
<u>Physician</u>	<u>\$250.00</u>
<u>Event chiropractor</u>	<u>\$200.00</u>

(5) In the event of a "world" title bout, event officials shall be paid by the promoter at the respective and prevailing scale of the sanctioning organization but shall not be lower than the rates established in subsection (4) of this section. If the "world" title bout is televised, an additional \$200.00 fee per official will be assessed for each judge, timekeeper and referee if the fees listed in subsection (4) of this section are used.

PERMANENT

(6) Travel mileage shall be paid to event officials at the rate listed on schedule A, chapter 10.90.10.b of the *State Administrative and Accounting Manual* as published by the office of financial management.

(6) Travel mileage shall be paid to event officials at the rate listed on schedule A, chapter 10.90.10.b of the *State Administrative and Accounting Manual* as published by the office of financial management.

**NEW SECTION**

**WAC 36-14-120 Officials compensation fees to be paid by promoter.** (1) The following minimum fees shall be paid by the promoter of the event to the event officials for nontitle, nontelevised bouts:

Judge	\$75.00
Timekeeper	\$75.00
Referee (preliminary)	\$110.00
Referee (main event)	\$125.00
Physician	\$250.00
Event chiropractor	\$200.00

(2) The following minimum fees shall be paid by the promoter of the event to event officials for nontitle, televised bouts:

Judges	\$100.00
Timekeepers	\$100.00
Referee (preliminary)	\$135.00
Referee (main event)	\$200.00
Physician	\$250.00
Event chiropractor	\$200.00

(3) In the event of a local, state or regional championship, title fight, or local televised fight, event officials shall be paid by the promoter at the respective and prevailing scale of the sanctioning organization. The event officials pay rate shall not be lower than the televised rate established in subsection (2) of this section.

(4) In the event of a championship, title fight, or nationally televised fight, event officials shall be paid by the promoter at the respective and prevailing scale of the sanctioning organization but shall not be lower than the rates established below:

Judges	\$150.00
Timekeepers	\$150.00
Referee (preliminary)	\$175.00
Referee (main event)	\$225.00
Physician	\$250.00
Event chiropractor	\$200.00

(5) In the event of a "world" title bout, event officials shall be paid by the promoter at the respective and prevailing scale of the sanctioning organization but shall not be lower than the rates established in subsection (4) of this section. If the "world" title bout is televised, an additional \$200.00 fee per official will be assessed for each judge, timekeeper and referee if the fees listed in subsection (4) of this section are used.

**WSR 02-23-063  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Disabilities and Long-Term Care Administration)

[Filed November 18, 2002, 4:32 p.m.]

Date of Adoption: November 15, 2002.

Purpose: This amendment of WAC 388-71-0440 is only to correct a WAC cross-reference with no effect to the content of the WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-71-0440.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, and 74.39A.090.

Adopted under notice filed as WSR 02-19-024 on September 9, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 15, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

**WAC 388-71-0440 Am I eligible for MPC-funded services?** To be eligible for MPC-funded services you must:

(1) Have unmet need for assistance with at least one unmet direct personal care task listed in WAC ((388-15-202(17))) 388-71-0202; and

(2) Be certified as Title 19 categorically needy, as defined in WAC 388-500-0005.

(3) Be assessed by department staff or designee using a department approved comprehensive assessment and have a determination of unmet needs for HCP services.

PERMANENT

## WSR 02-23-070

## PERMANENT RULES

## DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed November 19, 2002, 9:48 a.m., effective February 17, 2003]

Date of Adoption: November 1, 2002.

Purpose: Amendatory section revises the continuing education reporting cycle for Nursing Home Administrators (NHA) to maintain an active license status. Amendatory section requires NHA with an expired license status for five years or more to pass the national exam to reactivate the expired license or provide proof of practice in the past five years. Amendatory section requires NHA with an inactive license status for five years or more to pass the national exam to reactivate the inactive license or provide proof of practice in the past five years.

Citation of Existing Rules Affected by this Order: Amending WAC 246-843-150, 246-843-180, and 246-843-330.

Statutory Authority for Adoption: RCW 18.52.061.

Adopted under notice filed as WSR 02-11-106 on May 20, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Ninety days after filing [February 17, 2003].

November 1, 2002

James K. Bennett, Chair

Board of Nursing Home Administrators

**AMENDATORY SECTION** (Amending WSR 00-01-074, filed 12/13/99, effective 1/13/00)

**WAC 246-843-150 Continuing education requirements for renewal of active license.** (1) Licensed nursing home administrators must demonstrate completion of ~~((fifty-four))~~ thirty-six hours of continuing education every ~~((three))~~ two years as provided in chapter 246-12 WAC, Part 7.

(2) Licensees practicing solely out of Washington state are exempt from WAC 246-843-130(1) and must meet all other requirements.

(3) A preceptor for an administrator-in-training program may be granted continuing education credit of one hour per month of the AIT program. Credit as a preceptor is limited to

~~((twenty-four))~~ sixteen hours of continuing education in any ~~((three))~~ two-year period.

**AMENDATORY SECTION** (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-843-180 Expired license(s).** (1) ~~((F))~~ To return to active status when the license has expired for three years or less, the practitioner must meet the requirements of ~~((chapter 246-12 WAC, Part 2))~~ WAC 246-12-040 (2)(a) or (b).

(2) ~~((F))~~ To return to active status when the license has expired for over three years but less than five years, the practitioner must~~((:~~

~~((a))~~ Reapply for licensing under current requirements;

~~((b))~~ Meet the requirements of chapter 246-12 WAC, Part 2)) meet the requirements of WAC 246-12-040 (2)(c).

(3) To return to active status when the license has been expired for five years or more:

(a) If the practitioner has been in active practice as a licensed nursing home administrator in another jurisdiction during that time, the practitioner must:

(i) Meet the requirements of WAC 246-12-040 (2)(c); and

(ii) Provide proof of active practice; or

(b) If the practitioner has not been in active practice as a licensed nursing home administrator in another jurisdiction during that time, the practitioner must:

(i) Meet the requirements of WAC 246-12-040 (2)(c); and

(ii) Successfully complete the current licensing examination.

**AMENDATORY SECTION** (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-843-330 Inactive ~~((credential))~~ license.** (1) A practitioner may obtain an inactive ~~((credential))~~ license. Refer to the requirements of chapter 246-12 WAC, Part 4.

(2) To return to active status from inactive status if the license has been on inactive status for less than five years, the practitioner must meet the requirements of WAC 246-12-110.

(3) To return to active status from inactive status if the license has been on inactive status for five years or more:

(a) If the practitioner has been in active practice as a licensed nursing home administrator in another jurisdiction during that time, the practitioner must:

(i) Meet the requirements of WAC 246-12-110; and

(ii) Provide proof of active practice; or

(b) If the practitioner has not been in active practice as a licensed nursing home administrator in another jurisdiction during that time, the practitioner must:

(i) Meet the requirements of WAC 246-12-110; and

(ii) Successfully complete the current licensing examination.

**WSR 02-23-071**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**

[Filed November 19, 2002, 9:50 a.m., effective January 1, 2003]

Date of Adoption: November 19, 2002.

Purpose: Chapter 246-361 WAC implements chapter 70.114A RCW by providing licensing, operation and inspection standards for cherry harvest temporary labor camps. The rules extend the occupancy period for cherry harvest temporary labor camps to a period of not more than one week prior to commencement of the cherry harvest through one week following the conclusion of the cherry harvest in the state.

Citation of Existing Rules Affected by this Order: Amending WAC 246-361-010 and 246-361-025.

Statutory Authority for Adoption: RCW 70.114A.110.

Other Authority: Chapter 23, Laws of 2002.

Adopted under notice filed as WSR 02-17-054 on August 15, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: January 1, 2003.

November 12, 2002

M. C. Selecky  
Secretary

**AMENDATORY SECTION** (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

**WAC 246-361-010 Definitions.** For the purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

**"Building"** means any structure used or intended for supporting or sheltering any use or occupancy that may include cooking, eating, sleeping and sanitation facilities.

**"Cherry harvest camp"** or **"camp"** means a place, area, or piece of land where dwelling units or camp sites are provided by an operator during the cherry harvest.

**"Common food-handling facility"** means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.

**"Current certificate (first aid)"** means a first-aid-training certificate that has not expired.

**"Department"** means the Washington state department of health and/or the department of labor and industries.

**"Dining hall"** means a cafeteria-type eating-place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by occupants.

**"Drinking fountain"** means a fixture equal to a nationally recognized standard or a designed-to-drain faucet, which provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.

**"Dwelling unit"** means a shelter, building, or portion of a building, that may include cooking and eating facilities, which is:

- Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and
- Physically separated from other sleeping and common-use areas.

Note: For the purpose of this chapter, a "tent" is considered a dwelling unit.

**"First aid qualified"** means that the person holds a current certificate of first-aid training from the American Red Cross or another course with equivalent content or hours.

**"Food-handling facility"** means a designated, enclosed area for preparation of food.

**"Group A water system"** means a public water system and includes community and noncommunity water systems.

(a) A community water system means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents.

(b) Noncommunity water system means a Group A water system that is not a community water system. Noncommunity water systems are further defined as:

(i) Nontransient (NTNC) water system that provides service opportunity to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year.

(ii) Transient (TNC) water system that serves:

- Twenty-five or more different people each day for sixty or more days within a calendar year;

- Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or

- One thousand or more people for two or more consecutive days within a calendar year.

**"Group B water system"** means a public water system: Constructed to serve less than fifteen residential services regardless of the number of people; or constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or any number of people for less than sixty days within a calendar year.

**"Health officer"** means the individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city-county health department under chapter 70.08 RCW.

"Livestock" means horses, cows, pigs, sheep, goats, poultry, etc.

"Livestock operation" means any place, establishment, or facility consisting of pens or other enclosures in which livestock is kept for purposes including, but not limited to, feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards. Operations where livestock can roam on a pasture over a distance may be treated as outside the definition.

"MSPA" means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).

"Occupant" means a temporary worker or a person who resides with a temporary worker at the camp site.

"Operating license" means a document issued annually by the department of health or contracted health officer authorizing the use of temporary-worker housing.

"Operator" means a person holding legal title to the land on which the camp is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the camp.

"Recreational park trailers" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:

- Built on a single chassis, mounted on wheels;
- Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and
- Certified by the manufacturer as complying with ANSI A119.5.

"Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own ~~( motive )~~ mode of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, but does not include pickup trucks with camper shells, canopies, or other similar coverings.

"Refuse" means solid wastes, rubbish, or garbage.

"Temporary worker" means an agricultural employee employed intermittently and not residing year-round at the same site.

"Tent" means an enclosure or shelter constructed of fabric or pliable material composed of rigid framework to support tensioned membrane that provides the weather barrier.

"WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

**AMENDATORY SECTION** (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

**WAC 246-361-025 Operating license.** A cherry tent camp license is limited to ~~((twenty one days))~~ one week before the commencement through one week following the

conclusion of the cherry harvest within the state. The operator:

(1) Must request a license from the department of health or health officer when:

- (a) The camp will house ten or more occupants;
- (b) Compliance with MSPA requires a license; or
- (c) Construction of camp buildings requires a license under chapter 246-359 WAC, Temporary worker housing construction standard.

(2) Must apply for an operating license at least forty-five days prior to either the use of the camp or the expiration of an existing operating license by submitting to the department of health or health officer:

(a) A completed application on a form provided by the department or health officer;

(b) Proof water system is current with all water tests required by chapter 246-290 or 246-291 WAC; and

(c) A fee as specified in WAC 246-361-990.

~~(3) ((May receive a license extension from the department of health for up to seven days when:~~

~~(a) The operator requests an extension for additional days at least three days before the license expiration date; and~~

~~(b) The department in consultation with the local health jurisdiction will determine if an extension would serve to protect the public health.~~

~~(4))~~ Will receive an operating license for the maximum number of occupants as determined by WAC 246-361-030 when:

(a) The application requirements from subsection (2) of this section are met;

(b) The site is in compliance with this chapter as demonstrated by a licensing survey completed by the department; and

(c) The operator complies with the corrective action plan established by the department.

~~((5))~~ (4) Must post the operating license in a place readily accessible to workers.

~~((6))~~ (5) Must notify the department of health in the event of a transfer of ownership.

~~((7))~~ (6) Must cooperate with the department during on-site inspections.

## WSR 02-23-072

### PERMANENT RULES

### DEPARTMENT OF

### LABOR AND INDUSTRIES

[Filed November 19, 2002, 9:53 a.m., effective January 1, 2003]

Date of Adoption: November 19, 2002.

Purpose: Chapter 296-307 WAC, Safety standards for agriculture, Part L-1, Cherry harvest camps, the department is adopting changes to chapter 296-307 WAC, Safety standards for agriculture, as a result of the passage of chapter 23, Laws of 2002 (SB 6328) that was enacted in 2002. The changes will change the dates a cherry tent camp license is available. An additional housekeeping change was made to the definition recreational vehicle.

**Amended Sections:**

WAC 296-307-16303 Definitions.

- A typographical error to the definition of "recreational vehicle"; the word "motive" is being changed to "mode."

WAC 296-307-16310 Operating license.

- WAC 296-307-16310(1), change the cherry tent camp license period to one week before the commencement through one week following the conclusion of the cherry harvest within the state.
- WAC 296-307-16310(3), delete the information explaining how extensions to the original cherry tent camp license are granted. This information is not needed since extensions will not be given.

Citation of Existing Rules Affected by this Order:  
Amending WAC 296-307-16303 Definitions and 296-307-16310 Operating license.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060.

Adopted under notice filed as WSR 02-17-109 on August 21, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: January 1, 2003.

November 19, 2002

Gary Moore

Director

**AMENDATORY SECTION** (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

**WAC 296-307-16303 Definitions.** For the purposes of this part, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

**"Building"** means any structure used or intended to be used for supporting or sheltering any use or occupancy that may include cooking, eating, sleeping, and sanitation facilities.

**"Cherry harvest camp"** or **"camp"** means a place, area, or piece of land where dwelling units or campsites are provided by an operator during the cherry harvest.

**"Common food-handling facility"** means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.

**"Current certificate (first aid)"** means a first-aid training certificate that has not expired.

**"Department"** means the Washington state department of health and/or the department of labor and industries.

**"Dining hall"** means a cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by occupants.

**"Drinking fountain"** means a fixture equal to a nationally recognized standard or a designed-to-drain faucet, which provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.

**"Dwelling unit"** means a shelter, building, or portion of a building, that may include cooking and eating facilities, which is:

- Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and
- Physically separated from other sleeping and common-use areas.

Note: For the purpose of this Part L1, a "tent" is considered a dwelling unit.

**"First-aid qualified"** means that the person holds a current certificate of first-aid training from the American Red Cross or another course with equivalent content or hours.

**"Food-handling facility"** means a designated, enclosed area for preparation of food.

**"Group A water system"** means a public water system and includes community and noncommunity water systems.

(a) A community water system means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents.

(b) A noncommunity water system means a Group A water system that is not a community water system. Noncommunity water systems are further defined as:

(i) Nontransient (NTNC) water system that provides service opportunity to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year.

(ii) Transient (TNC) water system that services:

- Twenty-five or more different people each day for sixty or more days within a calendar year;
- Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or
- One thousand or more people for two or more consecutive days within a calendar year.

**"Group B water system"** means a public water system:

- (a) Constructed to serve less than fifteen residential services regardless of the number of people; or
- (b) Constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or

(c) Any number of people for less than sixty days within a calendar year.

"**Health officer**" means the individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city-county health department under chapter 70.08 RCW.

"**Livestock**" means horses, cows, pigs, sheep, goats, poultry, etc.

"**Livestock operation**" means any place, establishment, or facility consisting of pens or other enclosures in which livestock is kept for purposes including, but not limited to, feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards. Operations where livestock can roam on a pasture over a distance may be treated as outside the definition.

"**MSPA**" means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).

"**Occupant**" means a temporary worker or a person who resides with a temporary worker at the campsite.

"**Operating license**" means a document issued annually by the department of health or contracted health officer authorizing the use of temporary worker housing.

"**Operator**" means a person holding legal title to the land on which the camp is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the camp.

"**Recreational park trailers**" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:

- Built on a single chassis, mounted on wheels;
- Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and
- Certified by the manufacturer as complying with ANSI A119.5.

"**Recreational vehicle**" means a vehicular-type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own ~~( motive )~~ mode of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, but does not include pickup trucks with camper shells, canopies or other similar coverings.

"**Refuse**" means solid wastes, rubbish, or garbage.

"**Temporary worker**" means an agricultural employee employed intermittently and not residing year-round at the same site.

"**Tent**" means an enclosure or shelter constructed of fabric or pliable material composed of rigid framework to support tensioned membrane that provides the weather barrier.

"**WISHA**" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

**WAC 296-307-16310 Operating license.** A cherry tent camp license is limited to ~~((twenty-one days))~~ one week before the commencement through one week following the conclusion of the cherry harvest within the state.

The operator:

(1) Must request a license from the department of health or health officer when:

- (a) The camp will house ten or more occupants;
- (b) Compliance with MSPA requires a license; or
- (c) Construction of camp buildings requires a license under chapter 246-359 WAC, Temporary worker housing construction standard.

(2) Must apply for an operating license at least forty-five days prior to either the use of the camp or the expiration of an existing operating license by submitting to the department of health or health officer:

(a) A completed application on a form provided by the department or health officer;

(b) Proof water system is current with all water tests required by chapter 246-290 or 246-291 WAC; and

(c) A fee as specified in WAC 246-361-990.

~~(3) ((May receive a license extension from the department of health for up to seven days when:~~

~~(a) The operator requests an extension for additional days at least three days before the license expiration date; and~~

~~(b) The department in consultation with the local health jurisdiction will determine if an extension would serve to protect the public health.~~

~~(4))~~ Will receive an operating license for the maximum number of occupants as determined by WAC 246-361-030 when:

(a) The application requirements from subsection (2) of this section are met;

(b) The site is in compliance with this part as demonstrated by a licensing survey completed by the department; and

(c) The operator complies with the corrective action plan established by the department.

~~((5))~~ (4) Must post the operating license in a place readily accessible to workers.

~~((6))~~ (5) Must notify the department of health in the event of a transfer of ownership.

~~((7))~~ (6) Must cooperate with the department during on-site inspections.

**WSR 02-23-073**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed November 19, 2002, 9:56 a.m., effective January 1, 2003]

Date of Adoption: November 19, 2002.

Purpose: WAC 296-24-125 Temporary labor camps and chapter 296-833 WAC, Temporary housing for workers. The temporary labor camps rule was rewritten and reorganized

PERMANENT

for clarity and ease of use for employers and employees. It will be repealed from chapter 296-24 WAC and adopted as chapter 296-833 WAC. No new requirements have been added.

**Repealed Sections:**

**WAC 296-24-125 Scope and application.**

- The requirements in this section have been moved to WAC 296-833-100.
- This section will be repealed.

**WAC 296-24-12501 What requirements apply to camp sites?**

- The requirements in this section have been moved to WAC 296-833-12501.
- This section will be repealed.

**WAC 296-24-12503 How must camp shelters be constructed?**

- The requirements in this section have been moved to WAC 296-833-12503.
- This section will be repealed.

**WAC 296-24-12504 What electricity must be provided for temporary labor camps?**

- The requirements in this section have been moved to WAC 296-833-12504.
- This section will be repealed.

**WAC 296-24-12505 What requirements apply to the water supply?**

- The requirements in this section have been moved to WAC 296-833-12505.
- This section will be repealed.

**WAC 296-24-12507 Must an employer provide toilet facilities for the camp?**

- The requirements in this section have been moved to WAC 296-833-12507.
- This section will be repealed.

**WAC 296-24-12509 Must sewer lines connect to the public sewer?**

- The requirements in this section have been moved to WAC 296-833-12509.
- This section will be repealed.

**WAC 296-24-12511 What facilities must an employer provide for laundry, handwashing, and bathing?**

- The requirements in this section have been moved to WAC 296-833-12511.
- This section will be repealed.

**WAC 296-24-12513 What lighting must an employer provide for camp buildings?**

- The requirements in this section have been moved to WAC 296-833-12513.
- This section will be repealed.

**WAC 296-24-12515 What requirements apply to refuse disposal?**

- The requirements in this section have been moved to WAC 296-833-12515.
- This section will be repealed.

**WAC 296-24-12517 What cooking and food-handling facilities must be provided in temporary labor camps?**

- The requirements in this section have been moved to WAC 296-833-12517.
- This section will be repealed.

**WAC 296-24-12519 Must an employer provide insect and rodent control?**

- The requirements in this section have been moved to WAC 296-833-12519.
- This section will be repealed.

**WAC 296-24-12521 What first-aid facilities must be available in the camp?**

- The requirements in this section have been moved to WAC 296-833-12521.
- This section will be repealed.

**WAC 296-24-12523 When must an employer report communicable diseases in a camp?**

- The requirements in this section have been moved to WAC 296-833-12523.
- This section will be repealed.

**New Sections:**

**WAC 296-833-100 Scope.**

- The information relating to the scope and application of this rule have been moved to this section.

**WAC 296-833-10010 Summary.**

- The responsibility statement to the employer has been moved to this section.

**WAC 296-833-200 Shelter location and structure requirements.**

- Moved requirements relating to placement and construction of shelters.

**WAC 296-833-20005 Provide and maintain sufficient grounds and open areas in temporary housing sites.**

- Moved requirements relating to the grounds of the temporary housing area.

**WAC 296-833-20010 Follow these construction requirements for shelters.**

- Moved requirements relating to construction.

**WAC 296-833-300 Utilities employers must provide.**

- Moved requirements relating to utilities provided by the employer.

**WAC 296-833-30005 Provide electricity and lighting to temporary housing areas.**

- Moved requirements relating to electricity and lighting.

**WAC 296-833-30010 Provide adequate water.**

- Moved requirements relating to water.

**WAC 296-833-30015 Provide toilet facilities.**

- Moved requirements relating to toilets.

**WAC 296-833-30020 Follow local regulations for sewage disposal.**

- Moved requirements relating to sewage.

**WAC 296-833-400 Service facilities: Food preparation, dining, bathing, laundry and handwashing.**

- Moved requirements relating to providing of service facilities.

**WAC 296-833-40005 Provide service buildings for laundry, handwashing and bathing.**

- Moved requirements relating to laundry, handwashing and bathing facilities.

**WAC 296-833-40010 Provide cooking, food-handling, and dining facilities.**

- Moved requirements relating to cooking/food handling facilities.

**WAC 296-833-500 Waste disposal and pest control.**

- Moved requirements relating to waste disposal and pest control.

**WAC 296-833-50005 Follow proper waste disposal procedures.**

- Moved requirements relating to waste disposal.

**WAC 296-833-50010 Control insects, rodents and other pests.**

- Moved requirements relating to insects and rodents.

**WAC 296-833-600 Employee first aid and communicable disease reporting.**

- Moved requirements relating to providing first aid facilities and reporting communicable disease.

**WAC 296-833-60005 Provide first-aid facilities.**

- Moved requirements relating to first aid.

**WAC 296-833-60010 Report communicable diseases.**

- Moved requirements relating to communicable diseases.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-24-125 Scope and application, 296-24-12501 What requirements apply to camp sites?, 296-24-12503 How must camp shelters be constructed?, 296-24-12504 What electricity must be provided for temporary labor camps?, 296-24-12505 What requirements apply to the water

supply?, 296-24-12507 Must an employer provide toilet facilities for the camp?, 296-24-12509 Must sewer lines connect to the public sewer?, 296-24-12511 What facilities must an employer provide for laundry, handwashing, and bathing?, 296-24-12513 What lighting must an employer provide for camp buildings?, 296-24-12515 What requirements apply to refuse disposal?, 296-24-12517 What cooking and food-handling facilities must be provided in temporary labor camps?, 296-24-12519 Must an employer provide insect and rodent control?, 296-24-12521 What first-aid facilities must be available in the camp?, and 296-24-12523 When must an employer report communicable diseases in a camp?

Statutory Authority for Adoption: RCW 49.17.010, 49.[17.]040, 49.[17.]050, and 49.[17.]060.

Adopted under notice filed as WSR 02-17-107 on August 21, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 19, Amended 0, Repealed 14.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 19, Amended 0, Repealed 14.

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 19, Amended 0, Repealed 14.

Effective Date of Rule: January 1, 2003.

November 19, 2002

Gary Moore

Director

**Chapter 296-833 WAC****TEMPORARY HOUSING FOR WORKERS****NEW SECTION**

**WAC 296-833-100 Scope.** This chapter applies to all employers who provide or require their employees to live in temporary housing.

**Exemption:**

This rule does not apply to the agriculture industry.

For agriculture employers, see WAC 296-307-161, Temporary worker housing, and WAC 296-307-163, Cherry harvest camps.

**NEW SECTION****WAC 296-833-10010 Summary.****Your responsibility:**

If you choose to provide temporary housing for workers, or require them to live on the grounds in housing they provide

themselves, you must make sure the housing facilities meet the requirements of this rule.

#### NEW SECTION

#### **WAC 296-833-200 Shelter location and structure requirements.**

##### **Summary.**

##### **Your responsibility:**

To provide and maintain safe and healthful housing for your temporary workers.

##### **You must:**

Provide and maintain sufficient grounds and open areas in temporary housing sites

WAC 296-833-20005

Follow these design and equipment requirements for shelters

WAC 296-833-20010.

#### NEW SECTION

#### **WAC 296-833-20005 Provide and maintain sufficient grounds and open areas in temporary housing sites.**

##### **You must:**

(1) Make sure that all temporary housing sites:

- Are adequately drained and are free from ground depressions in which water may accumulate

- Have no history of flooding

- Do not endanger any domestic or public water supply with their drainage

- Are located at least two hundred feet from a swamp, pool, sink hole, or other surface collection of water unless the water surface can be treated for mosquito control.

(2) Make sure the housing area is large enough to prevent the buildings from being crowded too closely together.

(3) Make sure the principal housing areas for sleeping and food preparation/eating are at least five hundred feet from livestock operations.

**Note:** Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards. Operations where livestock can roam on a pasture over a distance may be treated as outside the definition.

(4) Make sure that grounds and open areas surrounding the shelters are maintained in a clean and sanitary condition.

#### NEW SECTION

#### **WAC 296-833-20010 Follow these design and equipment requirements for shelters.**

##### **You must:**

(1) Make sure that every shelter in the camp provides protection against the elements.

(2) Make sure each dwelling unit:

- Has at least seventy square feet of floor space for the first occupant and at least fifty square feet of floor space for each additional occupant

- That is designated a family unit has a separate sleeping area for children over six years old

- With designated sleeping room(s) has at least fifty square feet of floor space in the sleeping room for each occupant

- Has at least a seven-foot ceiling

- Has windows:

- Covering a total area equal to at least one-tenth of the floor area

##### **AND**

- At least one-half of which can be opened for ventilation

- Has each exterior opening screened with 16-mesh material

- Has screen doors with self-closing devices.

(3) Make sure that the floors of each shelter are constructed of wood, asphalt, or concrete.

- Floors must be kept in good repair

- If wooden floors are used, they must be:

- Elevated one foot above ground level at all points to prevent dampness and to permit free air circulation

- Smooth and tight.

**Note:** You may "bank" around outside walls with earth or other suitable material to guard against extreme low temperatures.

(4) Provide beds, cots, or bunks, and suitable storage facilities such as wall lockers for clothing and personal articles in every sleeping room.

- Beds must be at least thirty-six inches away from other beds, both side to side and end to end

- The frame of the bed must keep mattresses at least twelve inches off the floor

- Double-deck bunks must be spaced at least forty-eight inches away from other beds, both side to side and end to end

- The minimum clear space between lower and upper bunks must be at least twenty-seven inches

- Triple-deck bunks are not allowed.

(5) Provide equipment that adequately heats the living area whenever the camp is used during cold weather.

**Note:** All heating, cooking, and water heating equipment must meet state and local ordinances, codes, and regulations concerning installation.

#### NEW SECTION

#### **WAC 296-833-300 Utilities employers must provide.**

##### **Summary.**

##### **Your responsibility:**

To provide utilities to your temporary housing camps.

##### **You must:**

Provide electricity and lighting to temporary housing areas

WAC 296-833-30005

Provide adequate water

WAC 296-833-30010

Provide toilet facilities

WAC 296-833-30015

Follow local regulations for sewage disposal

WAC 296-833-30020.

NEW SECTION**WAC 296-833-30005 Provide electricity and lighting to temporary housing areas.****You must:**

- (1) Supply electricity to all:
  - Dwelling units
  - Kitchen facilities
  - Shower/bathroom facilities
  - Common areas
  - Laundry facilities.

**Reference:**

You need to follow additional requirements for electricity and lighting. See WAC 296-800-280, Basic electrical rules, in the safety and health core rules book for more information.

- (2) Provide lighting to camp buildings.

- Make sure general lighting and task lighting are adequate for normal daily activities
- Make sure living quarters have:
  - One ceiling-type light fixture

**AND**

- One separate floor or wall convenience outlet.
- Make sure laundry rooms, toilet rooms, and other common areas have at least:
  - One ceiling light fixture

**OR**

- A wall light fixture.

NEW SECTION**WAC 296-833-30010 Provide adequate water.****You must:**

- Provide a water supply that is adequate and convenient for:
  - Drinking
  - Cooking
  - Bathing
  - Laundry purposes.
- Make sure the water supply system is:
  - Capable of delivering
    - Thirty-five gallons per person per day to the campsite
    - At a peak rate of two and one-half times the average hourly demand
  - Able to supply water to all fixtures at the same time with normal operating pressures
  - Approved by the appropriate health authority
  - Supply water to each housing area by either:
    - Piping water directly to the shelters
    - Providing yard hydrants within one hundred feet of the shelters
      - Prohibit common drinking cups
      - Provide one or more drinking fountain(s) for each one hundred occupants (or fraction of that number) where water under pressure is available.

**Reference:**

The construction of drinking fountains must comply with ANSI standard Specifications for Drinking Fountains, Z4.2.1942.

NEW SECTION**WAC 296-833-30015 Provide toilet facilities.**

**Note:** For the purposes of this rule, a restroom is a room maintained on the premises for use by employees that contains a toilet. This includes outhouses.

**You must:**

- (1) Provide enough toilets for the camp's capacity.
  - Toilets and outhouses must be provided in a ratio of one for every fifteen people, with a minimum of two units for any facility shared by men and women.

**Note:** Check with your local jurisdictions for regulations regarding outhouses.

- (2) Have enough rest rooms for each sex based on the maximum number of persons the camp is designed to house at any one time.

- (3) Provide separate rest rooms for each sex wherever rest rooms are in buildings shared by men and women.

- Distinctly mark the rooms "men" and "women" with:
  - Signs printed in English and in the native language of the persons occupying the camp

**OR**

- Easily understood pictures or symbols.
- If the facilities for each sex are in the same building, they must be separated by:
  - Solid walls

**OR**

- Partitions extending from the floor to the roof or ceiling.

- (4) Make sure:

- No one has to pass through a sleeping room to reach a rest room
- Rest rooms have a window of at least six square feet opening directly to the outside, or are satisfactorily ventilated
- All outside openings are screened with 16-mesh material

- Fixtures, toilets, chemical toilets, or urinals are not located in a room used for other than toilet purposes

- A rest room is within two hundred feet of the door of each sleeping room

- Any outhouse is at least one hundred feet away from any sleeping room, dining room, lunch area, or kitchen.

- (5) Provide urinals as follows:

- One urinal or two linear feet of urinal trough for each twenty-five men

- Construct the floor out of materials that are moisture proof, from the wall and out at least fifteen inches from the outer edge of the urinals

- Have an adequate water flush in urinals when water under pressure is available

- Urinal troughs in outhouses must:
  - Drain freely into the pit or vault

**AND**

- Have a drain constructed to exclude flies and rodents from the pit.

- (6) Install any new toilets in a rest room.

- (7) Make sure:

- There is an adequate supply of toilet paper for each rest room, outhouse, or chemical toilet

- Toilet facilities are:

- Kept in sanitary condition
- AND
- Cleaned at least daily.

NEW SECTION

**WAC 296-833-30020 Follow local regulations for sewage disposal.**

**You must:**

- Provide sewage disposal systems according to local health jurisdictions.

NEW SECTION

**WAC 296-833-400 Service facilities: Food preparation, dining, bathing, laundry and handwashing.**

**Summary.**

**Your responsibility:**

To provide facilities for your employees to cook, eat, do laundry, bathe, and wash their hands.

**You must:**

Provide service buildings for laundry, handwashing and bathing

WAC 296-833-40005

Provide cooking, food-handling, and dining facilities

WAC 296-833-40010.

NEW SECTION

**WAC 296-833-40005 Provide service buildings for laundry, handwashing and bathing.**

**You must:**

(1) Make sure that every service building has equipment capable of maintaining a room temperature of at least seventy degrees Fahrenheit.

(2) Make sure an adequate supply of hot and cold running water is provided for bathing and laundry purposes.

(3) Provide:

- One handwash basin
- Per family shelter

OR

- Per six persons in shared facilities
- One shower head for every ten persons
- One laundry tray or tub for every thirty persons
- One "deepwell" type sink in each building used for laundry, handwashing, and bathing.

(4) Make sure all:

- Laundry, handwashing and bathing room floors:
  - Are moisture-resistant and smooth but not slippery
  - Have coved junctions of the curbing and the floor
- Walls and partitions of shower rooms are smooth and moisture-resistant to the height where water splashes.

• Shower baths, shower rooms, or laundry rooms have floor drains to remove wastewater and facilitate cleaning.

(5) Provide facilities for drying clothes.

(6) Keep all service buildings clean.

NEW SECTION

**WAC 296-833-40010 Provide cooking, food-handling, and dining facilities.**

**You must:**

(1) Make sure common cooking and dining areas are of adequate size and are separated from sleeping areas by a door.

(2) Provide enclosed and screened cooking and food-handling facilities for all occupants. The facilities must include:

- A working cook stove or hot plate with at least one cooking surface for every two occupants
- A sink with hot and cold running potable water under pressure
- Food storage areas located off the floor
- Nonabsorbent, easily cleanable food preparation counters
- Mechanical refrigeration capable of maintaining a temperature of forty-five degrees Fahrenheit or below, with enough space to store perishable food items for all occupants
- Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings close to cooking areas
- Nonabsorbent, easily cleanable floors
- At least one ceiling or wall light fixture
- Lighting adequate for normal food preparation activities

• Adequate ventilation for cooking facilities.

(3) Make sure that dining halls:

- Meet the requirements of the department of health's rules in chapter 246-215 WAC, Food service
- Have no direct openings to living or sleeping areas
- Have fire-resistant, nonabsorbent, nonasbestos, and easy-to-clean wall coverings adjacent to cooking areas
- Have nonabsorbent, easy-to-clean floors
- Have at least one ceiling or wall light fixture
- Have lighting adequate for normal dining activities.

NEW SECTION

**WAC 296-833-500 Waste disposal and pest control.**

**Summary.**

**Your responsibility:**

To make sure your temporary housing camps are kept sanitary.

**You must:**

Follow proper waste disposal procedures

WAC 296-833-50005

Control insects, rodents, and other pests

WAC 296-833-50010.

NEW SECTION

**WAC 296-833-50005 Follow proper waste disposal procedures.**

**You must:**

• Provide at least one garbage container for each family shelter. Garbage containers must be:

- Placed on a wooden, metal, or concrete pad

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AND

- Located within one hundred feet of each shelter.
- Provide garbage containers that:
  - Are nonabsorbent
  - Are cleanable OR only used once (for example, a disposable plastic liner)
  - Can be securely closed.
- Make sure garbage containers are kept clean and emptied:
  - At least twice a week

AND

- When full.

NEW SECTION

**WAC 296-833-50010 Control insects, rodents, and other pests.**

**You must:**

- Take steps to effectively prevent insects, rodents, and other pests from infesting camp areas
- Carry out a continuing and effective control program where pests have been detected.

NEW SECTION

**WAC 296-833-600 Employee first aid and communicable disease reporting.**

**Summary.**

**Your responsibility:**

To guard the general health of your employees by providing first-aid facilities and reporting communicable diseases.

**You must:**

- Provide first-aid facilities
- WAC 296-833-60005
- Report communicable diseases
- WAC 296-833-60010.

NEW SECTION

**WAC 296-833-60005 Provide first-aid facilities.**

**You must:**

- Provide and maintain adequate first-aid facilities

AND

- Make sure a person trained in first aid is in charge of the first-aid facilities.

**Reference:**

See WAC 296-800-150, First aid, in the core rules book for requirements for first-aid training and supplies.

NEW SECTION

**WAC 296-833-60010 Report communicable diseases.**

**You must:**

- Immediately report to the local health officer:
  - The name and address of any individual in the camp known to or suspected of having a communicable disease listed in the department of health's list of notifiable conditions, chapter 246-101 WAC

- Any suspected food poisoning
- Any unusual occurrence of:
  - Fever
  - Diarrhea
  - Sore throat
  - Vomiting
  - Jaundice.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-125	Temporary labor camps.
WAC 296-24-12501	What requirements apply to camp sites?
WAC 296-24-12503	How must camp shelters be constructed?
WAC 296-24-12504	What electricity must be provided for temporary labor camps?
WAC 296-24-12505	What requirements apply to the water supply?
WAC 296-24-12507	Must an employer provide toilet facilities for the camp?
WAC 296-24-12509	Must sewer lines connect to public sewers?
WAC 296-24-12511	What facilities must an employer provide for laundry, handwashing, and bathing?
WAC 296-24-12513	What lighting must an employer provide for camp buildings?
WAC 296-24-12515	What requirements apply to refuse disposal?
WAC 296-24-12517	What cooking and food-handling facilities must be provided in temporary labor camps?
WAC 296-24-12519	Must an employer provide insect and rodent control?
WAC 296-24-12521	What first-aid facilities must be available in the camp?
WAC 296-24-12523	When must an employer report communicable diseases in a camp?

PERMANENT

**WSR 02-23-080**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed November 19, 2002, 4:04 p.m.]

Date of Adoption: November 19, 2002.

Purpose: To provide county assessors with the rate of interest and property tax component used in valuing farm and agricultural land classified under chapter 84.34 RCW, the open space program, during assessment 2003.

This rule is being amended to update the interest rate and the property tax component used to value farm and agricultural land classified under chapter 84.34 RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.

Statutory Authority for Adoption: RCW 84.34.065.

Other Authority: RCW 84.34.141.

Adopted under notice filed as WSR 02-19-095 on September 17, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 19, 2002

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 02-03-040, filed 1/8/02, effective 2/8/02)

**WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.** For assessment year ((2002)) 2003, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ((9.35)) 8.91 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	1.37	Lewis	((1.21)) <u>1.17</u>
Asotin	((1.44)) <u>1.46</u>	Lincoln	((1.41)) <u>1.40</u>
Benton	((1.46)) <u>1.41</u>	Mason	((1.25)) <u>1.27</u>
Chelan	((1.32)) <u>1.33</u>	Okanogan	((1.27)) <u>1.26</u>
Clallam	((1.18)) <u>1.12</u>	Pacific	((1.27)) <u>1.25</u>
Clark	1.37	Pend Oreille	((1.34)) <u>1.32</u>

COUNTY	PERCENT	COUNTY	PERCENT
Columbia	((1.40)) <u>1.38</u>	Pierce	((1.53)) <u>1.49</u>
Cowlitz	((1.20)) <u>1.25</u>	San Juan	((0.84)) <u>0.81</u>
Douglas	((1.43)) <u>1.41</u>	Skagit	((1.27)) <u>1.23</u>
Ferry	1.12	Skamania	((1.05)) <u>1.03</u>
Franklin	((1.53)) <u>1.52</u>	Snohomish	((1.39)) <u>1.35</u>
Garfield	((1.60)) <u>1.58</u>	Spokane	((1.48)) <u>1.49</u>
Grant	1.44	Stevens	((1.16)) <u>1.14</u>
Grays Harbor	((1.30)) <u>1.32</u>	Thurston	((1.53)) <u>1.49</u>
Island	((1.02)) <u>0.94</u>	Wahkiakum	((1.03)) <u>1.02</u>
Jefferson	((1.22)) <u>1.18</u>	Walla Walla	((1.46)) <u>1.49</u>
King	((1.19)) <u>1.12</u>	Whatcom	((1.30)) <u>1.28</u>
Kitsap	((1.32)) <u>1.39</u>	Whitman	((1.47)) <u>1.51</u>
Kittitas	((1.07)) <u>1.08</u>	Yakima	((1.33)) <u>1.29</u>
Klickitat	((1.18)) <u>1.24</u>		

**WSR 02-23-081**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed November 19, 2002, 4:06 p.m.]

Date of Adoption: November 19, 2002.

Purpose: To provide the rate of interest that will be included when property taxes are refunded to taxpayers.

The rates of interest reflected in this rule are included when property taxes are refunded. The rates are shown in chronological order with reference to the year in which the property taxes were paid. The rule is being revised to provide the rate of interest for treasury bill auction year 2002, which is used as a basis for refunding property taxes paid in 2003.

Citation of Existing Rules Affected by this Order: Amending WAC 458-18-220 Refunds—Rate of interest.

Statutory Authority for Adoption: RCW 84.69.100.

Adopted under notice filed as WSR 02-19-096 on September 17, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 19, 2002

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

PERMANENT

**AMENDATORY SECTION** (Amending WSR 02-03-039, filed 1/8/02, effective 2/8/02)

**WAC 458-18-220 Refunds—Rate of interest.** The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid	Auction Year	Rate
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%
1993	1992	3.42%
1994	1993	3.19%
1995	1994	4.92%
1996	1995	5.71%
1997	1996	5.22%
1998	1997	5.14%
1999	1998	5.06%
2000	1999	4.96%
2001	2000	5.98%
2002	2001	3.50%
<u>2003</u>	<u>2002</u>	<u>1.73%</u>

**WSR 02-23-089  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed November 20, 2002, 9:25 a.m., effective January 1, 2003]

Date of Adoption: November 20, 2002.

Purpose: Adoption of rules applicable to labor and industries retrospective rating program. These rules are designed to comply with rule-making requirements codified under chapter 51.18 RCW.

Citation of Existing Rules Affected by this Order: Repealing 24; and amending 8.

Statutory Authority for Adoption: RCW 51.18.010(1).

Adopted under notice filed as WSR 02-17-105 on August 21, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 17, Amended 8, Repealed 24.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 17, Amended 8, Repealed 24.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 17, Amended 8, Repealed 24.

Effective Date of Rule: January 1, 2003.

November 20, 2002

Gary Moore

Director

**AMENDATORY SECTION** (Amending WSR 00-11-060, filed 5/12/00, effective 7/1/00)

**WAC 296-17-90401 Introduction.** ~~((Retrospective rating is a program designed to encourage workplace safety and accident prevention for employers that insure their workers' compensation obligations with the state fund. The 1999 session of the legislature finding that the goal of workplace safety has been enhanced by retrospective rating determined that the plan provided for in RCW 51.16.035 should be formalized in its own section of law (RCW 51.18.005). By legislative policy (RCW 51.18.010) retrospective rating should encourage broad participation by employers and organizations that sponsor retrospective rating groups.~~

To implement the retrospective rating plan provided for in RCW 51.18.010 we have developed a series of formal rules found in the Washington Administrative Code (WAC). As required by law these rules are based on recognized principles of insurance. WAC 296-17-90401 through 296-17-90497 contains the general and special rules and rating plan tables applicable to the department's voluntary retrospective rating program. We refer to the individual rules (WACs) as sections and the complete body of sections as the retrospective rating manual. The retrospective rating manual contains sections (WACs) that define or explain:

- ▲ Words or phrases that we use;
- ▲ The steps you must take to participate in the program;
- ▲ How group plans are authorized;
- ▲ Why members of a group must be involved in similar business operations;
- ▲ The need to have an insurance account with the department and keep it in good standing in order to participate in this voluntary rating plan;
- ▲ Workplace safety requirements of the plan;
- ▲ Contract restrictions and refund requirements;
- ▲ Formulas used to establish retrospective premium;
- ▲ Premium size tables;

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Plan tables:)) To implement retrospective rating (retro) provided for in RCW 51.18.010, labor and industries (L&I) has developed a series of rules that can be found in chapter 296-17 of the Washington Administrative Code (WAC). As required by law (chapter 51.18 RCW), the retrospective rating plan is based on recognized principles of insurance.

**Note:** WAC 296-17-90401 through 296-17-90497 contain the general and special rules applicable to retro and the retrospective rating plan.

**What is retrospective rating?** Retro is a voluntary financial incentive workers' compensation insurance program offered by L&I. Retro is designed to reward employers participating in the program that are able to keep their claim costs below the preselected level they have chosen. Reductions in claim costs are the result of improvements in workplace safety and injured worker outcomes.

**Note:** L&I received legislative authority to offer retro in 1980 (SSB 3169, chapter 129, Laws of 1980) and have offered retro options since 1981. In 1999, the legislature formalized the program in its own section of law (chapter 51.18 RCW) and made retrospective rating a mandatory offering of L&I. (SB 6048, chapter 7, Laws of 1999.)

**What is the reward?** Participating employers who are successful may be refunded a portion of the premiums they paid to L&I.

**Note:** Retro is not for everyone. An employer may be assessed additional premium if they are not committed to improving workplace safety and accident prevention and/or do not take appropriate action to reduce the frequency and severity of accidents to their employees.

**Are there any fees involved?** L&I does not charge fees for this program.

**Note:** Organizations that sponsor retro groups can and often do charge their members fees for their services. These fees are not a requirement of L&I nor are they regulated by L&I.

**Who can participate?** Any employer that insures their workers' compensation insurance obligations with L&I and meets the requirements contained in the retro rules can participate in retro.

AMENDATORY SECTION (Amending WSR 00-11-060, filed 5/12/00, effective 7/1/00)

**WAC 296-17-90402 Definitions.** ((In developing the general reporting rules and tables for retrospective rating, we have used certain words or phrases that could have several meanings. Appendix A of this manual contains a list of words or phrases defined by law (Title 51 RCW). To reduce misunderstandings which can result by our use of certain words or phrases not defined in law (Title 51 RCW), we have developed definitions which will govern what these words or phrases mean for purposes of the retrospective rating program.

**Account:** The term "account" means an individual employer's industrial insurance account and related subaccounts, or in the case of a retrospective rating group it means the sponsoring organization's industrial insurance account. For purposes of RCW 51.08.015, the term "retrospective rating account" and "industrial insurance account" shall have the same status.

**Account in good standing:** For an account to be in good standing, the employer and/or group must have:

(a) Submitted all of the required reports and paid all industrial insurance premium payments, assessments, penalties and interest when due and on time. This requirement also includes the payment of other fees, fines, penalties and assessments established by the department such as safety violations and computer access fees. An account may be deemed to be in good standing if the employer or group (organization) is current with a repayment agreement with the department; and

(b) Not participated in the activities described in WAC 296-17-90484 concerning the direct payment of medical services.

A sponsoring organization in addition to the requirements described in (a) and (b) of this subsection must also file the safety plan and reports required in WAC 296-17-90412 and comply with the contract and refund distribution requirements of WAC 296-17-90466 for the group account to be in good standing.

**Adjustment:** The process of calculating retrospective premium, and any resulting refunds or assessments. For the first adjustment of a coverage period, retrospective premium is compared to the standard premium due. The difference will be refunded if the retrospective premium is lower than the standard premium due. You will be assessed the difference if the retrospective premium is higher than the standard premium due. In subsequent adjustments of the coverage period, the new retrospective premium is compared to the prior retrospective premium to determine the amount of refund or assessment.

**Basic premium ratio (BPR):** A component of the retrospective rating premium formula, the BPR represents a charge for administrative costs (except claims handling) and an insurance charge which covers the cost of having retrospective premium limited by the selected maximum premium ratio.

**Case reserve:** The department's estimate of cost associated with a specific claim over the lifetime of the claim.

**Coverage period:** A twelve month period beginning January 1 and ending December 31, or April 1 through March 31, or July 1 through June 30, or October 1 through September 30. Only claims with a date of injury within the selected coverage period and standard premium due for the same coverage period are used to calculate retrospective premium. The coverage period is selected by the group or individually enrolled employer.

**Developed losses, a.k.a. total incurred losses (developed):** A component of the retrospective rating premium formula. Based on historical trends we know that the total incurred losses for claims in a coverage period tend to increase over time. This can be the result of claim reopenings, changes in time loss duration, increased medical utilization, etc. The developed losses computation anticipates and distributes these increases among all the participants in a coverage period. Developed losses for pension claims are determined by multiplying their incurred losses by the applicable performance adjustment factor. For nonpension claims, developed losses are determined by multiplying their incurred losses by the applicable loss development factors.

**Evaluation date:** The date selected by the department in which incurred losses for applicable claims are measured and captured for the purpose of calculating retrospective premium. Changes in incurred losses that occur after an evaluation date will not be considered until the next applicable evaluation date. The first evaluation date is between nine and ten months after the coverage period ends. All subsequent evaluations will occur in twelve-month intervals. Beginning with the coverage period October 1, 2000, and all coverage periods thereafter, the number of mandatory evaluations will change from two to three.

**Freeze date:** See evaluation date.

**Group:** Employer members of an organization who have agreed to have their retrospective premium calculated using the combined applicable standard premium and related loss data of the participants as a whole.

**Homogeneity:** An insurance term used to denote a similarity between two or more business risks. Although it is rare that any two businesses will be identical, similar businesses have similar exposure to occupational injury and disease.

**Incurred losses:** A term we use to denote a cost component of a claim. For open claims, incurred losses are the total of costs paid to date which have been assigned to a given employer account, or the case reserve established by the department, whichever is greater. For closed claims, incurred losses are the total of costs paid to date which have been assigned to a given employer account, regardless of any case reserve that may have been established.

**Loss conversion factor (LCF):** A component of the retrospective premium formula, the LCF represents an expense charge for claims handling and the present value of developed losses. LCFs can be found in WAC 296-17-90493 through 296-17-90497.

**Loss development factor (LDF):** LDFs are actuarially determined factors that are multiplied by incurred losses of nonpension retro claims to produce developed losses. LDFs are unique to each coverage period, but are the same for every nonpension retro claim in the coverage period. They are periodically recalculated. LDFs shown on retro reports have already been adjusted by the applicable performance adjustment factor.

**Loss ratio:** The numerical result when dividing developed losses by standard premium. The retrospective premium calculation will generate a net refund if the Basic premium ratio (BPR)  $\div$  (Loss Ratio  $\times$  the Loss conversion factor (LCF)) is less than 1. The BPR and LCF are determined by the plan picked by the individual enrollee, or in the case of a group by the sponsoring organization and the premium size of the individual enrollee or the group. Once these are picked the group can only influence the loss ratio to determine the amount of refund. The department suggests an evaluation of each claim to determine if there are trends and patterns and that the sponsoring organization implement workplace safety measures to eliminate or reduce loss regardless of the loss ratio.

**Maximum premium ratio (MPR):** A factor preselected by the organization (group) or individually enrolled employer that determines the maximum retrospective premium requirement for a given coverage period. MPRs can be found in WAC 296-17-90493 through 296-17-90497.

**Member of a group:** A term used by the department to describe the individual employers that participate in a group plan of a sponsoring organization.

**Minimum premium ratio (MnPR):** For plans A1, A2 and A3, an actuarially determined factor that determines the minimum retrospective premium requirement for a given coverage period. MnPRs can be found in WAC 296-17-90493 through 296-17-90497.

**Pension claim:** A claim designated as a fatality or total permanent disability.

**Performance adjustment factor (PAF):** An actuarially determined factor unique to each retro coverage period which ensures that aggregate refunds reflect the relative performance of retro versus nonretro state fund employers plus an investment credit.

**Plan:** A numeric table developed by the department used to calculate the retrospective premium requirement of a group or individually enrolled employer. A group or individually enrolled employer preselects from one of five plans (A, A1, A2, A3 or B). The selected plan (along with the MPR and standard premium volume) determine the minimum premium, basic premium and the loss conversion factor which is applied to the developed losses used in the retrospective premium calculation.

**Premium:** Money paid (due) from an employer for workers' compensation insurance. It does not include money paid as fees, fines, penalties or deposits.

**Qualified employer:** A term used by the department to describe an employer that has an industrial insurance account and that the account is in good standing at the time of enrollment.

**Retrospective premium:** The net premium for a group or individually enrolled employer after an adjustment for a given coverage period, using the formulas and provisions found in WAC 296-17-90491 through 296-17-90497.

**Retrospective rating account:** A term used by the department to describe the industrial insurance account of an employer or a sponsoring organization that participates in retrospective rating.

**Standard premium:** The total accident fund and medical aid fund premiums paid (due) by a group or individually enrolled employer for a given coverage period. The supplemental pension assessment portion of total premiums due (paid) is not included. If the group includes employers subject to the staggered enrollment provision of the retrospective rating rules, the standard premium is the total premiums due (paid) for the calendar months in which they have been accepted into a group. To reduce misunderstandings that can result by our use of certain words or phrases, we have developed definitions that govern what these words or phrases will mean for retro purposes.

**Account:** An individual employer's industrial insurance account and related subaccounts, or in the case of a retro group it means the sponsoring organization's industrial insurance account.

**Account in good standing:** A phrase we use when an employer and/or sponsoring organization is current with all payments due L&I and in compliance with L&I laws, rules

and regulations at the time of enrollment or reenrollment.

For an account to be in good standing you must:

- Have an active L&I industrial insurance account.
- Submit all reports required by L&I when they were

due.

• Pay all industrial insurance premium payments, assessments, penalties and interest when due.

**Note:** This requirement also includes the payment of other fees, fines, penalties and assessments established by the department such as safety violations and computer access fees. An account may be deemed to be in good standing if the employer or group (sponsoring organization) is current with an L&I approved written repayment agreement.

• Not participate in the activities described in WAC 296-17-90428 concerning the direct payment of medical services.

**Note:** Organizations that sponsor a group must also file the safety plan when applicable (WAC 296-17-90409) and the annual safety report required in WAC 296-17-90411 to be in good standing.

**Adjustment:** The process of calculating retrospective premium, and any resulting refund or assessment.

**Note:** For the first adjustment of a coverage period, retrospective premium is compared to the standard premium due. The difference will be refunded if the retrospective premium is lower than the standard premium due. You will be assessed the difference if the retrospective premium is higher than the standard premium due. In subsequent adjustments of the coverage period, the new retrospective premium is compared to the prior net retrospective premium to determine the amount of refund or assessment.

RETROSPECTIVE PREMIUM ADJUSTMENT FOR:

PAGE 1

NOTTA-REAL COMPANY INC

EG05

STATE OF WASHINGTON  
DEPT OF LABOR AND INDUSTRIES  
INSURANCE SERVICES  
PROGRAM/SYSTEM A2522235

9999 MAIN ST NW  
SAMSONVILLE, WA 98000

COVERAGE PERIOD	RETRO ID	ADJUSTMENT NUMBER	ADJUSTMENT DATE	RETROSPECTIVE RATING PLAN	MAXIMUM PREMIUM RATIO
07/01/99 - 06/30/00	999999	2	05/09/02	B	1.45

RETROSPECTIVE PREMIUM CALCULATION

BASIC PREMIUM RATIO	.000	X	STANDARD PREMIUM DUE	204,602		
PLUS						
LOSS CONVERSION FACTOR	.983	X	TOTAL INCURRED LOSSES (DEVELOPED)	96,334	EQUALS	INDICATED RETROSPECTIVE PREMIUM
						94,696
MAXIMUM PREMIUM RATIO	1.45	X	STANDARD PREMIUM DUE	204,602	EQUALS	MAXIMUM PREMIUM
					@ >=	301,804 DEVELOPED LOSSES
MINIMUM PREMIUM RATIO	.000	X	STANDARD PREMIUM DUE	204,602	EQUALS	MINIMUM PREMIUM
					@ <=	0 DEVELOPED LOSSES
BREAK-EVEN DEVELOPED LOSSES = 208,140						RETROSPECTIVE PREMIUM
						94,696

ADDITIONAL PREMIUM OR REFUND CALCULATION

				ADDITIONAL PREMIUM DUE	0
PRIOR RETROSPECTIVE PREMIUM PAID	135,979	-	RETROSPECTIVE PREMIUM	94,696	EQUALS OR
				PREMIUM REFUND	41,283

PRIOR ADJUSTMENTS

ADJ NO	EMPLOYER MEMBERS	SIZE GROUP	STANDARD PREMIUM DUE	TOTAL INCURRED LOSSES (DEVELOPED)	RETRO PREMIUM	REFUND AMOUNT	ADDITIONAL PREMIUM DUE	ADDITIONAL PREMIUM PAID
1.00	2	26	204,602	138,331	135,979	68,623	0	0

**Basic premium ratio (BPR):** A component of the retrospective rating premium formula. The BPR represents a charge for administrative costs (except claims handling) and an insurance charge that covers the cost of having retrospec-

ive premium limited by the selected maximum premium ratio.

**Case reserve:** L&I's estimate of the cost associated with a specific claim.

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**Coverage period:** A twelve-month period beginning January 1 and ending December 31, or April 1 through March 31, or July 1 through June 30, or October 1 through September 30. Only claims with a date-of-injury within the selected coverage period and the standard premium due for the same coverage period are used to calculate retrospective premium. Effective with the October 1, 2000, coverage period and all subsequent coverage periods thereafter, each coverage period will have three mandatory adjustments and no optional adjustments. The first adjustment will occur nine months after the coverage period has ended. Each subsequent valuation will take place in twelve-month intervals.

**Note:** The coverage period for a retro group is selected by the sponsoring organization and the coverage period of an individual enrollment is selected by the employer.

**Date of enrollment or reenrollment:** A phrase used by L&I to establish when participation in retro begins. The date of enrollment or reenrollment is the first day of the coverage period.

**Note:** A sponsoring organization can add new group members each quarter during the coverage period. We refer to this as "staggered enrollment." Employers seeking to participate in an organization's group after the coverage period has begun must meet all of the application requirements found in WAC 296-17-90413. Staggered enrollment applications must be received in our Tumwater office by the 15th calendar day of the month prior to the selected quarter (i.e., December 15 for January 1; March 15 for April 1; June 15 for July 1; or September 15 for October 1). If the due date falls on a weekend or holiday, the application will be due on the next business day. Employers that participate in a retro group on a staggered enrollment basis are required to participate for the remainder of the coverage period unless they sell or close the enrolled business or become self-insured.

**Developed losses, a.k.a. total incurred losses (developed):** A component of the retrospective rating premium formula. Based on historical trends we know that the total incurred losses for claims in a coverage period tend to increase over time. This can be the result of claim reopenings, changes in time loss duration, increased medical utilization, etc. The developed losses computation anticipates and distributes these increases among all the participants in a coverage period.

**Note:** Developed losses for pension claims are determined by multiplying their incurred losses by the applicable performance adjustment factor. For nonpension claims, developed losses are determined by multiplying their incurred losses by the applicable loss development factors.

**Freeze date:** See valuation date.

**Group:** Employer members of an organization who have agreed to have their retrospective premium calculated using the combined applicable standard premium and related developed loss data of the participants as a whole.

**Homogeneity:** A word used to convey the requirement that retro groups be made up of like businesses.

**Incurred losses:** A cost measure of a claim. For open claims, incurred losses are the total of costs paid-to-date which have been assigned to a given employer account, or the case reserve established by the department, whichever is greater. For closed claims, incurred losses are the total of costs paid-to-date which have been assigned to a given

employer account, regardless of any case reserve that may have been established.

**Loss conversion factor (LCF):** A component of the retrospective premium formula, the LCF represents an expense charge for claims handling and the present value of developed losses.

**Note:** LCFs can be found in WAC 296-17-90493 through 296-17-90497.

**Loss development factor (LDF):** These are actuarially determined factors that are multiplied by incurred losses of nonpension retro claims to produce developed losses. LDFs are unique to each coverage period, but are the same for every nonpension retro claim in the coverage period.

**Note:** LDFs are periodically recalculated. LDFs shown on retro reports have already been adjusted by the applicable performance adjustment factor.

**Loss ratio:** The numerical result of dividing developed losses by standard premium.

**Note:** The retrospective premium calculation will generate a net refund if the basic premium ratio (BPR) + (Loss Ratio x the Loss conversion factor (LCF)) is less than 1. The BPR and LCF are determined by the plan selected by the individual enrollee, or in the case of a group by the sponsoring organization and the premium size of the individual enrollee or the group. Once these have been selected the retro group can only influence the loss ratio to determine the amount of refund. L&I suggests an evaluation of each claim to determine if there are trends and patterns and that the sponsoring organization implement workplace safety measures to eliminate or reduce loss regardless of the loss ratio.

**Maximum premium ratio (MPR):** A factor prescribed by the organization (group) or individually enrolled employer. The MPR is multiplied by the standard premium (SP) to determine the maximum retrospective premium requirement for a given coverage period.

**Note:** MPRs can be found in WAC 296-17-90493 through 296-17-90497.

**Member of a group:** These are the individual employers that participate in a group plan of a sponsoring organization.

**Minimum premium ratio (MnPR):** An actuarially determined factor applicable to plans A1, A2 and A3. The MnPR is multiplied by the standard premium (SP) to determine the minimum retrospective premium requirement for a given coverage period.

**Note:** MnPRs can be found in WAC 296-17-90494 through 296-17-90496.

**Pension claim:** A claim designated as a fatality or total permanent disability.

**Performance adjustment factor (PAF):** An actuarially determined factor unique to each retro coverage period that ensures that aggregate refunds reflect the relative performance of retro versus nonretro state fund employers.

**Plan:** A numeric table developed by L&I used to calculate the retrospective premium requirement of a group or individually enrolled employer.

**Note:** A group or individually enrolled employer preselects from one of five plans (A, A1, A2, A3 or B). The selected plan (along with the MPR and standard premium volume) determines the minimum premium, basic premium and the loss conversion factor that is applied to the developed losses used in the retrospective premium calculation.

**Premium:** Money paid (due) from an employer for workers' compensation insurance. It does not include money paid as fees, fines, penalties or deposits.

**Qualified employer:** A phrase used by L&I to describe an employer that has an industrial insurance account and that the account is in good standing at the time of enrollment or reenrollment.

**Retrospective premium:** The net premium for a group or individually enrolled employer after an adjustment for a given coverage period. The retrospective premium is determined using the formulas and provisions found in WAC 296-17-90446.

**Standard premium:** A phrase used by L&I to denote the total accident fund and medical aid fund premiums paid (due) by a group or individually enrolled employer for a given coverage period.

**Note:** The supplemental pension assessment portion of total premiums due (paid) is not included. If the group includes employers subject to the staggered enrollment provision of the retro rules, the standard premium is the total accident fund and medical aid fund premiums due (paid) for the calendar months in which they have been accepted into a group.

**Valuation date:** The date selected by L&I in which incurred losses for applicable claims are measured and captured for the purpose of calculating retrospective premium.

**Note:** Changes in incurred losses that occur after the valuation date will not be considered until the next applicable valuation date. The first valuation date is nine months after the coverage period ends. All subsequent valuations will occur in twelve-month intervals.

## NEW SECTION

**WAC 296-17-90404 Employer options.** A qualified employer can participate in retro either as an individual or as a member of a retro group.

**Note:** Organizations that sponsor retro groups can establish enrollment requirements beyond those required by L&I. Employers interested in participating in a group should contact the organization that sponsors the group they are interested in directly for their requirements. Links to these organizations can be found at the retro website ([www.lni.wa.gov/retro/](http://www.lni.wa.gov/retro/)).

## NEW SECTION

**WAC 296-17-90405 Individual retro—Enrollment.**

### **Your responsibility:**

To enroll in an individual retro:

### **You must:**

- Have an active L&I industrial insurance account.
- Keep your L&I industrial insurance account in good standing.
- Enroll all similar businesses that you own or have a controlling interest in.

**Note:** A controlling interest means that you or a common set of owners own more than fifty percent of each business. If you acquire, purchase or start a new or existing business that you report in a separate L&I subaccount during the current coverage period that is of a similar business nature as the business enrolled in retro, the new business or busi-

nesses must be enrolled in retro for the remainder of the coverage period.

**Example:** You operate a chain of ten grocery stores. Each store is operated at a different location. You have requested that each store be assigned a special account (sub-account). You must enroll all ten stores in a retro plan. In addition, your company also has a separate administrative office. This office reports under the clerical office classification. You may elect to include your administrative office.

- Participate in retro for the entire coverage period unless you become a self-insured employer, sell or close your business and close your industrial insurance account.

**Note:** This requirement also applies to an employer's participation in a retro group. L&I will use the reported exposure (standard premium and developed losses) of the employer for the portion of the coverage period the business operated in the retrospective premium calculation for the group.

- Have at least a minimum annual standard premium of \$3,202.

- Select the maximum premium ratio and plan (A, A1, A2, A3 or B) that you wish to participate in. You should consider the benefits and risk of each plan and maximum premium ratio in making this selection.

**Note:** Plan and maximum premium ratio choices cannot be changed after the coverage period begins.

- Obey L&I's laws, rules and regulations.
- Complete, sign and return a copy of the "Individual Retrospective Rating Plan Agreement" form to L&I by the due date indicated on the form.

**Note:** Most employers participating in retro do so as a member of a group. If you are interested in participating in a group, you should contact the organization that sponsors the group you are interested in. They can tell you what their requirements are. Some organizations require a minimum standard premium for participation in their group. Any requirements other than those listed above are requirements of the organization that sponsors the retro group and not those of L&I.

Department of Labor & Industries  
 Retrospective Rating  
 PO Box 44180  
 Olympia WA 98504-4180  
 www.lni.wa.gov/retro/



# INDIVIDUAL RETROSPECTIVE RATING PLAN AGREEMENT

*Employer, please complete all blanks*

Indicate plan choice: <input type="checkbox"/> Plan A <input type="checkbox"/> Plan A1 <input type="checkbox"/> Plan A2 <input type="checkbox"/> Plan A3 <input type="checkbox"/> Plan B	Indicate maximum premium ratio selected: <input type="checkbox"/> 1.05 <input type="checkbox"/> 1.30 <input type="checkbox"/> 1.60 <input type="checkbox"/> 1.10 <input type="checkbox"/> 1.35 <input type="checkbox"/> 1.70 <input type="checkbox"/> 1.15 <input type="checkbox"/> 1.40 <input type="checkbox"/> 1.80 <input type="checkbox"/> 1.20 <input type="checkbox"/> 1.45 <input type="checkbox"/> 2.00 <input type="checkbox"/> 1.25 <input type="checkbox"/> 1.50	Firm name, mailing address & location
Indicate coverage period Jan 1 through Dec 31 <input type="checkbox"/> (Dec 15) Apr 1 through Mar 31 <input type="checkbox"/> (Mar 15) Jul 1 through Jun 30 <input type="checkbox"/> (Jun 15) Oct 1 through Sep 30 <input type="checkbox"/> (Sep 15)		Firm's E-mail address
Note: This agreement must be postmarked no later than the due date indicated above. If the due date falls on a weekend or official holiday, it must be postmarked no later than the next business day.		DBA (Doing business as)
Department's outside authorized representative of firm (if any)		UBI (Unified Business Identifier)
As owner, partner or corporate officer of the above business, I would like to enroll in the retrospective rating plan indicated above. Upon acceptance of this agreement by L&I, I understand and agree that:		Employer Account ID (8 digit) including all sub/related accounts
• This agreement will be in effect for the entire coverage period indicated above and for each of the subsequent adjustments required by WAC. • Unless I notify L&I in writing prior to the first day of each subsequent coverage period, L&I will automatically re-enroll my business in the same plan, maximum premium ratio and coverage period. In the event that I want to change plans, maximum premium ratio or coverage period I must complete a new agreement form and submit it to L&I by the due date indicated above. • I will maintain my industrial insurance account in good standing and will comply with L&I laws, rules and regulations.		Employer contact person's name
NOTE: This agreement cannot be changed without the express written consent of L&I.		Employer contact person's phone number
The signature of an owner, partner or corporate officer of the above referenced employer authorized to enter in this agreement is required for the employer to participate in retro.		
Date signed	Employer's name (print)	Employer's signature

**Return original & yellow copies to L&I. Retain pink copy for your file.**  
 If using a window envelope, please check to ensure address below shows through window.



Phone (360) 902-4851

Department of Labor & Industries  
 Retrospective Rating  
 PO Box 44180  
 Olympia WA 98504-4180

A countersigned copy will be returned to you upon acceptance in a retrospective rating plan Department Use ONLY		
Agreement postmarked	Effective date of coverage	Date signed
Date stamp	Comments	
Retrospective rating program administrator (print)		Retrospective rating program administrator (signature)

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**Note:** If you contact us, we will send you a copy of the agreement form. A copy of the form can also be found at the retro website ([www.lni.wa.gov/retro/](http://www.lni.wa.gov/retro/)).

- Not participate in prohibited activities such as, but not limited to, direct payment of medical services for a job related injury or illness.

**We may require:**

- You to provide us (L&I) with a surety bond or an assignment of savings.

**If required:**

- The surety bond or assignment of savings will be executed on forms authorized by L&I.

**Note:** The surety bond or assignment of savings requirement will be based on the difference between the participants' estimated standard premium and the maximum premium due under the applicable retro plan. If the standard premium falls within two increment ranges, the bond will be at the next higher thousand-dollar increment. The surety bond or assignment of savings must be in full force and effect for the entire coverage and the related adjustment periods.

**Our responsibility:**

Upon receipt of the required forms and documents:

**We will:**

- Review the documents you have submitted and the Individual Retrospective Rating Plan Agreement form for completeness.
- Verify that your L&I industrial insurance account is in good standing at the time of enrollment.
- Notify you in writing of our acceptance or denial of your application to participate in retro.

**NEW SECTION**

**WAC 296-17-90407 Reenrollment—Individual retro.**

**Your responsibility:**

To reenroll in an individual retro:

**You must:**

- If before April 1, 2003, complete, sign and send L&I a new "Individual Retrospective Rating Plan Agreement" form by the due date indicated on the form.

**Note:** Beginning with the April 1, 2003, coverage period, and for each subsequent coverage period thereafter, L&I will automatically reenroll you in the same plan and maximum premium ratio that you previously selected provided your L&I industrial insurance account is in good standing at the time of reenrollment and you are in compliance with the requirements and conditions found in WAC 296-17-90405.

- For coverage periods beginning on or after April 1, 2003, complete, sign and send L&I a new Individual Retrospective Rating Plan Agreement form only if you want to change plans, coverage periods or the maximum premium ratio by the due date.

**Note:** If you contact us we will send you a copy of the agreement form. A copy of the form can also be found at the retro web site ([www.lni.wa.gov/retro/](http://www.lni.wa.gov/retro/)).

**Our responsibility:**

If you contact us and ask us for assistance:

**We will:**

- Review with you your current premium and losses.
- Answer questions that you have on different plans and maximum premium ratio options you are considering.

**AMENDATORY SECTION** (Amending WSR 01-23-058, filed 11/20/01, effective 1/1/02)

**WAC 296-17-90409** (~~I understand that there are specific prerequisites that an organization must meet to sponsor a new retrospective rating group plan.~~) **New group—Requirements.** (~~Can you tell me what these requirements are? Yes. Before we can consider an organization's request to sponsor a new retrospective rating group plan they must meet all the following requirements:~~

(1) ~~The sponsoring organization must have been in existence for at least four years prior to sponsoring a retrospective rating group.~~

(a) ~~To validate this, the sponsoring organization must provide the department with copies of its articles of incorporation, bylaws and marketing/membership applications or similar material, accompanied with an affidavit certifying that the documents are true and the information contained in the documents is accurate as of the date of submittal.~~

(b) ~~The department will verify this information through contacts with various state, local and federal agencies and other businesses.~~

(2) ~~The sponsoring organization must have been formed for purposes other than that of obtaining or offering insurance coverage or insurance services described in WAC 296-17-90408.~~

(3) ~~Employer members of the proposed retrospective rating group must be dues paying members of the organization. We recognize that some organizations may be funded through member donations and not dues. The intent of this requirement is to ensure that the members of the organization are current members as opposed to potential members. Where an organization's members do not pay dues the organization must provide a list of its current members and a written explanation of how member contributions are determined.~~

(a) ~~An organization seeking to sponsor a group retrospective rating plan must submit a list of its current members that want to participate in the organization's group plan to the department. The membership list must include the effective date of membership for each proposed member and an affidavit signed by an officer of the sponsoring organization certifying the list to be true and accurate as of the date of submittal.~~

(b) ~~Each employer member who wants to participate in the organization's retrospective rating group plan must have an industrial insurance account in good standing with the department.~~

(c) ~~Each employer member who wants to participate in the proposed sponsoring organization's retrospective rating group must provide us with a written request/release. This is to be done on a form provided by the sponsoring organization and approved by the department. Sample forms can be found in Appendix A of this manual. Completion and submission of this application to the department signifies the employer's desire to participate in the organization's retrospective rating group if it is approved. The proposed retrospective rating group membership list must be submitted with the group application of the organization and the other material listed in this section.~~

PERMANENT

(d) All employers in the retrospective rating group must be members of the sponsoring entity.

(e) Fifty percent of the members of the proposed retrospective rating group must have been members of the sponsoring organization for one year prior to the group's entrance into the retrospective rating program. We will verify this from the membership information provided to the department in (a) of this subsection.

(4) The sponsoring organization must have an industrial insurance account and the account must be in good standing at all times, including the application process and the coverage and adjustment periods.

(5) The initial premium level of the proposed retrospective rating group must be at least one million five hundred thousand dollars. This will be based on the standard premium of the proposed group members' most current fiscal year (four quarters) of reporting.

(6) The requirements contained in this rule are in addition to any other requirements contained in the retrospective rating manual such as those found in WAC 296-17-90412(2) applicable to an annual safety report and WAC 296-17-90421(2) applicable to selection of an industry group by the sponsoring organization.)) **Your responsibility:**

To sponsor a new retro group after July 25, 1999:

**You must:**

• Have an L&I industrial insurance account and the account must be in good standing at the time of enrollment.

• Be an organization with dues paying members.

**Note:** This requirement is intended to provide a distinction between a business enterprise with clients not permitted to sponsor a retro group and an organization with members that can sponsor one or more retro groups. We recognize that some organizations may be funded through member donations and not dues. If your members do not pay dues, you must provide L&I a written confirmation of this fact when you send in your signed and completed group application.

• Provide L&I with copies of your organization's articles of incorporation, bylaws and marketing/membership applications or similar material.

**Note:** This information is to be submitted with your completed group application.

• Be formed for purposes other than:

– Obtaining or offering insurance coverage or insurance related services.

**Note:** In addition to these prohibitions, an insurer, insurance broker, insurance agent or insurance solicitor may not participate in the formation of a retrospective rating group; or sponsor a retrospective rating group. Since enhancement of workplace safety for the group is a principal requirement of retro, an organization that offers services primarily related to risk management, safety, loss control or claims administration will be deemed to be set up for the sole purpose of participating in retro and will not qualify to sponsor a retro group.

– Sponsoring a retro group and participating in L&I's retrospective rating program.

**Note:** We will verify the purpose(s) of the organization from the information contained in the articles of incorporation, bylaws, contracts and/or advertising material of the organization and contacts with other state agencies.

• Have been in existence for at least four years prior to sponsoring a retro group.

• Submit a written workplace safety and accident prevention plan to L&I.

**Note:** The written safety plan must demonstrate to L&I's satisfaction that formation of the group will substantially improve workplace safety and accident prevention for the group members. The safety plan must be tailored to the business/industry of the group members and include an evaluation of the group members' past claims.

• Cooperate with L&I's claims management activities.

• Obey L&I laws, rules and regulations.

• Complete an Application for Group form and send it to L&I.

**Note:** When you complete this application, you will need to select the single industry or business category that will be applicable to your group, the maximum premium ratio and plan (A, A1, A2, A3 or B) that will apply to the group for the coverage period. You should consider the benefits and risk of each plan and maximum premium ratio in making this selection. Plan and maximum premium ratio choices cannot be changed after the deadline listed below.

<u>Coverage period</u>	<u>Received by</u>
<u>Jan. 1 through Dec. 31</u>	<u>Oct. 31</u>
<u>April 1 through March 31</u>	<u>Jan. 31</u>
<u>July 1 through June 30</u>	<u>April 30</u>
<u>Oct. 1 through Sept. 30</u>	<u>July 31</u>

Department of Labor and Industries  
 Retrospective Rating  
 PO Box 44180  
 Olympia, Washington 98504-4180  
 (360) 902-4851  
 www.LNI.wa.gov/retro/

## APPLICATION FOR GROUP RETROSPECTIVE RATING

Association name	Assoc. representative's name	E-mail address
Association mailing address and location	Assoc. representative's telephone (including area code)	
	Date association first formed	
City                                  State      Zip Code+4	Outside authorized representative (if any)	

By submitting this signed and completed Application for Group to L&I the sponsoring organization listed above agrees to all of the following conditions:

- Upon acceptance of our Application for Group by L&I, our organization will sponsor a retrospective rating group in the following business or industry category (check the **one** category that applies to this group):

**NOTE:** The categories listed below have been abbreviated. A complete description of each category can be found on our web site.

- |  |   |
|--|---|
| <input type="checkbox"/> Agriculture services                    | <input type="checkbox"/> Grocery stores, grocery distribution centers |
| <input type="checkbox"/> Auto, truck & boat, mfg., sales, repair | <input type="checkbox"/> Healthcare, pharmaceutical, laboratories     |
| <input type="checkbox"/> Construction                            | <input type="checkbox"/> Logging & wood products mfg.                 |
| <input type="checkbox"/> Distillation, chemicals, food           | <input type="checkbox"/> Manufacturing, processing, mining            |
| <input type="checkbox"/> Entertainment, hospitality              | <input type="checkbox"/> Retail & wholesale stores and prof. svcs.    |
| <input type="checkbox"/> Facilities, property mgmt., maint.      | <input type="checkbox"/> Temporary help & related services            |
| <input type="checkbox"/> Govt., utilities, schools, healthcare   | <input type="checkbox"/> Transportation & warehousing                 |

- That unless our organization changes plan selection, maximum premium ratio or coverage periods this application will apply to future coverage periods. Our organization understands that we will be required to submit a completed annual agreement to L&I for continued participation and sponsorship of the retrospective rating group covered by this application. In the event that our organization desires to change plan selection, maximum premium ratio or coverage periods we will be required to complete and submit a new Application for Group. We further understand that this new application must be submitted to L&I at least two months prior to the first day of the selected coverage period.
- If requested by L&I our organization will provide L&I with a surety bond or other security deposit. We understand and agree that the surety bond or security deposit will be in an amount equal to our maximum retrospective premium due under this agreement.
- We understand and agree to maintain our L&I industrial insurance account in good standing and that it must be in good standing at the time of enrollment/re-enrollment in order to sponsor a retrospective rating group.
- We will comply with all L&I's laws, rules and regulations.
- We will cooperate with L&I's claim management activities and will participate in L&I workplace safety initiatives.
- We understand and agree that our organization is directly responsible to L&I for any additional premium due from this agreement.
- Our organization will represent all members of the retrospective rating group, if approved, in all matters pertaining to their participation in the above selected retrospective rating group for the selected coverage period and subsequent adjustment periods.
- As the legal representative, the sponsoring organization is responsible for communicating L&I decisions to the members of the group.

**NOTE:** This agreement cannot be changed without the express written consent of L&I and is in effect through the coverage period selected by the sponsoring organization.

**As a part of the application process our organization has selected the following plan, maximum premium ratio and coverage period:**

Plan	Maximum Premium Ratio	Coverage Period

**NOTE:** If this application is for a new group you must send a copy of the articles of incorporation, by-laws, or other information to establish the organization's purpose and which validates membership requirements, and a copy of your Safety Plan.

**Upon receipt of this application, L&I will send the sponsoring organization the following documents and/or information:**

- Group Retrospective Rating Agreement Form.
- Application for Group Membership for each group member.
- Notice of any surety bond or other security deposit, if needed.

**All information given in this application and attachments is true and complete.**

Association President's name (print)	Date signed	Association President's signature
--------------------------------------	-------------	-----------------------------------

[APPLICATION FOR GROUP] DRAFT#2 04-12-2002

Send us a cover with letter on your organization's letterhead that lists the documents being enclosed and that the information contained in the documents is accurate as of the date of submittal.

PERMANENT

**Sponsoring Organization**

**XXX NE 12th Street**  
**Seattle, Washington**

**Labor and Industries**

**Retrospective Rating**

**P.O. Box 44180**

**Olympia, Washington 98504-4180**

**Enclosed you will find the following documents:**

**Application for Group**

**Articles of Incorporation and marketing material**

**Group Safety Plan**

**The information accurately reflects the purpose of our organization and is being provided as part of the application process required of all new retro groups.**

**If you have questions or need other information, feel free to call me.**

**Sincerely,**

**Joe Smith**

**Executive Director**

**Note:** The new group information must be received in our Tum-water office by 5:00 p.m. (Pacific time) on the due date.

**Our responsibility:**

**Upon receipt of the required information:**

**We will:**

**• Notify you in writing of any deficiency in your work-place safety and accident prevention plan.**

**• Determine if your organization is qualified to sponsor a new retro group and notify you of our decision.**

**NEW SECTION**

**WAC 296-17-90410 New group—Agreement finalized.**

**Our responsibility:**

**If we determine that your organization is qualified to sponsor a new retro group:**

**We will:**

**• Send you a "Group Retrospective Rating Agreement" form that must be signed, completed and returned by the date indicated on the form.**

**• Send you a blank Application for Group Membership and Authorization for Release of Insurance Data form.**

**Note:** You should make copies of the application form and give a copy to each proposed group member. L&I requires an application for each proposed member.

**Your responsibility:**

**When you receive the application forms:**

**You must:**

**• Send L&I a signed and completed Application for Group Membership and Authorization for Release of Insurance Data form for each proposed group member.**

**Note:** An owner, partner or corporate officer of each business must sign the Application for Group Membership form.

**• Provide L&I with documentation to establish that at least fifty percent of the proposed group members have been members of the sponsoring organization for at least one year prior to the first day of the selected coverage period.**

**Note:** The documentation must include the name of the employer member and the date they became a member of the organization.

**• Supply L&I with a surety bond if requested to do so.**

**Note:** If required the surety bond will be in an amount equal to the difference of the projected standard premium of the retro group and the maximum premium under the plan selected rounded to the nearest thousand dollar increment. If a bond is required it is to be in effect until the coverage period has been finalized. This includes the period related to the annual adjustments of the coverage period and periods covered by any appeal of that coverage period.

**• Complete, sign and return to L&I by the due date indicated on the agreement a "Group Retrospective Rating Agreement" form.**

**Note:** The "Application for Group Retrospective Rating" form required in WAC 296-17-90409 and the "group retrospective rating agreement" required by this rule are separate forms. Both forms are required of a new group.

PERMANENT

Department of Labor and Industries  
Retrospective Rating Program  
PO Box 44180  
Olympia WA 98504-4180  
Phone: (360) 902-4851  
[www.LNI.wa.gov/retro/](http://www.LNI.wa.gov/retro/)



# GROUP RETROSPECTIVE RATING AGREEMENT

This Agreement is between the Washington State Department of Labor and Industries (L&I) and \_\_\_\_\_ (sponsoring organization) for the twelve month coverage period beginning \_\_\_\_\_ and the related subsequent adjustments.

Terms of this Agreement are as follows:

- The sponsoring organization agrees that the words “organization” and “association” shall have the same meaning.
- The sponsoring organization will represent participating group members in all matters pertaining to their participation in retrospective rating for the period covered by this agreement.
- The sponsoring organization is responsible for notifying participating members of any decision made by L&I that involves the member’s industrial insurance account relative to their participation in retro during the period covered by this agreement.
- Each approved group member who by separate application has agreed to participate in this Group Retrospective Rating Agreement will:
  - Remain a party to this agreement for the above selected coverage period and all subsequent related adjustments.
  - Maintain an industrial insurance account with L&I and will keep the account in good standing.
  - Will earn and retain their individual experience rating based upon their own experience.
- The sponsoring organization will comply with all L&I laws, rules and regulations.
- The sponsoring organization is directly responsible to L&I for any additional retrospective premium arising from this agreement.
- A security deposit or surety bond equivalent to the maximum premium assessment may be required from the sponsoring organization as a condition of participation; to be in effect until the final premium adjustment has occurred and subsequent appeal period has ended.
- L&I may withhold any member’s pro-rata share of the group’s retrospective rating refund to satisfy the member’s industrial insurance account balance when premiums, penalties or assessments are past due.
- This Agreement cannot be changed without the express written consent of L&I.

**NOTE: L&I must receive this completed Agreement no later than the 15<sup>th</sup> day of the month preceding the selected coverage period.**

**DEPARTMENT USE ONLY**

Retrospective Rating Program Administrator (type)	Date Signed
Retrospective Rating Program Administrator (signature)	

**COMPLETED BY ASSOCIATION**

Association President (type)	Date Signed
Association President (signature)	

F250-004-000 group retrospective rating agreement 8-02

- Send these required documents to L&I by the date indicated on the Group Retrospective Rating Agreement form.

**Our responsibility:**

Upon receipt of required information:

**We will:**

• Verify that the sponsoring organization has an active L&I industrial insurance account and that the account is in good standing at the time of enrollment.

• Verify that each proposed member has an active L&I industrial insurance account and that the account is in good standing at the time of enrollment.

**Note:** An employer with multiple L&I accounts must enroll all businesses that are of a similar business nature in retrospective rating. If we discover that an employer has multiple L&I accounts, we will notify the sponsoring organization of this fact. The sponsoring organization is required to obtain an application from the remaining accounts within thirty days of our notice or none of the employer's accounts will be enrolled in the group.

• Verify that the nature of business of each proposed member falls appropriately within the business/industry category selected by the organization.

• Verify that the proposed new group has a total group standard premium of at least \$1.5 million for the initial coverage period.

**Note:** The group standard premium will be based on the standard premiums of the proposed group members' most current fiscal year (four quarters) of reporting.

• Verify that at least fifty percent of the proposed group members have been members of the sponsoring organization for at least one year prior to group sponsorship.

**Note:** All employers of the proposed retro group must be members of the sponsoring organization.

• Notify you of our decision in writing.

**You must:**

• Complete, sign and return the Group Retrospective Rating Agreement form by the date indicated on the agreement form.

**Note:** If you do not want to change plans, maximum premium ratio or coverage periods, you do not need to send in a new application for group retrospective rating for each new coverage period. L&I will assume the same plan, maximum premium ratio and coverage period. If your organization wants to change plans, maximum premium ratio or coverage period, you will need to submit a new application for group retrospective rating by the due date indicated on the application form. In the event that a sponsoring organization wants to change their business or industry category, they must notify L&I either by letter or by completing a new application for group retrospective rating by the due date indicated on the application form.

• Submit a completed and signed "Application for Group Membership and Authorization for Release of Insurance Data" form for each new proposed member.

**Note:** These applications can be submitted throughout the coverage period. See employer group member requirements for detail of when enrollment begins. If the sponsoring organization changes plans, maximum premium ratios or coverage period, they must secure new applications from each member or get preapproval from L&I if a different method will be used to serve notice to members of the change.

• Provide L&I an annual written report that highlights workplace safety accomplishments of the group during the past coverage year and identifies areas that the group has targeted for improvement during the next coverage period.

**Note:** The written annual safety report is due in the Tumwater office no later than the last day of the month prior to the beginning of the coverage period. If the due date falls on a weekend or holiday, the safety report will be due on the next business day. If you fail to submit the required written report when due, it will result in disqualification of the group. If this occurs, the sponsoring organization can requalify to sponsor the group but must satisfy the requirements applicable to new groups found in WAC 296-17-90409 and 296-17-90410.

PERMANENT

**NEW SECTION**

**WAC 296-17-90411 Existing group.**

**Your responsibility:**

To continue to sponsor an existing retrospective rating group:

**Example of an Association Annual Safety Report**

**Past years accomplishments:**

During the past year the association identified a leading cause of injury for our members was related to the lifting of resident clients.

The association working with professionals and manufacturers in the field identified equipment that eliminates most of the hazards associated with lifting clients.

Working with the Department of Labor and Industries, our association initiated a pilot program at a number of member facilities using the newly identified equipment.

Comprehensive training on equipment use and safety was given to all employees at these facilities. Although the program is experimental at this time and only been in place for five months, we have seen a reduction in back injuries of 20 percent.

**Projected plans:**

The members will implement a zero lift program at each facility in the next twelve months. We anticipate that this will reduce the number of back injuries for our members by 50 percent.

The association will further evaluate member losses associated with back sprains and strains and work with industry experts to further reduce these types of injuries.

- Supply L&I with a surety bond or assignment of savings if requested to do so.

**Our responsibility:**

Upon receipt of the required forms and the annual safety report:

**We will:**

- Verify that the sponsoring organization's L&I industrial insurance account is in good standing at the time of reenrollment.
- Verify that the individual employer member L&I industrial insurance accounts are in good standing at the time of reenrollment.
- Provide written feedback on the sponsoring organization's annual safety report and if applicable request revisions to the report.

**Note:** The department will notify the sponsoring organization of any concerns or needed changes to the safety report within thirty days of submission of the plan. The sponsoring organization is to submit a response and/or revised safety report as applicable within sixty days of our notification to them of our concerns or needed changes or as otherwise agreed upon by the department.

- Notify the sponsoring organization in writing of our decision to reenroll the group and the group members.
- Notify the sponsoring organization in writing of our decision to deny reenrollment to the group or group members.

**We may:**

- Request the sponsoring organization to post a surety bond or assignment of savings in the amount of the difference between the projected standard premium of the group and the maximum premium under the plan selected.

**Our responsibility:**

If we require a surety bond or assignment of savings:

**We will:**

- Notify you in writing of this decision.

NEW SECTION

**WAC 296-17-90413 Individual employer group member requirements—Initial enrollment.**

**Employer's responsibility:**

To initially enroll in a retro group:

**You must:**

- Be a dues paying member of the organization that sponsors the retro group you wish to join.
- Complete an "Application for Group Membership and Authorization for Release of Insurance Data" form supplied to you by the sponsoring organization.

**Note:** You must send this application to the sponsoring organization by the date requested. Do not send it directly to L&I.



**APPLICATION FOR GROUP MEMBERSHIP  
 AND AUTHORIZATION FOR RELEASE OF  
 INSURANCE DATA**

Mail to association
Employer

Retro ID \_\_\_\_\_  
 UBI \_\_\_\_\_  
 Account ID \_\_\_\_\_  
 Include sub accounts   
 Application Deadline \_\_\_\_\_  
 Coverage Year Beginning \_\_\_\_\_

If you have more than one L&I industrial insurance account you must list all accounts that are of a similar business nature on the reverse side of this form and check the sub account box above. If you have questions about this requirement please contact the business association listed above or L&I at (360) 902-4851.

As a member of the sponsoring organization listed above, this employer applies for enrollment in the retrospective rating group sponsored by the organization. L&I will notify the sponsoring organization of acceptance or denial of your application to participate in the group. It is the responsibility of the sponsoring organization to notify you of this acceptance or denial. As a pre-requisite of enrollment each of your industrial insurance accounts must be in good standing at the time of enrollment or you will not be allowed to participate in retrospective rating.

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**By signing this application, the employer named above agrees with all of the following conditions:**

- L&I will automatically re-enroll the employer as a member of the group in future coverage periods provided the employer's industrial insurance account is in good standing at the time of re-enrollment. If the employer does not want to participate in future coverage periods the employer or sponsoring organization must notify L&I in writing prior to the beginning of the respective coverage period.
- The employer authorizes L&I to furnish the sponsoring organization or their designee with data and information obtained from the employer's industrial insurance account(s).
- The sponsoring organization will represent the employer in all matters applicable to retrospective rating participation and the employer's industrial insurance account(s).
- The employer agrees to comply with L&I rules, regulations and laws and is bound by the terms of the agreement between the sponsoring organization and L&I.
- The employer will cooperate with L&I claims management activities and will participate in the sponsoring organization's claims management and workplace safety initiatives.
- All retrospective rating adjustments that may be earned by the employer will be given to the sponsoring organization. L&I is not involved in the distribution of a group refund to the individual group members except in the case of defunct group.

These conditions are in effect immediately and will remain in effect through the term of any agreement between the sponsoring organization and L&I.

**NOTE:** L&I disclaims any interest in any other contract you may enter into with the sponsoring organization as their pre-requisite of your participation in the retrospective rating group that they sponsor, and L&I neither approves or disapproves of any language or provision contained in these other contracts.

**RETURN this application directly to the above organization.**

**DO NOT send this application directly to L&I.**

Signature of an owner, partner or corporate officer of the employer named above is required to participate in this retrospective rating group.

Type or print name	Title	
Date	Owner, partner, corporate officer	Signature

F250-016-000 app for group membership and authorization for release of insurance data 8-02

- Have an active L&I industrial insurance account and the account must be in good standing at the time of enrollment.
- Comply with L&I laws, rules and regulations.
- Enroll all businesses that you (the employer member) own or have a controlling interest in and whose nature of business is substantially the same.

**Note:** For purposes of retro, a controlling interest means more than fifty percent ownership in one or more business by the same owner or owners.

**Example:** You operate a chain of ten grocery stores. Each store is operated at a different location. You have requested that each store be assigned a special account. In addition to the ten stores, your company also has a separate administrative office. This office reports under the clerical classification. You must enroll all of your store locations if you are to participate in retro. The sponsoring organization may allow you to include your administrative office in the retro group.

- Authorize the sponsoring organization to represent you in all matters pertaining to your participation in their retro group for the requested coverage period and all subsequent adjustment periods.

**Sponsoring organization's responsibilities:**

To enroll new members:

**You must:**

- Forward to L&I any application for your retro group that you want L&I to consider by the due date for the selected coverage period or staggered enrollment quarter.
- Represent all proposed and approved group members in all matters pertaining to their participation in your retro group for the requested coverage period and subsequent adjustment periods.
- Communicate L&I decisions directly to the members affected by the decision.

**Our responsibilities:**

Upon receipt of an "application for group membership and authorization for release of insurance data":

**We will:**

- Verify that the proposed members' business operations consist of substantially similar services and activities of other approved members and are within the business/industry category selected by the sponsoring organization.
- Verify that each proposed member has an active L&I industrial insurance account and that the account is in good standing at the time of enrollment.
- Notify the sponsoring organization in writing of our decision to allow or deny enrollment to any proposed member.

NEW SECTION

**WAC 296-17-90414 Individual employer group member requirements—Reenrollment.**

**Employer's responsibility:**

To reenroll in the same retro group:

**You must:**

- Maintain your L&I industrial insurance account so that it is in good standing at the time of reenrollment.

**Note:** You do not need to complete a new application for group membership to reenroll in future coverage period and the same retro group. L&I will automatically reenroll you in the existing retro group if your account is in good standing at the time of reenrollment. If you want to discontinue participating in the current retro group, you will need to notify L&I and the sponsoring organization of the retro group that you are leaving us in writing prior to the first day of the new

coverage period. If you want to change to a different retro group, you will need to contact the organization that sponsors the group you are interested in and notify L&I in writing of your decision to change retro groups before the applicable enrollment deadline. Failure of an employer to notify L&I of a decision to change groups may result in the employer being enrolled in the former group and not the new group.

- Participate for the entire coverage period unless you sell or close your business.

**Sponsoring organization's responsibility:**

To reenroll existing members in your retro group for the next coverage period:

**You must:**

- Secure authorization annually from members that want to continue to participate in your retro group.
- Keep these authorizations on file for the selected coverage year and subsequent adjustment periods. These records are to be made available for department inspection upon request.
- Notify L&I in writing of any changes (deletion) of participating members before the first day of the new coverage period.

**Our responsibility:**

Unless the participating employer member of a retro group or the sponsoring organization notifies L&I in writing:

**We will:**

- Automatically reenroll the employer member in the retro group for each subsequent coverage period provided the employer's L&I industrial insurance account is in good standing at the time of reenrollment.

**Note:** This procedure is intended to reduce the administrative burden on employers associated with the reenrollment process. A sponsoring organization can adopt a similar procedure to eliminate the need of the annual authorization by members. To do this the sponsoring organization must send L&I a letter outlining this intent and then send written notice to all affected members with a copy of the notice to L&I. This notice must indicate the method that a participating member must follow should they wish to not participate in the retro group in the future.

- Provide the organization with a list of businesses that are seeking to withdraw from the retro group they sponsor prior to the beginning date of the coverage period.

**Note:** The organization should contact members to verify the change. Often the member is not seeking to change plans but is simply confused by marketing material of another group. If we do not hear from the employer or the sponsoring organization, we will enroll the employer's business in the new group.

AMENDATORY SECTION (Amending WSR 01-23-058, filed 11/20/01, effective 1/1/02)

**WAC 296-17-90421 ((Is there a requirement for employer members of an organization to be engaged in substantially similar businesses to participate in the organization's group plan?)) Sponsoring organization—Retro group business and industry selection. ((1) Yes. Washington law (RCW 51.18.040) requires all retrospective rating groups to be made up of employer members who are engaged in substantially similar business operations when the nature**

PERMANENT

of their services or work activities of employees is considered:

(2) The first step in this process is for the sponsoring organization to select the single retrospective rating group it wishes to sponsor. This is done at the time the application for group is submitted to the department from the broad industry or business category from the table below:

Industry/business group table

- ~~Agriculture and related services.~~
- ~~Automotive, truck and boat, manufacturing, sales, repair and related services.~~
- ~~Construction and related services.~~
- ~~Distillation, chemicals, food and related services.~~
- ~~Entertainment, hospitality and related services.~~
- ~~Facilities, property management, maintenance and related services.~~
- ~~Government, utilities, schools, healthcare and related services.~~
- ~~Grocery stores, grocery distribution centers, bakeries, milk and dairy products processing, delivery to customers and related services.~~
- ~~Healthcare, pharmaceutical, laboratories and related services.~~
- ~~Logging and wood products manufacturing and related services.~~
- ~~Manufacturing, processing, mining, quarrying, and related services.~~
- ~~Retail and wholesale stores and professional services such as banks and law firms and related services.~~
- ~~Temporary help and related services.~~
- ~~Transportation, recycle, warehousing, facility maintenance and related services.~~

The intent of this process is to ensure that the homogeneity requirement of RCW 51.18.040 is met.

Example: An organization that was formed to advance the interests of apple growers would select the agriculture and related services business/industry group plan. This organization could sponsor a single group for all its grower members or could offer different performance groups for its grower members.

(3) To simplify administration and keep the administrative costs associated with devising a different classification system for the retrospective rating plan to a minimum, the retrospective rating program follows the same classification procedure established by the department to assign workers' compensation insurance classifications to an employer (WAC 296-17-31012). This procedure requires employers to be assigned a classification or series of classifications based on the nature of their business, not the occupations or duties of the workers they employ. Only those members whose business undertakings are substantially similar to the industry/business group selected by the organization will be permitted to participate. This grouping technique is fundamental to workers' compensation insurance and is referred to as "homogeneity of risk."

Example: Having selected the agriculture and related services business/industry grouping the department would verify that the employer members of the apple grower organization were either apple growers or were involved in a related service such as an apple processing operation owned by the grower.)) Washington law (RCW 51.18.040) requires retro groups to be made up of employer members who are engaged in substantially similar business operations when the nature of their services or work activities of employees is considered.

Your responsibility:

To ensure that this requirement is met at the time you submit the application for group to L&I:

You must:

• Select the single business or industry category that will apply to the retro group you seek to sponsor from the categories listed below:

• Agriculture and related services, including services related to the care and breeding of animals, and all agricultural related activities including growing, harvesting, packing, and processing for shipment.

• Automotive, truck and boat, manufacturing, sales, repair and related services.

• Construction and related services.

• Distillation, chemicals, food and related services.

• Entertainment, hospitality and related services.

• Facilities, property management, maintenance and related services.

• Government, utilities, schools, healthcare and related services.

• Grocery stores, grocery distribution centers, bakeries, milk and dairy products processing, delivery to customers and related services.

• Healthcare, pharmaceutical, laboratories and related services.

• Logging and wood products manufacturing and related services.

• Manufacturing, processing, mining, quarrying, and related services.

• Retail and wholesale stores and professional services such as banks and law firms and related services.

• Temporary help and related services.

• Transportation, recycle, warehousing, facility maintenance and related services.

Example: An organization that was formed to advance the interests of apple growers would select the agriculture and related services business/industry group plan. This organization could sponsor a single group for all its grower members or could offer different performance groups for its grower members.

Our responsibility:

Upon receipt of your application for group:

We will:

• Update our records to reflect the category selected by the sponsoring organization.

• Screen prospective group members to ensure that their business operations fit appropriately in the category selected.

• Send you a list of the businesses that we determine fit appropriately in the category selected and those that do not.

**Note:** Only those members whose business undertakings are substantially similar to the industry/business group selected by the organization will be permitted to participate. This grouping technique is fundamental to workers' compensation insurance and is referred to as "homogeneity of risk." Once an employer has been approved for a group, they remain approved provided their industrial insurance account is in good standing during the enrollment or reenrollment process.

**Example:** Having selected the agriculture and related services business/industry grouping, the department would verify that the employer members of the apple grower organization were either apple growers or were involved in a related service such as an apple processing operation owned by the grower.

#### NEW SECTION

#### **WAC 296-17-90422 Retro group—Classification assignments.**

• Since retro does not use a unique classification scheme (RCW 51.18.040(5)) and because a classification may fall appropriately into multiple business or industry categories (RCW 51.18.040(4)) L&I does not assign classifications to retro groups.

• L&I approves employers to participate in a retro group by considering the activities and services being provided by employees of the employer. This ensures that the activities and services of the employer's business are substantially similar to the activities and services of the retro group.

**Note:** In the event that a retro group does not exist for an employer seeking to participate in a retro group, L&I will use an analogy approach to identify a possible group or groups that an employer may participate in. This procedure is intended to encourage the broad participation goals of chapter 51.18 RCW.

#### NEW SECTION

#### **WAC 296-17-90425 Additional groups.**

• Organizations that sponsored a retro group prior to July 25, 1999, can sponsor an additional group after January 1, 2003.

**Note:** A sponsoring organization can propose to sponsor one additional group every five years. Each new group must meet the requirements found in WAC 296-17-90409.

• Organizations that sponsored a retro group after July 25, 1999, must wait five years after their last group was approved before they can sponsor a new retro group.

**Note:** A sponsoring organization can propose to sponsor one additional group every five years. Each new group must meet the requirements found in WAC 296-17-90409.

- An organization may:
  - Divide an existing retrospective rating group into two or more groups provided that the proposed new groups fall within the same business or industry category as the group that is proposed to be divided; or
  - Merge existing retrospective rating groups into one business or industry category provided that the proposed

merged groups fall within the same business or industry category.

**Note:** Under no circumstance may a sponsoring organization propose more than one retro group or multiple business or industry categories in the same application to L&I.

#### NEW SECTION

**WAC 296-17-90428 Disqualification of a retro group.** A sponsoring organization will forfeit the right to sponsor a retro group if:

• The retro group is required to pay additional net premium assessments in three consecutive coverage periods.

**Note:** The retro group will be placed in probationary status if they are required to pay additional net premium in two consecutive coverage periods. Once a group is placed on probationary status, the department will review the group's workplace safety and accident prevention plan and its methods for cooperation with department claims management activities. Following the review, the department will make recommendations for corrective steps that may be taken to improve the group's performance. In the event that the group's performance is not improved and the same retrospective rating group is required to pay an additional net premium assessment in the third consecutive coverage period, that group shall be denied future enrollment in the state's retrospective rating plan at the next enrollment. In addition, the sponsoring entity of the failed group may not sponsor another group in the same business or industry category for five coverage periods (sixty months) from the ending date of the failed group's last coverage.

• The organization encourages a participating member to pay a medical service provider directly for treatment of participating members' employees.

**Note:** Upon discovery of this violation, L&I will disqualify the retro group affected from further participation in the program and will issue an order and notice of decision to the sponsoring organization outlining the alleged violation. A sponsoring organization found to have participated in this activity will lose their right to ever sponsor a retro group in the future. All refunds earned by a retro group disqualified for this activity and not yet distributed by L&I will be forfeited.

#### NEW SECTION

#### **WAC 296-17-90431 Change of ownership.**

##### **Your responsibility:**

If you change the legal structure of your business or sell your business:

##### **You must:**

• Notify us promptly in writing of this change.

**Note:** If the change in ownership is limited to a change in legal structure, we may allow the new entity to continue to be a member of the group without a new application. If on the other hand the change results in new ownership, the new owner(s) will need to reapply if they want to participate in the group plan.

**Example:** A business operated as a sole proprietorship changes their legal structure to a corporation. Assuming the sole proprietor owner owns more than fifty percent of the stock in the corporation, we would allow this business to continue to be a member of the group without a new application.

**Our responsibility:**

Upon receipt of your notification:

**We will:**

- Determine if you need to complete a new application form to continue participation in the retro group.
- Notify the sponsoring organization of the change in the legal structure of your business and whether or not a new application will be needed for the member.

**Sponsoring organization's responsibility:**

If L&I requires a new application for a member:

**You must:**

- Secure the new application from the member and forward it to L&I by the date indicated on the application.

**Note:** If we do not receive the application by the due date, the employer will not be enrolled in your retro group.

**NEW SECTION**

**WAC 296-17-90437 Faxed, e-mail and machine-copied agreements and applications.** L&I may, on a case-by-case basis, accept a faxed copy of the completed application form or an imaged copy via e-mail.

**Your responsibility:**

If for any reason you are unable to return the original signed copy of an application or agreement to L&I by the due date:

**You must:**

- Call L&I at 360-902-4851 during regular business hours (Monday through Friday 8:00 a.m. - 5:00 p.m. Pacific time) to let us know that you are unable to mail the application by the due date.
- Make this call to L&I prior to 5:00 p.m. (Pacific time) on the due date.

**Our responsibility:**

Upon receipt of your call:

**We will:**

- Document your phone call in our files.
- Discuss with you other options such as a faxed or e-mailed copy of the required documents.

**Your responsibility:**

If we agree to accept a copy of the application, agreement form or other documents:

**You must:**

- Fax or e-mail the completed application or agreement form to our Tumwater office by the due date indicated on the original application.
- Maintain the original signed application form in your business files so that we may obtain the original from you in the event an issue of authenticity arises.

**NEW SECTION**

**WAC 296-17-90438 Application, agreements and other required documentation—Due dates.** All applications, agreement forms and required documentation are due in the Tumwater L&I office by 5:00 p.m. (Pacific time) as indicated below. If the due date falls on a weekend or holiday the required documents are due the next business day.

**Note:** Documents sent via the U.S. Postal Service will be considered received by L&I on the day they are postmarked.

**Coverage period - January 1 through December 31****Individual employer option**

- Individual retrospective rating plan agreement - due to L&I no later than December 15th.

**Example:** For the coverage period January 1, 2003, through December 31, 2003, the agreement would be due December 15, 2002.

**Retro group**

- Articles of incorporation, bylaws and marketing information - due to L&I no later than October 31st (new group requirement).

**Example:** For the coverage period January 1, 2003, through December 31, 2003, all documents listed that are due October 31st are due October 31, 2002.

- Workplace safety and accident prevention plan - due to L&I no later than October 31st (new group requirement).
- Application for group - due to L&I no later than October 31st (new group requirement).

**Note:** This requirement also applies to an existing group when making changes to current plan, MPR or coverage period.

- Cover letter that lists attached documents - due to L&I no later than October 31st (new group requirement).
- Group respective rating agreement - due to L&I no later than December 15th (new and existing group requirement).

**Example:** For the coverage period January 1, 2003, through December 31, 2003, the documents listed that are due December 15th would be due December 15, 2002.

- Membership verification list - due to L&I no later than December 15th (new group requirement).
- Application for group membership and release of insurance data - due to L&I no later than December 15th (new and existing group requirement).
- Annual safety report - due to L&I no later than December 31st (new and existing group requirement).

**Example:** For the coverage period January 1, 2003, through December 31, 2003, the annual safety report would be due December 31, 2002.

**Coverage period - April 1 through March 31****Individual employer option**

- Individual retrospective rating plan agreement - due to L&I no later than March 15th.

**Example:** For the coverage period April 1, 2003, through March 31, 2004, the agreement would be due March 15, 2003.

**Retro group**

- Articles of incorporation, bylaws and marketing information - due to L&I no later than January 31st (new group requirement).

**Example:** For the coverage period April 1, 2003, through March 31, 2004, all documents listed that are due January 31st would be due January 31, 2003.

- Workplace safety and accident prevention plan - due to L&I no later than January 31st (new group requirement).
- Application for group - due to L&I no later than January 31st (new group requirement).

**Note:** This requirement also applies to an existing group when making changes to current plan, MPR or coverage period.

- Cover letter that lists attached documents - due to L&I no later than January 31st (new group requirement).
- Group respective rating agreement - due to L&I no later than March 15th (new and existing group requirement).

**Example:** For the coverage period April 1, 2003, through March 31, 2004, all documents listed that are due March 15th are due March 15, 2003.

- Membership verification list - due to L&I no later than March 15th (new group requirement).
- Application for group membership and release of insurance data - due to L&I no later than March 15th (new and existing group requirement).
- Annual safety report - due to L&I no later than March 31st (new and existing group requirement).

**Example:** For the coverage period April 1, 2003, through March 31, 2004, the annual safety report would be due March 31, 2003.

#### **Coverage period - July 1 through June 30**

##### **Individual employer option**

- Individual retrospective rating plan agreement - due to L&I no later than June 15th.

**Example:** For the coverage period July 1, 2003, through June 30, 2004, the agreement would be due June 15, 2003.

##### **Retro group**

- Articles of incorporation, bylaws and marketing information - due to L&I no later than April 30th (new group requirement).

**Example:** For the coverage period July 1, 2003, through June 30, 2004, all documents listed that are due April 30th would be due April 30, 2003.

- Workplace safety and accident prevention plan - due to L&I no later than April 30th (new group requirement).
- Application for group - due to L&I no later than April 30th (new group requirement).

**Note:** This requirement also applies to an existing group when making changes to current plan, MPR or coverage period.

- Cover letter that lists attached documents - due to L&I no later than April 30th (new group requirement).
- Group respective rating agreement - due to L&I no later than June 15th (new and existing group requirement).

**Example:** For the coverage period July 1, 2003, through June 30, 2004, all documents listed that are due June 15th are due June 15, 2003.

• Membership verification list - due to L&I no later than June 15th (new group requirement).

• Application for group membership and release of insurance data - due to L&I no later than June 15th (new and existing group requirement).

• Annual safety report - due to L&I no later than June 30th (new and existing group requirement).

**Example:** For the coverage period July 1, 2003, through June 30, 2004, the annual safety report would be due June 30, 2003.

#### **Coverage period - October 1 through September 30**

##### **Individual employer option**

- Individual retrospective rating plan agreement - due to L&I no later than September 15th.

**Example:** For the coverage period October 1, 2003, through September 30, 2004, the agreement would be due September 15, 2003.

##### **Retro group**

- Articles of incorporation, bylaws and marketing information - due to L&I no later than July 31st of the previous year (new group requirement).

**Example:** For the coverage period October 1, 2003, through September 30, 2004, all documents listed that are due July 31st would be due July 31, 2003.

• Workplace safety and accident prevention plan - due to L&I no later than July 31st of the previous year (new group requirement).

• Application for group - due to L&I no later than July 31st of the previous year (new group requirement).

**Note:** This requirement also applies to an existing group when making changes to current plan, MPR or coverage period.

• Cover letter that lists attached documents - due to L&I no later than July 31st of the previous year (new group requirement).

• Group respective rating agreement - due to L&I no later than September 15th (new and existing group requirement).

**Example:** For the coverage period October 1, 2003, through September 30, 2004, all documents listed that are due September 15th are due September 15, 2003.

• Membership verification list - due to L&I no later than September 15th (new group requirement).

• Application for group membership and release of insurance data - due to L&I no later than September 15th (new and existing group requirement).

• Annual safety report - due to L&I no later than September 30th (new and existing group requirement).

**Example:** For the coverage period October 1, 2003, through September 30, 2004, the annual safety report would be due September 30, 2003.

**NEW SECTION****WAC 296-17-90440 Cancellation of participation.****Your responsibility:**

If you want to discontinue participating in retrospective rating:

**You must:**

- Provide L&I written notification of withdrawal.

**Note:** This notification must be received at our Tumwater office by the close of business (5:00 p.m. Pacific time) the day before the new coverage period begins. If the due date falls on a weekend or holiday the signed letter is due on the next business day. You can only withdraw from retro prior to the beginning of a new coverage period. You cannot withdraw from retro during a coverage period except as provided in WAC 296-17-90405 "sale or closure of business," WAC 296-17-90402 "date of enrollment or reenrollment" for staggered enrollment requirements and WAC 296-17-90414.

**Our responsibility:**

Upon receipt of your notification to withdraw from retro:

**We will:**

- Notify you in writing when your participation in retro will end.

**Note:** This same procedure applies to an organization that sponsors a retro group. The sponsoring organization must notify L&I of members they wish to remove from the retro group.

**AMENDATORY SECTION (Amending WSR 00-11-060, filed 5/12/00, effective 7/1/00)**

**WAC 296-17-90445 ((Can you tell me what happens at the end of a)) Valuation of coverage period((?)), ((1))** Between nine and ten months after the coverage period has ended we will do an initial evaluation of the losses for each employer and group participating in retrospective rating. All future evaluation dates for a coverage period will take place approximately twelve months after the initial evaluation date.

**Example:** Assume that your coverage period began July 1, 1998, and ended June 30, 1999, (twelve calendar months). Our first evaluation date would occur mid-April 2000. This is roughly nine and one-half months from the last day of the coverage period. Because all retrospective rating plans have three mandatory evaluations, each subsequent evaluation will occur at twelve-month intervals.

(2) On the evaluation date, all claims with a date of injury within the coverage period are evaluated and the incurred losses which have been established for these claims are "captured" or "frozen."

(3) Because our evaluation is limited to claim status and type, and not the adjudicative decisions surrounding a claim such as, but not limited to, claim allowance, case reserve, wage determination and dependent status; retrospective rating program appeals that concern claims are limited to the open or closed status of a claim on the evaluation date. If you are in disagreement with the department over an adjudicative or reserving issue you must appeal that decision at the appropriate time. We can not provide relief in the computation of the retrospective premium unless the disagreement (protest or appeal) produces relief prior to the evaluation date. Ideally,

your workplace safety and accident prevention program has been successful and none of your workers were injured during the coverage period. In the event that one or more of your employees were injured you should be working cooperatively with us and their medical caregiver to help the worker recover from the injury and return to the workforce as soon as possible.

(4) In the adjustment process, captured incurred losses are translated into developed losses using the appropriate loss development and performance adjustment factors. Retrospective premium is then calculated using the requisite formulas and tables in the retrospective rating manual.

(5) For a given coverage period, each group or individually enrolled employer is subject to three mandatory adjustments. The initial adjustment will occur approximately ten months after the coverage period has ended, with any subsequent adjustment occurring in twelve-month intervals.

(6) Department determinations applicable to the retrospective rating program are subject to review under RCW 51.52.060.) **Our responsibility:**

• Nine months after the coverage period has ended, we will do an initial valuation of the losses for each employer and group participating in retrospective rating.

**Note:** Effective with the October 1, 2000, coverage period and all subsequent coverage periods thereafter, each retrospective rating plan has three mandatory valuations and no optional valuations. The first valuation takes place roughly nine months from the last day of the coverage period. Each subsequent valuation will occur at twelve-month intervals from the initial evaluation date.

**Example:** Assume that your coverage period began July 1, 2001, and ended June 30, 2002 (twelve calendar months). Our first valuation date would occur the end of March 2003. This is roughly nine months from the last day of the coverage period.

• On the valuation date, all claims with injury dates that fall within the coverage period are valued and the incurred losses that have been established for these claims are "captured" or "frozen."

**Note:** Our valuation is limited to the open or closed status of a claim on the evaluation date. We do not consider adjudicative decisions (i.e., claim allowance, case reserve, wage determination and dependent status) surrounding a claim in our valuation.

• During the adjustment process we convert the captured incurred loss of each claim into developed losses using the appropriate loss development and performance adjustment factors. Retrospective premium is then calculated using the applicable formulas and tables in the retrospective rating manual.

• Prior to the application of the performance adjustment factor, we will cap the loss value for any one claim or group of claims arising from a single accident that has collective developed losses in excess of five hundred thousand dollars at a maximum of five hundred thousand dollars.

• Since the standard premium used in the retro calculation is based on premiums reported but not necessarily paid, we will deduct from the standard premium calculation any unpaid member premiums.

**Note:** A sponsoring organization and L&I can enter into an agreement for an alternate debt recovery method.

• Approximately twenty days after the valuation date, if entitled, we will send you your premium refund.

**Note:** If you participate in an individual plan or retro group, we will not issue a refund check if it is less than ten dollars. If a refund is less than ten dollars, we will credit the amount to your industrial insurance account and you can deduct the amount from your next premium payment. All retro group refunds are paid directly to the sponsoring organization. It is the responsibility of the sponsoring organization to distribute any refund to the group members. L&I does not regulate how refunds are distributed to group members. Employers that participate in retro are not required to share any of their retro refund with employees nor can they charge employees in the event of an additional assessment.

• We will send you a bill if you owe us additional premium.

**Note:** If you owe additional premium, it is due thirty days after we communicate the decision to you. We will charge penalties on any additional premium not paid when it is due (RCW 51.48.210). If you (employer in an individual plan or sponsoring organization of a retro group) are entitled to a refund for one coverage period and owe additional premiums for another coverage period, we will deduct the additional premiums due L&I from the refund. We will refund the difference to you. In the event that this adjustment still leaves a premium balance due, we will send you a bill for the balance. If an organization sponsors multiple retro groups and one group earns a refund and the other owes additional premium from a retro adjustment, we will deduct the additional premium from the refund due and issue a net refund to the organization for the difference or bill them for the remaining additional premium as applicable.

## NEW SECTION

**WAC 296-17-90446 Retrospective premium calculation. Retrospective premium is calculated using the following formula:**

Retrospective premium = (basic premium ratio x standard premium) + (loss conversion factor x developed losses).

**Note:** You can find the basic premium ratios and loss conversion factors in WAC 296-17-90493 through 296-17-90497. Remember to use the preselected plan, maximum premium ratio and standard premium for the coverage period.

**Maximum retrospective premium is calculated using the following formula:**

Maximum premium ratio (mpr) x standard premium (sp)

**Note:** If the retrospective premium formula produces a value greater than the maximum retrospective premium, the retrospective premium is reduced to the maximum retrospective premium.

**Minimum retrospective premium is calculated using the following formula:**

Minimum premium ratio (mnpr) x standard premium (sp)

**Note:** The MnPR only applies to plans A1, A2, and A3. If the retrospective premium formula produces a value less than the minimum retrospective premium, the retrospective premium is increased to the minimum retrospective premium.

An employer enrolled in plan A as an individual or an organization sponsoring a group may elect to forego the protection of a maximum premium ratio (MPR).

**Note:** To forego the protection of the MPR, the financial conditions of the employer or sponsoring organization must be such that they could qualify as a self-insurer under the department's certification guidelines. The basic premium ratio will be .058 if the employer/group selects and qualifies for an unlimited maximum retrospective premium.

**AMENDATORY SECTION** (Amending WSR 01-23-058, filed 11/20/01, effective 1/1/02)

**WAC 296-17-90447 ((How are third party, second injury, and occupational disease claims handled for retrospective premium calculations?)) Adjustments to standard premiums after the last mandatory adjustment—Individual employer. (((1) Third party claims:**

~~(a) For claims with injury dates prior to July 1, 1996, a potential claim cost recovery from action against a third party, either by the injured worker or by the department, shall not be considered in the evaluation of incurred losses until the third party action has been completed.~~

~~(b) For claims with injury dates on or after July 1, 1996, if the department determines that there is a reasonable potential of recovery from an action against a third party, the incurred loss value of the claim shall be reduced by fifty percent until the third party action has been completed. This valuation shall not be retroactively adjusted, regardless of the final outcome of the third party action. After a third party recovery is made, the actual percentage recovery shall be applied to the incurred losses used in future retrospective premium calculations.~~

~~(c) For third party actions completed on or after July 1, 1996, the claim shall be credited with the department's gross share of the recovery, before deducting attorney fees and costs.~~

~~(2) Second injury claims. The incurred losses of any claim that becomes eligible for second injury relief under the provisions of RCW 51.16.120 shall be reduced by the percentage of relief granted.~~

~~(3) Occupational disease claims. When a claim results from a worker's exposure to an occupational disease hazard, the "date of injury" for retrospective rating purposes shall be the last date of employment involving the exposure to the hazard. In the event it is determined that the last exposure to an occupational disease hazard involves a state fund insured employer the department will prorate the cost of the claim to all state fund employers that exposed the worker to the occupational disease hazard that contributed to the injury. The date of last employment involving exposure to the occupational disease hazard shall be used for the injury date for retrospective premium calculations. Any employer charged with ten percent or more of an occupational disease claim as provided in our experience rating plan (chapter 296-17-WAC) will have their prorated share of the incurred losses~~

~~included in the retro premium calculation if the date of injury (as defined above) falls within the retro coverage period being adjusted.~~

~~(4) Incurred losses determined in subsections (1) through (3) of this section are still subject to development for retrospective premium calculations per the provisions of WAC 296-17-90401 through 296-17-90497.)~~ **Our responsibility:**

If you are audited or your business is reclassified the result of which changes the amount of premium you paid during a coverage period that you participated in retrospective rating:

**We will:**

• Adjust your standard premium to conform to the audit or reclassification results.

• Use your recomputed standard premium to determine your retrospective premium and modify the audit results to reflect the recomputed standard premium.

**Note:** An audit or reclassification of your business can result in a change in refund or assessment.

• Notify you of the results of our decision to recompute your standard premium and the audit results.

• Refund the additional premium as applicable or send you a bill for additional premium based on the revised standard premium.

**Note:** If you owe additional premium, it is due thirty days after we communicate the decision to you. We will charge penalties on any additional premium not paid when it is due (RCW 51.48.210).

**Your responsibility:**

If you disagree with the revised refund or assessment:

**You must:**

• Protest or appeal the decision.

**Note:** Make sure you do this in writing within thirty days of the date we communicate the decision to you. If you fail to do so, our decision is final and binding on you. For any other disputes regarding an action concerning the retro program, you must notify L&I that you are disputing our action within sixty days of the time that you receive written notification of such action.

**NEW SECTION**

**WAC 296-17-90453 Disputes, protests and appeals.**

**Your responsibility:**

If you disagree with L&I over an adjudicative or reserving issue:

**You must:**

• File a written protest or appeal within sixty days after you receive the decision you disagree with.

• File a written protest or appeal as applicable to the retro adjustment order and notice within thirty days after you receive this order. This will preserve your right to a relief if you prevail in your claim protest or appeal.

**Note:** We cannot provide relief in the computation of the retrospective premium even if your claim protest or appeal produces relief, unless you have also protested or appealed the retro refund/assessment notice and order.

• Send your protest to the address indicated in the order that you are protesting or appealing.

**Note:** Be sure that you file your protest or appeal within the time frame indicated in the order.

• Work cooperatively with L&I and the medical caregivers treating your injured employee(s) so that they can recover from the injury and return to work as soon as possible.

**Our responsibility:**

When we receive notification of your written protest or appeal:

**We will:**

• Monitor the protest or appeal for resolution.

• Recalculate the retrospective premium requirement if the relief you requested is granted and you preserved your rights by protesting the retro order and notice.

• Notify you in writing of our decision.

**Your responsibility:**

If you disagree with L&I over the open status of a claim:

**You must:**

• Notify us in writing immediately when you discover an open claim that you believe should be closed.

**Note:** Every month we will send you a report that details the claims activity related to your individual account if you are in an individual plan. If you discover a claim that you believe should have been closed and is not reflected as such on the report or you believe the information needed to close the claim is available to L&I, you should bring it to our attention immediately. For retro groups we will notify the sponsoring organization that a report is ready to download and the organization can download the report at their leisure. If you discover a claim that you believe should have been closed and is not reflected as such on the report or you believe the information needed to close the claim is available to L&I, you should bring it to our attention immediately. If an employer or sponsoring organization uses a third party administrator, it is the responsibility of the employer or sponsoring organization to forward the reports to the third party administrator. L&I does not distribute retro performance reports to any party other than the employer if an individual plan or organization that sponsors the retro group for group reports.

• Protest or appeal in writing as applicable and within the time specified in the retro adjustment order and notice the claim status you are in disagreement with to preserve your right to the relief you are seeking.

**Note:** Approximately one year after the coverage period has ended, we will notify you of the amount of refund or additional assessment. This notification will be in a legal document referred to as an "order and notice." You should receive an adjustment report that details the status of each claim and their related cost prior to the order and notice.

• Send your written request for reconsideration to:

Labor and Industries

Attention: Retrospective Rating

P.O. Box 44180

Olympia, Washington 98504-4180.

**Our responsibility:**

Upon receipt of your request for reconsideration:

**We will:**

• Review the open status of the claims you specified in your inquiry, protest or appeal.

• Recalculate the retrospective premium requirement if we determine that all of the information necessary to close the claim was in the department's possession at the time of the valuation date.

• Notify you in writing of our decision.

- Provide you instructions on how to request reconsideration or appeal our decision.

- Refund the additional premium or reduce the assessment as applicable.

**Your responsibility:**

If you disagree with L&I's decision:

**You must:**

- Protest or appeal the assessment in writing within the time specified in the retro adjustment order and notice.

- Pay the amount in dispute, or provide a surety bond or an assignment of savings in lieu of the payment pending the outcome of the disagreement and by the due date indicated in the order.

**Note:** You cannot participate in the retrospective rating program unless you pay the assessment, provide a surety bond or assignment of savings. If you have paid the amount covered by the disagreement and it is resolved in your favor, we will refund this money. We will not pay interest on this money. If you owe additional premium, it is due thirty days after we communicate the decision to you. We will charge penalties on any additional premium not paid when it is due (RCW 51.48.210).

- Send your written protest or appeal to:

Labor and Industries  
Attention: Retrospective Rating  
P.O. Box 44180  
Olympia, Washington 98504-4180.

**Our responsibility:**

Upon receipt of your protest:

**We will:**

- Review the issues outlined in your protest or appeal.
- Notify you in writing of our decision.

AMENDATORY SECTION (Amending WSR 00-11-060, filed 5/12/00, effective 7/1/00)

~~WAC 296-17-90484 ((Can we pay a medical provider directly for medical services provided to one of our workers?)) **Direct pay of medical bills—Prohibited.** ((1) Washington workers' compensation laws do not distinguish first-aid treatment from any other form of medical treatment. Employers that insure their workers' compensation insurance obligations with the state fund are not permitted to pay a medical service provider directly for any work-related injury or illness sustained by one of their workers. Payment of medical services on behalf of state fund insured employers is the sole responsibility of labor and industries.~~

~~(2) If you insure your workers' compensation insurance obligations with the state fund and pay a medical provider directly for services and we discover this, we will remove you from the retrospective rating program effective the date of our notification to you.~~

~~(3) Any employer that has been removed for this practice will be barred from ever participating in the retro program.~~

~~(4) A sponsoring organization that engages in this practice or encourages their members to engage in this practice will be barred from ever sponsoring a retro group and any groups that they currently sponsor will be terminated effective the date of our notification to you.~~

~~(5) In the event that a terminated group or a member of the group was entitled to a refund it will be forfeited.~~

~~(6) Members of a terminated group that owe additional premium will be held responsible for their pro-rata share of the premium assessment.~~

~~(7) Department determinations applicable to the retrospective rating program are subject to review under RCW 51.52.060.) Payment of medical services on behalf of state fund insured employers is the sole responsibility of labor and industries. Employers insured by the state fund are prohibited from paying a medical service provider directly for treatment of any work-related injury or illness sustained by one or more of their workers.~~

**Our responsibility:**

If we discover that you have paid a medical service provider directly for medical services related to an industrial injury or work related illness:

**We will:**

- Remove you from the retrospective rating program effective the date of our notification to you.

**Note:** Any employer that has been removed because of this practice will be barred from ever participating in the retro program. If the employer was entitled to a retro refund for any coverage period, it will be forfeited. If an organization that sponsors a retro group participates in this activity or encourages members to pay a medical service provider directly for a work related injury or illness sustained by one or more of their workers, the organization will be barred from ever sponsoring a retro group and will forfeit all retro group refunds not yet distributed by L&I.

NEW SECTION

**WAC 296-17-90486 Impartial review of L&I decisions.** L&I determinations applicable to the retrospective rating program are subject to independent review by the board of industrial insurance appeals (chapter 51.52 RCW).

AMENDATORY SECTION (Amending WSR 00-11-060, filed 5/12/00, effective 7/1/00)

**WAC 296-17-90490 Limitation of liability—Indemnification.** ~~((With the exception of the provisions found in WAC 296-17-90466 and the required authorization for release of insurance data and group membership enrollment application for each employer account to be enrolled, the department disclaims interest in contracts executed between employer groups and participating group members. The department neither approves nor disapproves of any language contained therein and shall be held harmless for misrepresentation of fact(s) or errors of omission or commission stated in the terms of said contract. The department is released and exempt from liability for any dispute or cause of action between an employer group and participating group members or amongst participating group members arising under the contract.)) With exception noted below, L&I disclaims any interest in any contracts executed between a sponsoring organization and their participating group members. L&I neither approves nor disapproves of any language contained therein and shall be held harmless for misrepresentation of fact(s) or errors of omission or commission stated in the terms of said~~

contract. L&I is released and exempt from liability for any dispute or cause of action between a sponsoring organization and their participating group members or amongst participating group members arising under the contract.

**Note:** A sponsoring organization cannot require a participating group member to reenroll in the group's future coverage period as a condition for receiving a refund in a past coverage period.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 296-17-90403 Can you give me an overview of the retrospective rating program?
- WAC 296-17-90406 I understand that there are specific requirements that an employer must meet before they can participate in either individual or group retrospective rating.
- WAC 296-17-90408 Can all organizations sponsor a retro group?
- WAC 296-17-90412 Are there safety, accident prevention and claim cooperation requirements that an organization must satisfy once the preliminary requirements have been met?
- WAC 296-17-90415 Can an organization lose the right to sponsor a retrospective rating group if workplace safety for their members is not improved?
- WAC 296-17-90418 I have several businesses that report and pay premiums using separate subaccounts.
- WAC 296-17-90424 Does the homogeneity requirement applicable to a group mean that members of the group have to report in the same risk classification?
- WAC 296-17-90427 Can you tell me how the authorized classifications for a retrospective rating group plan are determined?
- WAC 296-17-90430 After a retrospective rating group plan has been authorized a classification or classifications, can an organization be allowed additional classifications at a later date?

- WAC 296-17-90433 Does sponsoring organization have to reapply each year for authorized classifications applicable to their retrospective rating group?
- WAC 296-17-90434 Can an organization sponsor more than one retro group?
- WAC 296-17-90436 We have been approved to sponsor a retrospective rating group.
- WAC 296-17-90439 Does each member of the group have to complete an application?
- WAC 296-17-90442 Is there an application process to enroll in an individual retrospective rating plan?
- WAC 296-17-90448 Is there a maximum loss value for each claim?
- WAC 296-17-90451 If I disagree with the open status of a claim and ask, will you review the status?
- WAC 296-17-90463 If I am successful in reducing my workers' compensation insurance costs, and you inform me that I am entitled to a refund, when will I get the refund?
- WAC 296-17-90466 Do you establish how the refund is to be distributed to members of a group?
- WAC 296-17-90469 If a group is subject to an additional assessment, does the department bill each member of the group for their share?
- WAC 296-17-90472 If a group or individually enrolled employer owes money related to a retrospective rating adjustment, when is it due?
- WAC 296-17-90475 If I am in a dispute with the department over an assessment, claim cost or moneys alleged to be owed to the department, can I participate in the retrospective rating program?
- WAC 296-17-90478 Are employers required to share retrospective rating refunds with their workers?
- WAC 296-17-90481 If a member of a group changes their legal structure or sells their business does the new entity or owner auto-

PERMANENT

atically become a member  
of the group?

WAC 296-17-90491

How is retrospective pre-  
mium calculated?

PERMANENT



**WSR 02-22-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed October 23, 2002, 3:39 p.m.]

Date of Adoption: October 18, 2002.

Purpose: The purpose of this emergency filing is to amend sections of chapter 388-148 WAC, Licensing requirements for child foster homes, group care programs/facilities, and agencies, which impact the receipt of federal funding for eligible children in care with Children's Administration.

<b>New or Amended</b>	<b>WAC #</b>	<b>Caption</b>
Amended	388-148-0040	What first aid and cardiopulmonary resuscitation (CPA) training is required?
Amended	388-148-0045	What HIV/AIDS training is required?
Amended	388-148-0050	How do I apply for a license?
New	388-148-0058	May I have a license for both child day care and child foster care?
Amended	388-148-0060	When am I not allowed to receive a license from a child-placing agency?
Amended	388-148-0065	When may I be certified to provide care to children?
Amended	388-148-0120	What incidents involving children must I report?
Amended	388-148-0125	What are your requirements for keeping client records?
Amended	388-148-0140	What personnel policies must I have?
Amended	388-148-0220	What fire safety requirements must I follow to qualify for a license?
Amended	388-148-0260	What are the general requirements for bedrooms?
Amended	388-148-0270	What are the requirements for beds?
Amended	388-148-0335	When must I get medical exams for the children under my care?
Amended	388-148-0345	What must I do to prevent the spread of infections and communicable diseases?

Amended	388-148-0350	How do I manage medications for children under my care?
Amended	388-148-0395	What requirements must I meet for feeding babies?
New	388-148-0427	Are there specific requirements regarding Native American children?
Amended	388-148-0460	What requirements do you have for supervising children?
New	388-148-0462	Who may provide care to a foster child in the foster home when the foster parent is away from the home?
Amended	388-148-0520	What are the training requirements for foster parents and prospective foster parents?
New	388-148-0542	May a foster home be supervised by a person under eighteen in the foster home?
Amended	388-148-0560	Do I need a treatment plan for children under my care?
Amended	388-148-0585	What social service staff do I need?
Amended	388-148-0630	What fire prevention measures must I take?
Amended	388-148-0700	What are the qualifications for an executive director for a group care program or child-placing agency?
Amended	388-148-0720	What qualifications must the child care staff for a group care program and a child-placing agency have?
New	388-148-0722	What are the qualifications for health care staff for a group care program or a child-placing agency?
Amended	388-148-0725	What is the ratio of child care staff to children in group care facilities?
Amended	388-148-0785	What is the proper ratio of staff to children in home or group care facilities offering maternity services?
Amended	388-148-0800	What levels of secure CRCs exist?

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New	388-148-0892	What are the requirements for a level three secure CRC?
Amended	388-148-0915	What steps must be taken after a youth is admitted into a CRC?
Amended	388-148-0995	What are the ratio requirements of youth care staff to youth in crisis residential centers?
Amended	388-148-1060	What services may a child-placing agency provide?
Amended	388-148-1070	What health histories need to be provided to adoptive parents?
New	388-148-1076	What are the qualifications for an executive director of a child-placing agency?
New	388-148-1077	What are the qualifications for a case aide for a child-placing agency program?
New	388-148-1078	What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?
New	388-148-1079	What are the qualifications for consultants for child-placing agency programs?
Amended	388-148-1115	Do you have requirements for adoptive services?
Amended	388-148-1120	What is the process for adoptions?
New	388-148-1140	May a licensed child-placing agency provide emergency respite services?
New	388-148-1145	Does an agency or individual need to be licensed as a child-placing agency to provide emergency respite services that are not center based?
New	388-148-1150	Does a child-placing agency providing emergency respite services need specific program staff?
New	388-148-1155	What are the education and training requirements for a program manager for an emergency respite program at a child-placing agency?

New	388-148-1160	What services do child-placing agencies provide if they offer an emergency respite program?
New	388-148-1165	Does a child-placing agency need approval from the division of licensed resources to provide emergency respite services?
New	388-148-1170	What age children may receive emergency respite services?
New	388-148-1175	Who may place a child for emergency respite?
New	388-148-1180	Must all children accepted for emergency respite care have current immunizations?
New	388-148-1185	What are the record-keeping requirements for a child-placing agency providing emergency respite services?
New	388-148-1190	What written information is needed before a child is accepted for emergency respite care by a child-placing agency?

Citation of Existing Rules Affected by this Order: See Purpose above.

Statutory Authority for Adoption: Chapter 74.15 RCW. 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: Children's Administration has found that some of the sections of chapter 388-148 WAC require waivers in order for provider compliance. The approval of waivers then jeopardizes federal funds received by Children's Administration to support services to children and their families.

Children's Administration has filed a preproposal statement of inquiry (WSR 02-06-083) and is engaged in working with stakeholders for the permanent adoption of rule changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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 21, Amended 31, Repealed 0.

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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 21, Amended 31, Repealed 0.

Effective Date of Rule: Immediately.

October 18, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0040 What first aid and cardiopulmonary resuscitation (CPR) training is required?** You ~~((and)),~~ your staff, interns, volunteers, or any adult who may at any time be the sole caregiver, must have the following first-aid and CPR training:

(1) If you have a home or facility that provides care, the care givers must have current training in:

(a) Basic standard first aid; and

(b) Age-appropriate cardiopulmonary resuscitation (CPR).

(2) Approved first aid and CPR training must be in accordance with a nationally recognized standard such as the American Red Cross or American Heart Association.

(3) For any facilities other than foster homes, the person with first aid and CPR training must be on the premises at all times when children are present.

(4) The ~~((requirement for))~~ CPR training ~~((may be waived))~~ is not required for persons with a statement from their physician that the training is not advised for medical reasons.

(5) You must keep records in your home or facility showing who has completed current first aid and CPR training.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0045 What HIV/AIDS training is required?** (1) You must provide or arrange for training for yourself ~~((and any of)),~~ your staff, and any adult who may at anytime be the sole caregiver, on the prevention, transmission, and treatment of HIV and AIDS. Such training must include infection control requirements.

(2) You must use infection control requirements and educational material consistent with the current approved curriculum *Know - HIV/AIDS Prevention Education for Health Care Facility Employees*, published by the department of health, office on HIV/AIDS.

~~((3) The staff of group care programs are required to complete blood-borne pathogen training.))~~

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0050 How do I apply for a license?** To apply for a license, the person or legal entity responsible for your home or facility must follow these procedures:

(1) You must send the application form to your licenser at DLR or a child-placing agency.

(2) With the application form, you must send written verification for each applicant of the following information:

(a) ~~((Written verification for each applicant of:~~

~~((i)))~~ A tuberculosis test or an x-ray unless you can demonstrate ~~((religious))~~ medical reasons prohibiting the test;

~~((ii)))~~ (b) First-aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

~~((iii)))~~ (c) HIV/AIDS training including infection control standards.

~~((b)))~~ (3) A completed background check form for any-one age sixteen years or older on the premises of the home or facility including, but not limited to:

(a) Each applicant~~((:));~~

(b) Family member~~((:));~~

(c) Staff person~~((:));~~

(d) Board member~~((:));~~

(e) Intern or volunteer who:

(i) Is at least sixteen years old;

(ii) Is not a foster child; and

(iii) Has unsupervised access to children (see chapter 388-06 WAC).

~~((e)))~~ (4) If you ~~((have))~~ or anyone age sixteen years or older in your home or facility has lived in Washington state less than three years, you must provide us with a completed FBI fingerprint form for that person.

~~((d))~~ We may require additional information from you including, but not limited to:

(i) Substance and alcohol abuse evaluations and/or documentation of completed treatment;

(ii) Psychiatric evaluations;

(iii) Psycho-sexual evaluations; and

(iv) Medical evaluations and/or medical records.

~~((3) Except foster homes, if you are applying for a license renewal, you must send the application form to your licenser at least ninety days prior to the expiration of your current license.))~~

#### NEW SECTION

**WAC 388-148-0058 May I have a license for both child day care and child foster care?** The department does not issue licenses for both a foster home and a child day care home, except under the following conditions:

(1) It must be clear that one type of care does not interfere with the health and safety of any child while providing the other type of care.

(2) The total number of children in both categories must not exceed the number permitted by the most stringent capacity standards for the licensed care of children.

(3) Any exceptions to the limitation on capacity require the written approval of the director of the division of licensed resources or their designee and the appropriate division of child care and early learning approval.

(4) Approval to have both a child foster care license and a child day care license must:

(a) Be in writing; and

(b) Signed by a licensor from the division of licensed resources (for a foster care license) and from the division of child care and early learning (for a child day care license).

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0060 When am I not allowed to receive a license from a child-placing agency?** (1) You or your relatives, are not allowed to be certified by a child-placing agency as a foster home, if you or your relative is in an administrative or supervisory role or directly involved in certification, placement, or authorization of payment to yourself or your relative for that same child-placing agency.

(2) You or your relative may apply to a different child-placing agency for a license.

(3) Licensed foster parents who become employed by ~~((the department))~~ children's administration or a child-placing agency must be relicensed through an agency other than their employer within six months of employment.

Note: Relative as defined under RCW 74.15.020 (4)(i) through (iv).

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0065 When may I be certified to provide care to children?** You may apply for certification of your home or facility by the department rather than a license, if ~~((you))~~ the following four conditions apply:

(1) You are exempt from needing a license (per chapter 74.15 RCW);

(2) You meet the licensing requirements; ~~((and))~~

(3) You wish to serve department-funded children; and

(4) You are licensed by authority of an Indian tribe within the state under RCW 74.15.190.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0120 What incidents involving children must I report?** (1) You or your staff must report any of the following incidents ~~((immediately))~~ as soon as possible and in no instance later than forty-eight hours to your local children's administration intake staff, the child's social worker or case manager, and parent or legal guardian when the parent has placed the child:

(a) Any reasonable cause to believe that a child has suffered child abuse or neglect;

(b) Any violations of the licensing or certification requirements;

(c) Death of a child;

(d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(e) Any use of physical restraint that is alleged improper or excessive;

(f) Sexual contact between two or more children that is not considered typical play between preschool age children;

(g) Any disclosures of sexual or physical abuse by a child in care;

(h) Physical assaults between two or more children that result in injury requiring off-site medical treatment or hospitalization;

~~((Unexpected health problems that require off-site medical treatment;~~

~~((i))~~ Any medication that is given incorrectly and requires off-site medical treatment; or

~~((k))~~ ~~((j))~~ Serious property damage that is a safety hazard and is not immediately corrected~~((or~~

~~((Any emergent medical care))~~.

(2) ~~((You or your staff must report immediately))~~ The following are examples of significant incidents that must be reported as soon as possible or in no instance later than forty-eight hours, ~~((any of the following incidents))~~ to the child's social worker, if the child is in the department's custody or to the case manager if placed with a child-placing agency program:

(a) Suicidal/homicidal ideations, gestures, or attempts that do not require professional medical treatment;

(b) Unexpected health problems that do not require professional medical treatment;

(c) Any incident of medication incorrectly administered;

(d) Physical assaults between two or more children that result in injury but did not require professional medical treatment;

(e) Runaways; ~~((and))~~

(f) Any emergent medical care; and

(g) Use of physical restraints for routine behavior management.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0125 What are your requirements for keeping client records?** (1) Any identifying and personal information about a child and the child's family must be kept confidential.

(2) You must keep records about children and their families in a secure place. If the child is in the department's custody, at the end of the child's placement, reports written by others about the child or the child's family must be returned to the child's social worker.

(3) During a placement in your foster home, your records must be kept at your home and contain, if available, at a minimum, the following information:

(a) The child's name, birth date, and legal status;

(b) Name and telephone number of the social worker for each child in care;

(c) Names, address and telephone numbers of parents or persons to be contacted in case of emergency;

(d) Information on specific cultural needs of the child;

(e) Medical history including any medical problems, name of doctor, type of medical coverage and provider;

(f) Mental health history and any current mental health and behavioral issues, including medical and psychological reports when available;

(g) Other pertinent information related to the child's health, including dental records;

(h) Record of immunizations. Receiving and interim care homes and facilities do not need to keep records of immuni-

zations for children in their care less than thirty days. Crisis residential centers and children placed in a foster home by a child-placing agency licensed to provide emergency respite services do not need to keep records of immunizations for children in their care;

(i) Child's school records, report cards, school pictures, and individual education plans (IEP);

(j) Special instructions including supervision requirements and suggestions for managing problem behavior;

(k) Inventory of personal belongings at the time of placement; and

(l) The child's visitation plan.

(4) During a child's placement in a staffed residential home (~~(or a)~~), group care program, or a child-placing agency program your records must be kept at your site and contain, at a minimum, the following information in addition to the information in subsection (3)(a) through (l) of this section:

(a) Written consent from the child placing agency, if any, for providing medical care and emergency surgery (unless that care is authorized by a court order);

(b) Names, addresses, and telephone numbers of persons authorized to take the child under care out of the facility;

(c) A copy of the court order or voluntary placement agreement that gives approval to place the child;

(d) Case plans, such as children's administration's "individual service and safety plan"; (~~"and"~~)

(e) Daily logs of therapy treatment received by children with the signature of the person making the entry in the log; and

(f) Facility or program logs documenting the following:

(i) Date, time, and which residents and staff are participating in an activity;

(ii) Narrative to note behavior and issues of residents;

(iii) Any health or safety issues;

(iv) Signature of staff reviewing the log during each shift;

(v) Staff to resident ratio on each shift;

(vi) On-call and relief staff on premises during emergencies; and

(vii) After-hours telephone number of the supervisor.

(5) If you operate a group care program, staffed residential home, or child-placing agency and have client files with information not returned to the department, you must keep them for six years following the termination or expiration of any contract you have with the department.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0140 What personnel policies must I have?** You must follow the personnel requirements listed below, at any home or facility we license.

(1) Each employee, intern, contractor, or volunteer who has unsupervised access to children must have completed an application for employment and signed a form enabling us to do a background check (chapter 388-06 WAC). You must keep a log of all the background check results.

(2) Misrepresentation by the prospective employee, interns, or volunteer will be grounds for termination or denial of employment or volunteer service.

(3) If you have five or more staff, volunteers, or interns you must have written policies covering qualifications, training, and duties for employees, interns, and volunteers.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0220 What fire safety requirements must I follow to qualify for a license?** (1) If you operate a program or facility other than a foster home, staffed residential home, or child-placing agency, you must follow the regulations developed by the Washington State Fire Marshal's office. The regulations are minimum requirements for protecting life and property against fire. You can find these contained in the current Uniform Fire Code with Washington state amendments.

(2) Foster homes and staffed residential homes (~~(need)~~) must have inspections by fire marshal or local fire department if either:

(a) Licensors request the inspections; or

(b) Local ordinances or State Fire Marshal regulations require these inspections.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0260 What are the general requirements for bedrooms?** You must meet all of the following requirements for bedrooms if you provide full-time care in a home or facility.

(1) An adult must be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping. In foster homes only, children age one through five years may sleep on separate floors provided that they are supervised with an electronic "baby" monitor to ensure health and safety. Infants under age one year must be on the same floor as an adult.

(2) You must use only bedrooms that have unrestricted direct access to hallways, corridors, living rooms, day rooms, or other such common use areas.

(3) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(4) For facilities licensed after December 31, 1986, bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the occupants. Normally, this would be seven and a half feet; and

(b) A window of not less than one-tenth of the required floor space that can open into the outside, allowing natural light into the bedroom and permitting emergency access or exit.

(5) For any foster children six years of age and over, you must furnish separate sleeping quarters for each gender.

(6) Children in care must not share the same bed.

(7) In group care facilities, single occupancy bedrooms must provide at least fifty square feet of floor space.

(8) In foster homes, single occupancy bedrooms must provide adequate floor space for the safety and comfort of the child. Normally, this would be at least fifty square feet of floor space, not including closets.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0270 What are the requirements for beds?** (1) Each child in care must have a bed of his or her own.

(2) For each child in care, you must provide a bed at least thirty inches wide with a clean and comfortable mattress in good condition, pillow, sheets, blankets, and pillowcases. Each child's pillow must be covered with waterproof material or be washable.

(3) Bedding must be clean.

(4) You must provide waterproof mattress covers or moisture resistant mattresses, if needed.

(5) You must provide an infant with a crib that ensures the safety of the infant and complies with chapter 70.111 RCW, Infant Crib Safety Act.

(6) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants under six months of age.

(7) Cribs, infant beds, bassinets, and playpens must:

(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily sanitized; and

(b) Be made of wood, metal, or approved plastic with secure latching devices

(8) Crib bumpers, stuffed toys and pillows must not be used in cribs, infant beds, bassinets, or playpens with an infant.

(9) You must follow the recommendation of the American Academy of Pediatrics, 1-800-505-CRIB, placing infants on their backs each time for sleep.

(10) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of children under six years of age.

(11) You must not allow children to use the loft style beds or upper bunks of double-deck beds if using them due to age, development or condition could hurt them. Examples: Preschool age children, expectant mothers and children with disabilities.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0335 When must I get medical exams for the children under my care?** (1) (~~You, together~~) In consultation with the child's social worker, you must schedule a medical exam for any child who, within the past year, has not:

(a) Been under regular medical supervision; or

(b) Had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).

(2) A physical exam (EPSDT) must be completed within thirty days of placement and annually thereafter.

Note: You may contact the child's social worker for information on this.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0345 What must I do to prevent the spread of infections and communicable diseases?** You must take precautions to guard against infections and communicable diseases infecting the children under care in your home or facility.

**General communicable diseases and infections**

(1) In each home or facility, other than a foster home, staff with a reportable communicable disease, as defined by the department of health, in an infectious stage must not be on duty until they have a physician's approval for returning to work.

(2) Each home or facility, other than a foster home, that cares for severely and multiple-handicapped children must have an infection control program supervised by a registered nurse.

(3) Foster homes with medically fragile children may use other alternatives, such as in-home nursing services, to consult on infection control procedures.

**Tuberculosis**

(4) Applicants for a license or adults authorized to have unsupervised access to children in a home or facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless:

(a) The person has evidence of testing within the previous twelve months;

(b) The person has evidence that they have a negative chest x-ray since a previously positive skin test;

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(5) The department does not require a tuberculin skin test if:

(a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or

(b) A physician indicates that the test is medically unadvisable.

(6) Persons whose tuberculosis skin test is positive must have a chest x-ray within thirty days following the skin test.

(7) The department does not require retesting unless a person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

(8) The facility must keep the results of the applicant and employees TB test results in the personnel file on the premises of the facility.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0350 How do I manage medications for children under my care?** (1) You must meet the department's requirements for managing prescription and nonprescription medication for children under your care.

(2) If you care for children in the custody of a tribal court you must follow the direction of that court regarding giving

or applying prescription and nonprescription medications or ointments.

(3) Only you or another authorized care provider (example: respite provider) may (~~give or~~):

(a) Have access to medications for the child under your care;

~~((4))~~ (b) Give medications, prescription and nonprescription, only on the written approval of a parent, person or agency having authority by court order to approve medical care;

~~((5))~~ (c) Except for foster homes, keep a record of all medications you give a child;

~~((6))~~ (d) Foster homes must keep a record of all prescription medication given to foster children; and

~~((7) Properly dispose)~~

(4) You or another authorized care provider must follow the department of health protocol in the proper disposal of medications that are no longer being taken or have expired.

#### Prescription medications

~~((8))~~ (5) You or another authorized care provider must:

(a) Give prescription medications:

(i) Only as specified on the prescription label; or

(ii) As otherwise approved by a physician or another person legally authorized to prescribe medication.

(b) Check with the physician or pharmacist about possible side effects for any prescription medications, herbal supplements and remedies, and interactions with nonprescription drugs the child is taking.

#### Psychotropic medications

~~((9))~~ (6) Care providers must not approve giving psychotropic medications to a child in care. Approval can only be given by one of these:

(a) The child's parent;

(b) Dependency guardians;

(c) A court order; or

(d) The child's social worker, if:

(i) The child is legally free and in the permanent custody of the department; or

(ii) It is impossible to obtain informed parental consent after normal work hours, on weekends, or on holidays.

~~((10))~~ (7) Children who are at least thirteen years old may decline to take prescription psychotropic medication. If this happens contact the child's social worker immediately.

#### Nonprescription medications

~~((11))~~ (8) Children taking psychotropic medications must have the prescribing physician's authorization before any nonprescription drugs and herbal supplements are given.

~~((12))~~ (9) You or another authorized care provider must follow these requirements for nonprescription medications. You must:

(a) Give certain classifications of nonprescribed medications, only with the dose and directions on the manufacturer's label for the age and/or weight of the child needing the medication. These nonprescribed medications include but are not limited to:

(i) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;

(ii) Nonnarcotic cough suppressants;

(iii) Decongestants;

(iv) Antacids and anti-diarrhea medication;

(v) Anti-itching ointments or lotions intended specifically to relieve itching;

(vi) Shampoo for the removal of lice;

(vii) Diaper ointments and powders intended specifically for use in the diaper area of children;

(viii) Sun screen (for children over six months); and

(ix) Antibacterial ointments for first aid use.

(b) Give any other nonprescription medications only when approved in writing by a physician. These nonprescription medications may be given with a physician's standing order. Physician's standing orders must be patient specific.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0395 What requirements must I meet for feeding babies?** You must meet the following requirements for feeding babies:

(1) In group care settings, all formulas must be in sanitized bottles with nipples and labeled with the child's name and date prepared if more than one child is bottle-fed.

(2) You must refrigerate filled bottles if bottles are not used immediately and contents must be discarded if not used within twenty-four hours.

(3) If you reuse bottles and nipples, you must sanitize them.

(4) If breast milk is provided by anyone other than a baby's biological mother, approval must be obtained from the child's social worker.

(5) Infants who are six months of age or over may hold their own bottles as long as an adult remains in the room and within observation range. You must take bottles from the child when the child finishes feeding or when the bottle is empty.

(6) You must not prop bottles while feeding infants.

#### NEW SECTION

**WAC 388-148-0427 Are there specific requirements regarding Native American children?** You must comply with all requirements of the Federal Indian Child Welfare Act, 25 USC 1901, et. seq. and all applicable state laws.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0460 What requirements do you have for supervising children?** (1) You must provide or arrange for care and supervision that is appropriate for the child's age, developmental level, and condition.

(2) You must supervise children who help with food preparation in the kitchen, based on their age and skills.

(3) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower.

(4) Foster parents and facility staff must provide the children in their care with appropriate adult supervision, emotional support, personal attention, and structured daily routines and living experiences.

(5) In group care children must be supervised during sleeping hours by at least one awake staff when:

(a) There are more than six children in care; and

(b) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; or

(c) The youth's behavior poses a risk to self or others.

(6) In foster homes and staffed residential homes, children must be supervised during sleeping hours by at least one awake staff when it is part of the written supervision plan with the child's social worker.

(7) Adequate supervision should be arranged and maintained during times of crisis when one or more family members or staff members may be unavailable to provide the necessary supervision or coverage for other children in care.

(8) When special supervision is required and agreed upon between the department and the agency or foster parent, the agency or foster parent provides the necessary supervision. This supervision may require auditory or visual supervision at all times.

(9) When a child has exhibited behavior in a previous placement or the placement agency believes the child poses a risk to other children the agency must inform the provider and jointly develop a plan to address the risk.

(10) When a child exhibits behavior that poses a safety risk to other children in care, ~~((the child must not share a))~~ sleeping arrangements and/or bedroom ((with)) assignments must be made, in consultation with the child's social worker, to ensure the safety of other children.

#### NEW SECTION

**WAC 388-148-0462 Who may provide care to a foster child in the foster home when the foster parent is away from the home?** (1) A foster parent may allow a friend, or a relative to provide care to a foster child in the foster home when the conditions that follow are met. The foster parent must:

(a) Be familiar and comfortable with the individual who will be caring for the foster child;

(b) Meet with the substitute caregiver and review the expectations regarding supervision and discipline of the foster child;

(c) Be responsible for providing the caregiver any special care instructions;

(d) Provide information on how to be contacted by the substitute caregiver; and

(e) Ensure the child has a safety plan.

(2) On an occasional basis and for less than twenty-four hours, the foster parent may use a friend or a relative as a substitute caregiver, without verifying criminal and founded child abuse/neglect history when the foster parent has no reason to suspect the substitute caregiver:

(a) Has a history that would disqualify them from caring for a department child; or

(b) Would be at risk in the their care.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0520 What are the training requirements for foster parents and prospective foster parents?**

(1) ~~((To receive a))~~ All foster ((home license, you)) parents (both parents in a two-parent household) must ((attend required orientation and preservice training programs that the department sponsors, or that your licensed child placing agency offers.

~~(2) You need))~~ have:

(a) Proof of completion of current first-aid/CPR training that is geared for the ages of the foster children ((you)) they want in your home((-

~~(3) You need)); and~~

(b) Proof of completion of HIV/AIDS prevention training.

~~((4) The primary care givers must))~~

(2) The CPR training is not required for person with a statement from their physician that the training is not advised for medical reasons.

(3) At least one foster parent must:

(a) Attend required orientation and pre-service training programs that the department sponsors or that your licensed child-placing agency offers; and

(b) Complete all required DLR-approved training after licensing.

#### NEW SECTION

**WAC 388-148-0542 May a foster child be supervised by someone under eighteen in the foster home?** (1) A foster parent may use a friend or relative who is sixteen or seventeen to supervise (baby sit) a foster child under the following conditions:

(a) The foster parent knows the youth babysitter to be reliable and mature enough to provide appropriate care to the foster child.

(b) The youth babysitter has completed a background check within the past year. Exception: For occasional care of less than twenty-four hours, the verification of the background check is not required, provided the foster parent has no reason to suspect:

(i) The babysitter has a disqualifying criminal history or founded complaint of child abuse/neglect; and

(ii) The child would be at risk in the care of the babysitter.

(c) The youth babysitter must not be responsible for more than three foster children.

(2) If the care by the youth babysitter is a regular arrangement, the foster parents must have the written approval of the social worker for the foster child.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0560 Do I need a treatment plan for children under my care?** (1) ~~((If you operate a))~~ All group homes, staffed residential home ((or a group care program you)), a child-placing agency, or foster homes that have con-

tracts or agreements with the department to provide treatment or therapeutic services to dependent children must assist in developing and implementing a written treatment plan for each child ~~((accepted for care in any of the programs you provide))~~ in care after thirty days.

(2) The treatment plan must:

(a) Identify the service needs of the child, parent or guardian;

(b) Describe the treatment goals and strategies for achieving those goals;

(c) Include a running account of the treatment received by the child and others involved in the treatment plan, such as any group treatment or individual counseling; and

(d) Be updated at least quarterly to show the progress toward meeting goals and list barriers to the permanent plan.

(3) A social service staff person must review and sign approving the child's treatment plan.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0585 What social service staff do I need ~~((for my home or facility))~~?** (1) Except for foster homes, you must provide or arrange for social services by qualified persons who have specific educational training. Except for juvenile detention facilities, social service staff must meet education and training requirements that follow:

~~((1))~~ (2) One person who provides social services must have a master's degree in social work or a closely related field from an accredited school.

~~((2))~~ (3) Social service staff without a master's degree in social work or closely related field must have a bachelor's degree in social work or a closely related field. A person with a master's degree must consult at least eight hours per month with any social service staff who have only a bachelor's degree.

~~((3))~~ (4) When social services are provided by another agency, you must have a written agreement with the agency describing the scope of service they provide. Written agreements must meet the requirements of this rule.

~~((4))~~ (5) A social service staff person must review and sign approving the child's treatment plan.

~~((5))~~ (6) A social service staff person must review and sign approving licensing application packets before they are submitted to DLR.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0630 What fire prevention measures must I take?** The department requires that you must take the following fire prevention measures for your staffed residential home and group care facility:

(1) You must request the local fire department to visit your home or facility to:

~~(a) Assist care givers in meeting all necessary fire safety requirements; and~~

~~(b))~~ become familiar with your home or facility.

(2) You must assure that furnace rooms are:

(a) Maintained free of lint, grease, and rubbish; and

(b) Suitably isolated, enclosed, or protected.

(3) Flammable or combustible materials must be stored away from exits and in areas that are not accessible to children. Combustible rubbish must not be allowed to collect and must be removed from the building or stored in closed, metal containers away from building exits.

(4) All trash must be removed daily from the building and thrown away in a safe manner outside the building. All containers used for the disposal of waste material must consist of noncombustible materials and have tops.

(5) All electrical motors must be kept free of dust.

(6) Open-flame devices capable of igniting clothing must not be left on, unattended or used in a manner that could result in an accidental ignition of children's clothing.

(7) Candles must not be used.

(8) All electrical circuits, devices and appliances must be properly maintained. Circuits must not be overloaded. Extension cords and multi-plug adapters must not be used in place of permanent wiring and proper outlets.

(9) House and facility numbers must be clearly visible from the street or road in front of the property. Where the home or facility is not clearly visible from the road, the address must be posted at the head of the driveway.

Note: This is to allow emergency vehicles and fire trucks to easily find addresses.

(10) Fireplaces, woodstoves, and similar devices must be installed and approved according to the rules that were in effect at the time of installation (see the local building permit). These devices must be properly maintained and must be cleaned and certified at least once a year or maintained according to the manufacturer's recommendations.

## GROUP CARE AND CHILD-PLACING AGENCIES

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0700 What are the qualifications for an executive director for a group care program or child-placing agency?** (1) A group care program or child-placing agency executive director or person responsible for the agency administration, agency oversight, and fiscal operation must meet, at a minimum, the requirements that follow.

(a) Be able to communicate to the department the roles, expectations and purposes of the program; and

(b) Work with representatives of other agencies.

(2) They must also meet one of these education or experience requirements:

(a) Have a bachelor's degree in social science or closely related field from an accredited school; or

(b) Have a minimum of two years of successful, full-time relevant experience, such as working in a group care facility; or

(c) Have a minimum of two years as a foster parent with a letter of recommendation from the licensing agency and supervising agency.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0720 What qualifications must the child care staff for a group care program and a child-placing agency have?** The child care staff person of a group care program and child-placing agency is responsible for the care, supervision, and behavior management of children under your care. The department requires ~~((the))~~ child care staff of each group care program and child-placing agency:

- (1) Be at least twenty-one years old;
- (2) Exception: Child care staff may be eighteen to twenty years old if enrolled and participating in an internship or practicum program with an accredited college or university; and supervised by staff twenty-one years or older;
- (3) Have a high school diploma or GED;
- (4) Have one year of experience working with children;
- (5) Have the skills and abilities to work successfully with the challenging behaviors of children in care; and
- (6) Have effective communication and problem solving skills.

#### NEW SECTION

**WAC 388-148-0722 What are the qualifications for health care staff for a group care program or a child-placing agency?** (1) The health care staff, such as a licensed practical nurse (LPN) and certified nurse's assistant/aide (CNA), must meet the full professional competency requirements in their respective field.

(2) The health care staff must maintain their certification or licensure as required by the department of licensing.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0725 What is the ratio of child care staff to children in group care facilities?** The department has specific requirements for the ratio of child care staff to children in group care.

(1) The ratio for group homes is at least one child care staff member on site for every eight children during waking and sleeping hours.

Note: Crisis residential centers, staffed residential homes, maternity programs, and programs for children with severe developmental disabilities have different requirements.

(2) At least two adults, including at least one child care staff person, must be on site whenever more than eight children are on the premises.

(3) To keep the proper ratio of staff to children, the executive director, on-site program manager, support staff and maintenance staff may serve temporarily as child care staff if they have adequate training.

(4) During sleeping hours of youth, at least one staff person must be awake in all group home programs when:

- (a) There are more than six youth in care; and
- (b) The major focus of the program is behavioral change rather than the development of independent living skills, such as teen parent and independent living skills programs; or

(c) The youth's behavior poses a safety risk to self or others.

(5) When only one child care staff is on site, a second staff must be on call.

(6) You must have relief staff so that all staff can have the equivalent of two days off a week.

(7) If you have more than one program in one building, such as a group care program and a crisis residential center, you must follow the most stringent staffing ratio requirements.

(8) For certified juvenile detention facilities, at least one child care staff member must be on duty for every ten children in care during the sleeping and waking hours.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services?** Residential programs provide twenty-four-hour care to expectant mothers and to new mothers with infants.

(1) These programs must employ sufficient numbers of residential staff to meet the physical, safety, health and emotional needs of the residents. Residential staff are in charge of supervising the day-to-day living situation for youth.

Note: Child care staff may carry out any maintenance tasks that do not detract from their primary function.

(2) When youth are on the premises, the ratio of staff to residents must be as follows:

(a) At least one residential staff member must be on duty for every eight ~~((mothers))~~ persons.

(b) When more than eight persons ~~((including mothers and children))~~ are on the premises, at least two adults, including at least one child care staff must be on duty.

(3) You must have relief staff so that all staff can have the equivalent of two days off a week.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0880 What levels of secure CRCs exist?** The department licenses ~~((two))~~ three types of secure crisis residential centers (CRCs): Level one ~~((and))~~, level two, and level three. Level one is the most secure facility and level ~~((two))~~ three is the least secure facility.

#### NEW SECTION

**WAC 388-148-0892 What are the requirements for a level three secure CRC?** A level-three secure crisis residential center (CRC) must meet each of these requirements:

(1) Be a free-standing facility, separate unit or separate building within a campus with exterior doors that have special egress-control devices;

(2) Meet or exceed the current state building code for facilities with special egress-control devices; and

(3) Maintain a recreation area, within the secured facility or secured on the property of the facility, that can support

youth's vigorous physical activity. (Any fences used to secure the recreation area must meet or exceed the specifications of the level-two secure CRC referenced in WAC 388-148-0890(3)).

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0915 What steps must be taken after a youth is admitted into a CRC?**

**All CRCs**

(1) The director or designee of ~~((a))~~ any crisis residential center (CRC) must immediately notify the parents of the youth who has been admitted.

(2) If the director or designee of any CRC is unable to contact the youth's parents within, forty-eight hours, he or she must:

(a) Contact the department and request that the case be reviewed for dependency filing under chapter 13.34 RCW or "child in need of services" filing under chapter 13.32A RCW; and

(b) Document the contact with the department in the youth's case record.

~~(3) After a youth is admitted to any CRC, the director or designee must ensure that a youth is assessed for any health needs requiring immediate attention.~~

~~(4) By the first school day after admission, the staff of any crisis residential center must:~~

~~(a) Notify the youth's school district about the youth's placement; and~~

~~(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.~~

**Secure CRCs**

~~((3))~~ (5) Within the first twenty-four hours after admitting a youth to a secure crisis residential center, and each twenty-four hours after, the director or designee must assess the youth's risk of running.

~~((4))~~ (6) The secure CRC director or designee must determine what type of CRC, regular or secure, would be best for the youth.

~~((5))~~ (7) The secure CRC director or designee must use the following criteria in making the decision, considering the safety, health and welfare of the youth and others:

(a) The youth's age and maturity;

(b) The youth's physical, mental, and emotional condition upon arrival at the center;

(c) The circumstances that led to the youth's placement at the facility;

(d) The youth's behavior;

(e) The youth's history of running away;

(f) The youth's willingness to cooperate in conducting the assessment;

(g) The youth's need for continued assessment, protection, and intervention services in a CRC; and

(h) The likelihood the youth will remain at a CRC.

~~((6))~~ (8) The secure CRC director or designee must put the decision about the youth's status in writing in the youth's file.

~~((7) After a youth is admitted, the CRC director or designee must ensure that a youth is assessed for any health needs requiring immediate attention.~~

~~(8) By the first school day after admission, the crisis residential center staff must:~~

~~(a) Notify the youth's school district about the youth's placement; and~~

~~(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.)~~

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0995 What are the ratio requirements of youth care staff to youth in crisis residential centers?**

(1) You must ensure the safety of the youth that are residing in crisis residential centers (CRCs) by maintaining staffing ratios. This may require a staffing ratio higher than the minimum listed if necessary for the health and safety of youth and/or staff.

**Regular CRCs**

(2) At all times, regular crisis residential centers must have at least one youth care staff on duty for every four youth in care.

(3) Regular crisis residential centers must have at least two awake youth care staff on duty during waking hours of the youth.

(4) Regular crisis residential centers must have at least one awake youth care staff on duty during sleeping hours of the youth. One or more additional (back-up) staff must be on the premises during sleeping hours to maintain staffing ratios.

Under extraordinary circumstances, the DLR director may approve an alternative back-up plan.

**Secure CRCs**

(5) At all times, secure crisis residential centers must have at least two staff on duty ~~((at all times))~~ when youth are present.

(6) At all times, secure crisis residential centers not co-located with a detention center must have at least one youth care staff on duty for every three youth in care.

(7) At all times, secure crisis residential centers that are located in the same facility as a detention ((facilities)) center must have ~~((the))~~ at least one awake youth care staff on duty for every four youth in care.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1060 What services may a child-placing agency provide?** The department licenses child-placing agencies to provide:

(1) Certification of eligible foster homes meeting full licensing requirements;

(2) Maternity services to expectant mothers;

(3) Specialized (treatment) foster care;

(4) Emergency respite services;

(5) Residential care programs, such as group homes, crisis residential centers, and independent living skills programs; and

~~((5))~~ (6) Adoption services.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1070 What health histories need to be provided to ~~((foster or))~~ adoptive parents?** ~~(((1) To meet department requirements,))~~ Your child-placing agency must provide adoptive ~~(((see WAC 388-25-0330), or foster))~~ parents with ~~(((the following)))~~ information ~~(((when available, at the time of placement:))~~

~~(a) The mental and physical health histories of the birth parents;~~

~~(b) A written health history for each child prior to placement, including a history of immunizations, allergies, previous illnesses, and conditions that may adversely affect the child's health; and~~

~~(c) The developmental and psychological history for the adoptive children.~~

~~Note: You must arrange for the child's medical examinations, immunizations, and health care as required by WAC 388-148-0335 and 388-148-0340.~~

~~(2) The adoptive parent(s) must sign one copy of the report, showing that they have received the information. You must retain this signed copy in the child's permanent file.~~

~~(3) When the child is being placed for adoption, your report must not contain information that might identify the birth parents)) that meets the federal and state statutes.~~

#### NEW SECTION

**WAC 388-148-1076 What are the qualifications for an executive director of a child-placing agency?** The executive director of a child-placing agency must meet the executive director qualifications outlined for programs and agencies in section WAC 388-148-0700.

#### NEW SECTION

**WAC 388-148-1077 What are the qualifications for a case aide for a child-placing agency program?** The qualifications for a case aide at a child-placing agency program must meet the qualifications for the child care staff at a group care program outlined in WAC 388-148-0720.

#### NEW SECTION

**WAC 388-148-1078 What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?** A child-placing agency health care staff, such as licensed practical nurses (LPN) and certified nursing assistants (CNA) must meet the health care staff qualifications outlined in WAC 388-148-0722.

#### NEW SECTION

**WAC 388-148-1079 What are the qualifications for consultants for child-placing agency programs?** The qualifications for consultants for child-placing agency programs are outlined in WAC 388-148-0600.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1115 Do you have requirements for adoptive services?** (1) As a child-placing agency providing adoption services, you must ~~(((meet the department's requirements under chapter 388-25 WAC:))~~

~~(2) You must))~~ follow federal and state adoption laws.

~~(a) Recruit potential adoptive families that reflect the diversity of children in your community((-~~

~~(3) You must)); and~~

~~(b) Provide adoptive applicants with the following services, at a minimum:~~

~~(((a))) (i) Information about the adoption process;~~

~~(((b))) (ii) Your agency's policies, practices and legal procedures;~~

~~(((c))) (iii) Types of children available for adoption and implications for parenting different types of children; and~~

~~(((d))) (iv) Information on adoption support programs.~~

~~(((4))) (2) You must document that you provided this information to the adoptive applicant in the applicant's file.~~

~~(3) You must visit the adoptive home of all adoptive placements at least once in the first thirty days of placement and an additional face-to-face visit to observe the parent and child each sixty days after that until the adoption is finalized.~~

~~(4) You must be available for consultation regarding the adjustment of the adopted child and the family after finalization of the adoption.~~

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1120 What is the process for adoptions?** You must go through the following steps to place a child for adoption.

(1) The applicants must submit an application (including a completed background inquiry form) to the child-placing agency.

(2) Once you have received an application, but before you have sign a contract for services, you must give the applicants a written statement about:

(a) The adoption agency's fixed fees and fixed charges to be paid by the applicant;

(b) An estimate of additional itemized expenses to be paid by applicant; and

(c) Specific services covered by fees that you offer for child placement or adoption.

(3) Your staff must complete an adoptive home study as required in RCW 26.33.190 with the participation of the applicant(s). For the study, your staff and the applicants ~~(((need to)))~~ must decide ~~(((about)))~~ the following:

(a) The suitability of the applicant(s) to be adoptive parent(s); and

(b) The type of child(ren) for which the applicant or applicants are best suited.

(4) Your staff must accept or deny the application and give an explanation for your decision.

(5) You must file preplacement (home study) reports with the court (as required by RCW 26.33.180 through 26.33.190).

(6) Your staff must prepare the potential adoptive parent(s) for placement of a specific child by:

(a) Locating and providing information about the child and the birth family to the prospective adoptive family (~~as described in chapter 388-25 WAC~~) provided under federal and state statute;

(b) Discussing the likely implications of the child's background for adjusting in the adoptive family.

(7) Your staff must reevaluate the applicant(s) suitability for adopting a child each time an adoptive placement is considered.

### **CHILD-PLACING AGENCIES—EMERGENCY RESPITE SERVICES**

#### NEW SECTION

**WAC 388-148-1140** May a licensed child-placing agency provide emergency respite services? A licensed child-placing agency may offer emergency respite services by providing direct child care in a licensed foster home (for thirty days or less) or by contracting or by written agreement with a licensed child day care home or center (up to ten hours/day).

#### NEW SECTION

**WAC 388-148-1145** Does an agency or individual need to be licensed as a child-placing agency to provide emergency respite services that are not center-based? An agency or individual must be licensed as a child-placing agency to provide community-based emergency respite services to children.

#### NEW SECTION

**WAC 388-148-1150** Does a child-placing agency providing emergency respite services need specific program staff? A child-placing agency must have a program manager responsible for the emergency respite program.

#### NEW SECTION

**WAC 388-148-1155** What are the education and training requirements for a program manager for an emergency respite program at a child-placing agency? The education and training requirements for a program manager for an emergency respite program at a child-placing agency are:

(1) A bachelor's degree in social services, child development, or a related field; or

(2) Five years of successful full-time experience in a relevant field; and

(3) Current first aid and CPR training; and

(4) HIV/AIDS prevention training; and

(5) If supervising other staff, then supervisory abilities that promote effective staff performance and relevant experience, training, and demonstrated skills in each area that he or she will be supervising.

#### NEW SECTION

**WAC 388-148-1160** What services do child-placing agencies provide if they offer an emergency respite program? (1) A child-placing agency must provide the following emergency respite services:

(a) A family assessment of the need for the services;

(b) Direct child care; and

(c) Appropriate community service referrals.

(2) Family support services may be provided by the child-placing agency offering emergency respite services.

#### NEW SECTION

**WAC 388-148-1165** Does a child-placing agency need approval from the division of licensed resources to provide emergency respite services? (1) An emergency respite program provided by a child-placing agency must be approved by DLR.

(2) The child-placing agency must send to DLR a detailed written program description outlining education, recreational, and any therapeutic services the agency will provide to children and their families.

(3) A foster home used for emergency respite care must be designated as a respite care home only, unless DLR gives administrative approval for a foster home to provide emergency respite care and regular foster care.

(4) The foster home must be assessed for health and safety with each emergency respite placement considering the other respite children in the home.

#### NEW SECTION

**WAC 388-148-1170** What age children may receive emergency respite services? Emergency respite services may be provided to children birth through seventeen years.

#### NEW SECTION

**WAC 388-148-1175** Who may place a child for emergency respite? Only a parent or legal guardian of a child may voluntarily place a child in emergency respite care. This is not to be used by foster parents for respite care for foster children.

#### NEW SECTION

**WAC 388-148-1180** Must all children accepted for emergency respite care have current immunizations? A child accepted by a child-placing agency for emergency

respite care may be placed with a licensed foster home without current immunizations.

#### NEW SECTION

**WAC 388-148-1185 What are the record-keeping requirements for a child-placing agency providing emergency respite services?** (1) Emergency respite service records must be kept at the child-placing agency and contain, at a minimum, the following information:

- (a) Logs of children accepted for emergency respite care;
- (b) A copy of any suspected child abuse and/or neglect referrals made to children's administration with the child's name and birthdate;
- (c) Names, address and home and business telephone numbers of parents or persons to be contacted in case of emergency;
- (d) Dates and illnesses or accidents while in emergency respite care;
- (e) Any medications and treatments given to a child while in emergency respite care; and
- (f) Health screening information including any allergy information.

(2) Identifying and personal information about the child and their family must be kept confidential as described under federal and state laws, unless the parent has given permission for release.

(3) Information about the child and their families must be kept in a secure place.

#### NEW SECTION

**WAC 388-148-1190 What written information is needed before a child is accepted for emergency respite care by a child-placing agency?** Before accepting a child for emergency respite care, a child-placing agency must obtain the following written consent and information from the parent or legal guardian:

- (1) Permission from the child's parent or guardian authorizing the placement of their child;
- (2) Permission to seek emergency medical care or surgery on behalf of their child;
- (3) Permission to transport the child;
- (4) Basic family information, including address, telephone numbers, and emergency contacts; and
- (5) Basic medical information, including current medication, immunization history (if available), known allergies, and at-risk behaviors of the child.

**WSR 02-22-064**

**EMERGENCY RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed November 1, 2002, 3:42 p.m.]

Date of Adoption: October 24, 2002.

**Purpose:** The department is amending WAC 388-805-005, 388-805-030, 388-805-065, 388-805-145, 388-805-205, 388-805-300, 388-805-710, 388-805-720, 388-805-730, 388-805-740 and 388-805-750, and implementing new WAC 388-805-035 and 388-805-040, regulating opiate substitution treatment programs. Emergency WAC adoptions were submitted to the Washington State Code Reviser's Office on March 8, 2002, and July 5, 2002, that modified Washington Administrative Codes to begin recognizing the Center for Substance Abuse Treatment (CSAT), Substance Abuse and Mental Health Services Administration (SAMHSA) certification standards and implement the requirements of SSB 5417, an act relating to opiate substitution treatment programs that amended chapter 70.96A RCW effective July 22, 2001. This emergency rule adoption will extend the first two emergency rules for another one hundred twenty days. Pre-proposal statement of inquiries were filed as WSR 02-10-112 and 02-15-015, and the department is actively undertaking appropriate procedures to adopt the rules as permanent rules.

**Citation of Existing Rules Affected by this Order:** Amending WAC 388-805-005, 388-805-030, 388-805-065, 388-805-145, 388-805-205, 388-805-300, 388-805-710, 388-805-720, 388-805-730, 388-805-740, and 388-805-750.

**Statutory Authority for Adoption:** Chapter 70.96A RCW, and 42 Code of Federal Regulations (C.F.R.), Part 8.

**Other Authority:** SSB 5417 (chapter 242, Laws of 2001).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this Finding:** The CSAT, SAMHSA adopted 42 C.F.R., Part 8, Certification of Opioid Treatment Programs January 17, 2001, effective May 18, 2001, regulating opiate substitution treatment programs. SSB 5417, an act relating to opiate substitution treatment programs amended chapter 70.96A RCW effective July 22, 2001. Emergency rules are necessary to permit the department to certify eligible opioid treatment programs while permanent rules are being developed.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 2, Amended 11, Repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted on the Agency's Own Initiative:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted Using Negotiated Rule Making:** New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 2, Amended 11, Repealed 0.

Effective Date of Rule: Immediately.

October 24, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

**WAC 388-805-005 What definitions are important throughout this chapter?** "Added service" means the adding of certification for chemical dependency levels of care to an existing certified agency at an approved location.

"Addiction counseling competencies" means the knowledge, skills, and attitudes of chemical dependency counselor professional practice as described in Technical Assistance Publication No. 21, Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services 1998.

"Administrator" means the person designated responsible for the operation of the certified treatment service.

"Adult" means a person eighteen years of age or older.

"Alcoholic" means a person who has the disease of alcoholism.

"Alcoholism" means a primary, chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. It is characterized by impaired control over drinking, preoccupation with the drug alcohol, use of alcohol despite adverse consequences, and distortions in thinking, most notably denial. Each of these symptoms may be continuous or periodic.

"Approved supervisor" means a person who meets the education and experience requirements described in WAC 246-811-030 and 246-811-045 through 246-811-049 and who is available to the person being supervised.

"Area" means the county in which an opiate substitution treatment program applicant proposes to locate a certified program, and counties adjacent or near to the county in which the program is proposed to be located.

"Authenticated" means written, permanent verification of an entry in a patient treatment record by an individual, by means of an original signature including first initial, last name, and professional designation or job title, or initials of the name if the file includes an authentication record, and the date of the entry. If patient records are maintained electronically, unique electronic passwords, biophysical or passcard equipment are acceptable methods of authentication.

"Authentication record" means a document that is part of a patient's treatment record, with legible identification of all persons initialing entries in the treatment record, and includes:

- (1) Full printed name;
- (2) Signature including the first initial and last name; and
- (3) Initials and abbreviations indicating professional designation or job title.

"Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause dis-

ease in humans. The pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

"Branch site" means a physically separate certified site where qualified staff provides a certified treatment service, governed by a parent organization. The branch site is an extension of a certified provider's services to one or more sites.

"CSAT" means the Federal Center For Substance Abuse Treatment, a substance abuse service center of the Substance Abuse and Mental Health Services Administration.

"Certified treatment service" means a discrete program of chemical dependency treatment offered by a service provider who has a certificate of approval from the department of social and health services, as evidence the provider meets the standards of chapter 388-805 WAC.

"Change in ownership" means one of the following conditions:

- (1) When the ownership of a certified chemical dependency treatment provider changes from one distinct legal entity (owner) to a distinct other;
- (2) When the type of business changes from one type to another; or
- (3) When the current ownership takes on a new owner of five percent or more of the organizational assets.

"Chemical dependency" means a person's alcoholism or drug addiction or both.

"Chemical dependency counseling" means face-to-face individual or group contact using therapeutic techniques that are:

- (1) Led by a chemical dependency professional (CDP), or CDP trainee under supervision of a CDP;
- (2) Directed toward patients and others who are harmfully affected by the use of mood-altering chemicals or are chemically dependent; and
- (3) Directed toward a goal of abstinence for chemically dependent persons.

"Chemical dependency professional" means a person certified as a chemical dependency professional by the Washington state department of health under chapter 18.205 RCW.

"Child" means a person less than eighteen years of age, also known as adolescent, juvenile, or minor.

"County coordinator" means the person designated by the chief executive officer of a county to carry out administrative and oversight responsibilities of the county chemical dependency program.

"Criminal background check" means a search by the Washington state patrol for any record of convictions or civil adjudication related to crimes against children or other persons, including developmentally disabled and vulnerable adults, per RCW 43.43.830 through 43.43.842 relating to the Washington state patrol.

"Danger to self or others," for purposes of WAC 388-805-520, means a youth who resides in a chemical dependency treatment agency and creates a risk of serious harm to the health, safety, or welfare to self or others. Behaviors considered a danger to self or others include:

- (1) Suicide threat or attempt;
- (2) Assault or threat of assault; or
- (3) Attempt to run from treatment, potentially resulting in a dangerous or life-threatening situation.

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

**"Determination of need"** means a process used by the department for opiate substitution treatment program certification applications as described in WAC 388-805-040.

**"Detoxification"** or **"detox"** means care and treatment of a person while the person recovers from the transitory effects of acute or chronic intoxication or withdrawal from alcohol or other drugs.

**"Disability, a person with"** means a person whom:

- (1) Has a physical or mental impairment that substantially limits one or more major life activities of the person;
- (2) Has a record of such an impairment; or
- (3) Is regarded as having such an impairment.

**"Discrete treatment service"** means a chemical dependency treatment service that:

(1) Provides distinct chemical dependency supervision and treatment separate from any other services provided within the facility;

(2) Provides a separate treatment area for ensuring confidentiality of chemical dependency treatment services; and

(3) Has separate accounting records and documents identifying the provider's funding sources and expenditures of all funds received for the provision of chemical dependency treatment services.

**"Domestic violence"** means:

(1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members;

(2) Sexual assault of one family or household member by another;

(3) Stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member; or

(4) As defined in RCW 10.99.020, RCW 26.50.010, or other Washington state statutes.

**"Drug addiction"** means a primary, chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. Drug addiction is characterized by impaired control over use of drugs, preoccupation with drugs, use of a drug despite adverse consequences, and distortions in thinking, most notably denial. Each of these symptoms may be continuous or periodic.

**"Essential requirement"** means a critical element of chemical dependency treatment services that must be present in order to provide effective treatment.

**"First steps"** means a program available across the state for low-income pregnant women and their infants. First steps provides maternity care for pregnant and postpartum women and health care for infants and young children.

**"Governing body"** means the legal entity responsible for the operation of the chemical dependency treatment service.

**"HIV/AIDS brief risk intervention (BRI)"** means an individual face-to-face interview with a client or patient, to help that person assess personal risk for HIV/AIDS infection and discuss methods to reduce infection transmission.

**"HIV/AIDS education"** means education, in addition to the brief risk intervention, designed to provide a person with information regarding HIV/AIDS risk factors, HIV antibody testing, HIV infection prevention techniques, the impact of alcohol and other drug use on risks and the disease process, and trends in the spread of the disease.

**"Medical practitioner"** means a physician, advanced registered nurse practitioner (ARNP), or certified physician's assistant. ARNPs and midwives with prescriptive authority may perform practitioner functions related only to indicated specialty services.

**"Misuse"** means use of alcohol or other drugs by a person in:

(1) Violation of any law; or

(2) Breach of agency policies relating to the drug-free work place.

**"Off-site treatment"** means provision of chemical dependency treatment by a certified provider at a location where treatment is not the primary purpose of the site; such as in schools, hospitals, or correctional facilities.

**"Opiate substitution treatment ((agency)) program"** means an organization that administers or dispenses an approved drug as specified in 212 CFR Part 291 for treatment or detoxification of opiate substitution. The agency is:

(1) ~~((Approved by the Federal Food and Drug Administration))~~ Certified as an opioid treatment program by the Federal Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration;

(2) ~~((Registered with))~~ Licensed by the Federal Drug Enforcement Administration;

(3) Registered ~~((with))~~ by the state board of pharmacy;

(4) ~~((Licensed by the county in which it operates))~~ Accredited by an opioid treatment program accreditation body approved by the Federal Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration; and

(5) Certified as an opiate substitution treatment ((agency)) program by the department.

**"Outcomes evaluation"** means a system for determining the effectiveness and efficiency of results achieved by patients during or following service delivery, and patient satisfaction with those results for the purpose of program improvement.

**"Patient"** is a person receiving chemical dependency treatment services from a certified program.

**"Patient contact"** means time spent with a client or patient to do assessments, individual or group counseling, or education.

**"Patient placement criteria (PPC)"** means admission, continued service, and discharge criteria found in the Patient Placement Criteria for the Treatment of Substance-Related Disorders as published and revised by the American Society of Addiction Medicine (ASAM).

**"Probation assessment officer (PAO)"** means a person employed at a certified district or municipal court probation assessment service that meets the PAO requirements of WAC 388-805-220.

**"Probation assessment service"** means a certified assessment service offered by a misdemeanor probation department or unit within a county or municipality.

**"Progress notes"** are a permanent record of ongoing assessments of a patient's participation in and response to treatment, and progress in recovery.

**"Qualified personnel"** means trained, qualified staff, consultants, trainees, and volunteers who meet appropriate legal, licensing, certification, and registration requirements.

**"Registered counselor"** means a person registered, or certified by the state department of health as required by chapter 18.19 RCW.

**"Relocation"** means change in location from one office space to a new office space, or moving from one office building to another.

**"Remodeling"** means expansion of existing office space to additional office space at the same address, or remodeling of interior walls and space within existing office space.

**"Restraint,"** for purposes of WAC 388-805-520, means the use of methods, by a trained staff person, to prevent or limit free body movement in case of out-of-control behavior.

**"Restraint"** includes:

- (1) Containment or seclusion in an unlocked quiet room;
- (2) Physical restraint, meaning a person physically holds or restricts another person in a safe manner for a short time in an immediate crisis; or
- (3) Use of a safe and humane apparatus, which the person cannot release by oneself.

**"SAMHSA"** means the Federal Substance Abuse and Mental Health Services Administration.

**"Service provider"** or **"provider"** means a legally operated entity certified by the department to provide chemical dependency services. The components of a service provider are:

- (1) Legal entity/owner;
- (2) Facility; and
- (3) Staff and services.

**"Sexual abuse"** means sexual assault, incest, or sexual exploitation.

**"Sexual harassment"** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or treatment; or
- (2) Such conduct interferes with work performance or creates an intimidating, hostile, or offensive work or treatment environment.

**"Substance abuse"** means a recurring pattern of alcohol or other drug use that substantially impairs a person's functioning in one or more important life areas, such as familial, vocational, psychological, physical, or social.

**"Summary suspension"** means an immediate suspension of certification, per RCW 34.05.422(4), by the department pending administrative proceedings for suspension, revocation, or other actions deemed necessary by the department.

**"Supervision"** means:

(1) Regular monitoring of the administrative, clinical, or clerical work performance of a staff member, trainee, student, volunteer, or employee on contract by a person with the authority to give directions and require change; and

(2) **"Direct supervision"** means the supervisor is on the premises and available for immediate consultation.

**"Suspend"** means termination of the department's certification of a provider's treatment services for a specified period or until specific conditions have been met and the department notifies the provider of reinstatement.

**"TARGET"** means the treatment and assessment report generation tool.

**"Treatment services"** means the broad range of emergency, detoxification, residential, and outpatient services and care. Treatment services include diagnostic evaluation, chemical dependency education, individual and group counseling, medical, psychiatric, psychological, and social services, vocational rehabilitation and career counseling that may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other drugs, and intoxicated persons.

**"Urinalysis"** means analysis of a patient's urine sample for the presence of alcohol or controlled substances by a licensed laboratory or a provider who is exempted from licensure by the department of health:

(1) **"Negative urine"** is a urine sample in which the lab does not detect specific levels of alcohol or other specified drugs; and

(2) **"Positive urine"** is a urine sample in which the lab confirms specific levels of alcohol or other specified drugs.

**"Vulnerable adult"** means a person who lacks the functional, mental, or physical ability to care for oneself.

**"Young adult"** means an adult who is eighteen, nineteen, or twenty years old.

**"Youth"** means a person seventeen years of age or younger.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

**WAC 388-805-030 ((How do I apply)) What are the requirements for opiate substitution treatment ((service)) program certification?** Certification as an opiate substitution treatment program is contingent on the concurrent approval by applicable state regulatory authorities; certification as an opioid treatment program by the Federal CSAT SAMHSA; accreditation by an opioid treatment program accreditation body approved by the Federal CSAT SAMHSA; and licensure by the Federal Drug Enforcement Administration. In addition to WAC 388-805-015 or 388-805-020 requirements, a potential opiate substitution treat-

ment ((service)) program provider must submit to the department:

~~(1) ((Evidence of licensure from the county served, or evidence the county has authorized a specific certified agency to provide opiate substitution treatment, per RCW 70.96A.400 through 70.96A.420.~~

~~(2))~~ A copy of the application for a registration certificate from the Washington state board of pharmacy.

~~((3))~~ (2) A copy of the application for licensure to the Federal Drug Enforcement Administration.

~~((4))~~ (3) A copy of the application for certification to the Federal ((Food and Drug Administration)) CSAT SAMHSA.

(4) A copy of the application for accreditation by an accreditation body approved as an opioid treatment program accreditation body by the Federal CSAT SAMHSA.

(5) Policies and procedures identified under WAC 388-805-700 through 388-805-750.

~~(6) ((Certification for opiate substitution treatment is contingent on the concurrent approval by the applicable county, state, and federal regulatory authorities))~~ Evidence that the program will be sited in accordance with the appropriate county or city land use ordinances.

(7) Documentation that transportation systems will provide reasonable opportunities to persons in need of treatment to access the services of the program.

(8) When applicable, a copy of national accreditation, state certification/accreditation, and survey reports from national or state certification or accreditation organizations over the past six years when operating an opiate substitution treatment program in another state.

(9) At least three letters of support from other providers within the existing health care system in the area the applicant proposes to establish a new opiate substitution treatment program to demonstrate an appropriate relationship to the service area's existing health care system.

(10) A declaration to limit the number of individual program participants to three hundred fifty as specified in RCW 70.96A.410 (1)(e).

#### NEW SECTION

**WAC 388-805-035 What are the responsibilities for the department when an applicant applies for approval?** When making a decision on an application for certification of a program, the department must:

(1) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program. The department will request county and city legislative authorities to notify the department of any applicable requirements or other issues that the department should consider in order to fulfill the requirements of WAC 388-805-030 (6) and (7), or 388-805-040 (1) through (5);

(2) Not discriminate in its certification decision on the basis of the corporate structure of the applicant;

(3) Consider the size of the population in need of treatment in the area in which the program would be located and

certify only applicants whose programs meet the necessary treatment needs of the population;

(4) Determine there is a need in the community for opiate substitution treatment and not certify more program slots than justified by the need in that community as described in WAC 388-805-040;

(5) Consider whether the applicant has the capability, or has in the past demonstrated the capability to provide appropriate treatment services to assist persons in meeting legislative goals of abstinence from opiates and opiate substitutes, obtaining mental health treatment, improving economic independence, and reducing adverse consequences associated with illegal use of controlled substances;

(6) Hold at least one public hearing in the county in which the facility is proposed to be located and one hearing in the area or adjacent county with the largest population in which the facility is proposed to be located. The hearing must be held at a time and location most likely to permit the largest number of interested persons to attend and present testimony. The department must notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

#### NEW SECTION

**WAC 388-805-040 How does the department determine there is a need in the community for opiate substitution treatment?** The department will determine whether or not there is a demonstrated need in the community for opiate substitution treatment from information provided to the department by the applicant and through department consultation with city and county legislative authorities, and other appropriate community resources. A "determination of need" for a proposed program will include a review and evaluation of the following criteria:

(1) For the number of potential clients in an area, the department will consider the size of the population in need of treatment in the area in which the program would be located using adult population statistics from the most recent area population trend reports. The department will use the established ratio of .7 percent of the adult population as an estimate for the number of potential clients in need of opiate substitution treatment program services.

(2) For the number of anticipated program slots in an area, the department will multiply the sum of the established ratio of .7 percent of the adult population in subsection (1) of this section by thirty-five percent to determine an estimate of the anticipated need for the number of opiate substitution treatment program slots in the area in which the program would be located.

(3) Demographic and trend data from the area in which the program would be located including the most recent department county trend data, TARGET admission data for opiate substitution treatment from the area, hospital and emergency department admission data from the area, needle exchange data from the area, and other relevant reports and data from city and county health organizations demonstrating the need for opiate substitution treatment program services.

(4) Availability of other opiate substitution treatment programs near the area of the applicant's proposed program. The department will determine the number of patients, capacity, and accessibility of existing opiate substitution treatment programs near the area of the applicant's proposed program and whether existing programs have the capacity to assume additional patients for treatment services.

(5) Whether the population served or to be served has need for the proposed program and whether other existing services and facilities of the type proposed are available or accessible to meet that need. The assessment will include, but not limited to, consideration of the following:

(a) The extent to which the proposed program meets the need of the population presently served;

(b) The extent to which the underserved need will be met adequately by the proposed program; and

(c) The impact of the service on the ability of low-income persons, racial and ethnic minorities, women, handicapped persons, the elderly, and other underserved groups to obtain needed health care.

(6) The department will review agency policies and procedures that describe the cost of services to clients, sliding fee scales, and charity care policies, procedures, and goals.

**AMENDATORY SECTION** (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

**WAC 388-805-065 How does the department determine disqualification or denial of an application?** The department must consider the ability of each person named in the application to operate in accord with this chapter before the department grants or renews certification of a chemical dependency service.

(1) The department must deny an applicant's certification when any of the following conditions occurred and was not satisfactorily resolved, or when any owner or administrator:

(a) Had a license or certification for a chemical dependency treatment service or health care agency denied, revoked, or suspended;

(b) Was convicted of child abuse or adjudicated as a perpetrator of substantiated child abuse;

(c) Obtained or attempted to obtain a health provider license, certification, or registration by fraudulent means or misrepresentation;

(d) Committed, permitted, aided, or abetted the commission of an illegal act or unprofessional conduct as defined under RCW 18.130.180;

(e) Demonstrated cruelty, abuse, negligence, misconduct, or indifference to the welfare of a patient or displayed acts of discrimination;

(f) Misappropriated patient property or resources;

(g) Failed to meet financial obligations or contracted service commitments that affect patient care;

(h) Has a history of noncompliance with state or federal regulations in an agency with which the applicant has been affiliated;

(i) Knowingly, or with reason to know, made a false statement of fact or failed to submit necessary information in:

(i) The application or materials attached; and

(ii) Any matter under department investigation.

(j) Refused to allow the department access to records, files, books, or portions of the premises relating to operation of the chemical dependency service;

(k) Willfully interfered with the preservation of material information or attempted to impede the work of an authorized department representative;

(l) Is in violation of any provision of chapter 70.96A RCW; or

(m) Does not meet criminal background check requirements.

(2) The department may deny certification when an applicant:

(a) Fails to provide satisfactory application materials; or

(b) Advertises itself as certified when certification has not been granted, or has been revoked or canceled.

(3) The department may deny an application for certification of an opiate substitution treatment program when:

(a) There is not a demonstrated need in the community for opiate substitution treatment and/or there is not a demonstrated need for more program slots justified by the need in that community;

(b) There is sufficient availability, accessibility, and capacity of other certified programs near the area in which the applicant proposes to locate the program;

(c) The applicant has not demonstrated in the past, the capability to provide the appropriate services to assist the persons who will utilize the program in meeting goals established by the legislature, including:

(i) Abstinence from opiates and opiate substitutes,

(ii) Obtaining mental health treatment,

(iii) Improving economic independence, and

(iv) Reducing adverse consequences associated with illegal use of controlled substances.

(4) The applicant may appeal department decisions in accord with chapter 34.05 RCW, the Washington Administrative Procedure Act and chapter 388-02 WAC.

**AMENDATORY SECTION** (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

**WAC 388-805-145 What are the key responsibilities required of an agency administrator?** (1) The administrator is responsible for the day-to-day operation of the certified treatment service, including:

(a) All administrative matters;

(b) Patient care services; and

(c) Meeting all applicable rules and ethical standards.

(2) When the administrator is not on duty or on call, a staff person must be delegated the authority and responsibility to act in the administrator's behalf.

(3) The administrator must ensure administrative, personnel, and clinical policy and procedure manuals:

(a) Are developed and adhered to; and

(b) Are reviewed and revised as necessary, and at least annually.

(4) The administrator must employ sufficient qualified personnel to provide adequate chemical dependency treatment, facility security, patient safety and other special needs of patients.

(5) The administrator must ensure all persons providing counseling services are registered, certified or licensed by the department of health.

(6) The administrator must ensure full-time chemical dependency professionals (CDPs) or CDP trainees do not exceed one hundred twenty hours of patient contact per month.

(7) The administrator must assign the responsibilities for a clinical supervisor to a least one person within the organization.

(8) The administrator of a certified opiate substitution treatment program must ensure that the number of patients will not exceed three hundred and fifty unless authorized by the county in which the program is located.

**AMENDATORY SECTION** (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

**WAC 388-805-205 What are agency personnel file requirements?**

(1) The administrator must ensure that there is a current personnel file for each employee, trainee, student, and volunteer, and for each contract staff person who provides or supervises patient care.

(2) The administrator must designate a person to be responsible for management of personnel files.

(3) Each person's file must contain:

(a) A copy of the results of a tuberculin skin test or evidence the person has completed a course of treatment approved by a physician or local health officer if the results are positive;

(b) Documentation of training on bloodborne pathogens, including HIV/AIDS and hepatitis B for all employees, volunteers, students, and treatment consultants on contract;

(i) At the time of staff's initial assignment to tasks where occupational exposure may take place;

(ii) Annually thereafter for bloodborne pathogens;

(c) A signed and dated commitment to maintain patient confidentiality in accordance with state and federal confidentiality requirements; and

(d) A record of an orientation to the agency as described in WAC 388-805-200(5).

(4) For residential facilities, documentation of current cardiopulmonary resuscitation (CPR) and first aid training for at least one person on each shift.

(5) Documentation of health department training and approval for any staff administering or reading a TB test.

(6) Employees who are patients or have been patients of the agency must have personnel records:

(a) Separate from clinical records; and

(b) Have no indication of current or previous patient status.

(7) In addition, each patient care staff member's personnel file must contain:

(a) Verification of qualifications for their assigned position including:

(i) For a chemical dependency professional (CDP): A copy of the person's valid CDP certification issued by the department of health (DOH);

(ii) For approved supervisors: Documentation to substantiate the person meets the qualifications of an approved supervisor as defined in WAC 246-811-010.

~~(iii) For (other persons providing counseling, a copy of a valid registration, certification, or license issued by the DOH)~~ each person engaged in the treatment of chemical dependency, including counselors, physicians, nurses, and other registered, certified, or licensed health care professionals, evidence they comply with the credentialing requirements of their respective professions.

(iv) For probation assessment officers (PAO): Documentation that the person has met the education and experience requirements described in WAC 388-805-220;

(v) For probation assessment officer trainees:

(A) Documentation that the person meets the qualification requirements described in WAC 388-805-225; and

(B) Documentation of the PAO trainee's supervised experience as described in WAC 388-805-230 including an individual education and experience plan and documentation of progress toward completing the plan.

(vi) For information school instructors:

(A) A copy of a certificate of completion of an alcohol and other drug information school instructor's training course approved by the department; and

(B) Documentation of continuing education as specified in WAC 388-805-250.

(b) A copy of a current job description, signed and dated by the employee and supervisor which includes:

(i) Job title;

(ii) Minimum qualifications for the position;

(iii) Summary of duties and responsibilities;

(iv) For contract staff, formal agreements or personnel contracts, which describe the nature and extent of patient care services, may be substituted for job descriptions.

(c) A written performance evaluation for each year of employment:

(i) Conducted by the immediate supervisor of each staff member; and

(ii) Signed and dated by the employee and supervisor.

**AMENDATORY SECTION** (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

**WAC 388-805-300 What must be included in the agency clinical manual?** Each chemical dependency service provider must have and adhere to a clinical manual containing patient care policies and procedures, including:

(1) How the provider meets WAC 388-805-305 through 388-805-350 requirements.

(2) How the provider will meet applicable certified service requirements of WAC 388-805-400 through 388-805-840, including a description of each service offered, detailing:

(a) The number of hours of treatment and education for each certified service; and

(b) Allowance of up to twenty percent of education time to consist of film or video presentations.

(3) Identification of resources and referral options so staff can make referrals required by law and as indicated by patient needs.

EMERGENCY

(4) Assurance that there is an identified clinical supervisor who:

(a) Is a chemical dependency professional (CDP);  
(b) Reviews a sample of patient records of each CDP quarterly; and

(c) Ensures implementation of assessment, treatment, continuing care, transfer and discharge plans in accord with WAC 388-805-315.

(5) Patient admission and discharge criteria using PPC.

(6) Policies and procedures to implement the following requirements:

(a) The administrator must not admit or retain a person unless the person's treatment needs can be met;

(b) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must assess and refer each patient to the appropriate treatment service; and

(c) A person needing detoxification must immediately be referred to a detoxification provider, unless the person needs acute care in a hospital.

((6)) (7) Additional requirements for opiate substitution treatment programs:

(a) A person under eighteen years of age needing opiate substitution treatment is required to have had two documented attempts at short-term detoxification or drug-free treatment within a twelve-month period. A waiting period of no less than seven days is required between the first and second short-term detoxification treatment.

(b) No person under eighteen years of age may be admitted to maintenance treatment unless a parent, legal guardian, or responsible adult designated by the relevant state authority consents in writing to treatment.

(c) Documentation in each patient's record that the service provider made a good faith effort to review if the patient is enrolled in any other opiate substitution treatment service.

(d) When the medical director or program physician of an opiate substitution treatment program provider in which the patient is enrolled determines that exceptional circumstances exist, the patient may be granted permission to seek concurrent treatment at another opiate substitution treatment program provider. The justification for finding exceptional circumstances for double enrollment must be documented in the patient's record at both treatment program providers.

(8) Tuberculosis screening for prevention and control of TB in all detox, residential, and outpatient programs, including:

(a) Obtaining a history of preventive or curative therapy;  
(b) Screening and related procedures for coordinating with the local health department; and

(c) Implementing TB control as provided by the department of health TB control program.

((7)) (9) HIV/AIDS information, brief risk intervention, and referral.

((8)) (10) Limitation of group counseling sessions to twelve or fewer patients.

((9)) (11) Counseling sessions with nine to twelve youths to include a second adult staff member.

((10)) (12) Provision of education to each patient on:

(a) Alcohol, other drugs, and chemical dependency;

(b) Relapse prevention; and

(c) HIV/AIDS, hepatitis, and TB.

((11)) (13) Provision of education or information to each patient on:

(a) The impact of chemical use during pregnancy, risks to the fetus, and the importance of informing medical practitioners of chemical use during pregnancy;

(b) Emotional, physical, and sexual abuse; and

(c) Nicotine addiction.

((12)) (14) An outline of each lecture and education session included in the service, sufficient in detail for another trained staff person to deliver the session in the absence of the regular instructor.

((13)) (15) Assigning of work to a patient by a CDP when the assignment:

(a) Is part of the treatment program; and

(b) Has therapeutic value.

((14)) (16) Use of self-help groups.

((15)) (17) Patient rules and responsibilities, including disciplinary sanctions for noncomplying patients.

((16)) (18) If youth are admitted, a policy and procedure for assessing the need for referral to child welfare services.

((17)) (19) Implementation of the deferred prosecution program.

((18)) (20) Policy and procedures for reporting status of persons convicted under chapter 46.61 RCW to the department of licensing.

((19)) (21) Nonresidential providers must have policies and procedures on:

(a) Medical emergencies;

(b) Suicidal and mentally ill patients;

(c) Medical oversight, including provision of a physical examination by a medical practitioner, on a person who:

(i) Is at risk of withdrawal from barbiturates or benzodiazepines; or

(ii) Used intravenous drugs in the thirty days before admission;

(d) Laboratory tests;

(e) Services and resources for pregnant women:

(i) A pregnant woman who is not seen by a private physician must be referred to a physician or the local first steps maternity care program for determination of prenatal care needs; and

(ii) Services include discussion of pregnancy specific issues and resources.

(f) If using medication services:

(i) A medical practitioner must evaluate each patient who is taking disulfiram at least once every ninety days;

(ii) Patient medications are stored, disbursed, and recorded in accord with chapter 246-326 WAC; and

(iii) Only a licensed nurse or medical practitioner may administer medication.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

**WAC 388-805-710 What are the requirements for opiate substitution medical management?** (1) A program physician must provide oversight for determination of opiate physical addiction for each patient before admission unless

the patient is exempted by the Federal (~~Food and Drug Administration~~) CSAT, SAMHSA, and:

(a) Be available for consultation when an opiate physical addiction determination is conducted by anyone other than the program physician; and

(b) Conduct the opiate physical addiction determination for all youth patients.

(2) A physical examination must be conducted on each patient:

(a) By a program physician or other medical practitioner; and

(b) Within (~~twenty-one~~) fourteen days of admission.

(3) Following the patient's initial dose of opiate substitution treatment, the physician must establish adequacy of dose, considering:

(a) Signs and symptoms of withdrawal;

(b) Patient comfort; and

(c) Side effects from over-medication.

(4) At the appropriate time, a program physician must approve an individual detoxification schedule for each patient being detoxified.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

**WAC 388-805-720 What are the requirements for urinalysis in opiate substitution treatment?** (1) The provider must obtain a urine sample from each patient for urinalysis:

(a) At least (~~once each month~~) eight times per year; and

(b) Randomly, without notice to the patient.

(2) Staff must observe the collection of each urine sample and use proper chain of custody techniques when handling each sample;

(3) When a patient refuses to provide a urine sample or initial the log of sample numbers, staff must consider the urine positive; and

(4) Staff must document a positive urine and discuss the findings with the patient (~~in a~~) at the next scheduled counseling session (~~within seven days of receiving the results of the test~~).

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

**WAC 388-805-730 What are the requirements for opiate substitution treatment dispensaries?** (1) Each opiate substitution treatment provider must comply with applicable portions of 21 CFR, Part 1301 requirements, as now or later amended.

(2) The administrator must ensure written policies and procedures to verify the identity of patients.

(3) Dispensary staff must maintain a file with a photograph of each patient. Dispensary staff must ensure pictures are updated when:

(a) The patient's physical appearance changes significantly; or

(b) Every two years, whichever comes first.

(4) In addition to notifying the (~~Food and Drug~~) Federal CSAT, SAMHSA and the Federal Drug Enforcement

Administration, the administrator must immediately notify the department and the state board of pharmacy of any theft or significant loss of a controlled substance.

(5) The administrator must have a written diversion control plan that contains specific measures to reduce the possibility of diversion of controlled substances from legitimate treatment use and that assigns specific responsibility to the medical and administrative staff members for carrying out the diversion control measures and functions described in the plan.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

**WAC 388-805-740 What are the requirements for opiate substitution treatment counseling?** (1) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must provide individual or group counseling sessions once each:

(a) Week, for the first ninety days, for a new patient or a patient readmitted more than ninety days since the person's most recent discharge from opiate substitution treatment;

(b) Week, for the first month, for a patient readmitted within ninety days of the most recent discharge from opiate substitution treatment; and

(c) Month, for a patient transferring from another opiate substitution treatment (~~agency~~) program where the patient stayed for ninety or more days.

(2) A CDP, or a CDP trainee under supervision of a CDP, must conduct and document a continuing care review with each patient to review progress, discuss facts, and determine the need for continuing opiate substitution treatment:

(a) Between six and seven months after admission; and

(b) Once every six months thereafter.

(3) A CDP, or a CDP trainee under supervision of a CDP, must provide counseling in a location that is physically separate from other activities.

~~(4) (The administrator must ensure at least one full-time CDP, or a CDP trainee under supervision of a CDP, for each fifty patients:~~

~~(a) A CDP with one or more CDP trainees may be assigned as primary counselor for up to seventy five patients, including those assigned to the CDP trainee; and~~

~~(b) A CDP trainee may be assigned up to thirty five patients.~~

~~(5))~~ A pregnant woman and any other patient who requests, must receive at least one-half hour of counseling and education each month on:

(a) Matters relating to pregnancy and street drugs;

(b) Pregnancy spacing and planning; and

(c) The effects of opiate substitution treatment on the woman and fetus, when opiate substitution treatment occurs during pregnancy.

~~((6))~~ (5) Staff must provide at least one-half hour of counseling on family planning with each patient through either individual or group counseling.

~~((7))~~ (6) The administrator must ensure there is one staff member who has training in family planning, prenatal health care, and parenting skills.

**AMENDATORY SECTION** (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

**WAC 388-805-750 What are the requirements for opiate substitution treatment take-home medications?** (1) An opiate substitution treatment provider may authorize take-home medications for a patient when:

- (a) The medication is for a Sunday or legal holiday, as identified under RCW 1.16.050; or
- (b) Travel to the facility presents a safety risk for patients or staff due to inclement weather.
- (2) A service provider may permit take-home medications on other days for a stabilized patient who:
  - (a) Has received opiate substitution treatment medication for a minimum of ninety days; and
  - (b) Had negative urines for the last sixty days.
- (3) The provider must meet ~~((24))~~ 42 CFR, Part ~~((294))~~ 8 requirements.
- (4) The provider may arrange for opiate substitution treatment medication to be administered by licensed staff or self-administered by a pregnant woman receiving treatment at a certified residential treatment agency when:
  - (a) The woman had been receiving treatment medication for ninety or more days; and
  - (b) The woman's use of treatment medication can be supervised.

**WSR 02-23-003**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed November 6, 2002, 3:34 p.m.]

Date of Adoption: November 1, 2002.

Purpose: Amending this rule is necessary to implement a federal regulation that exempts some able-bodied adult-without-dependents (ABAWD) clients from time-limited food assistance benefits. If there is a food assistance household member under the age of eighteen, then all adult household members are exempt from the ABAWD time limits and ABAWD requirements. Some clients are receiving incorrect food assistance benefits based on the current Washington Administrative Code.

Citation of Existing Rules Affected by this Order: Amending WAC 388-444-0035.

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.510.

Other Authority: Chapter 7 C.F.R. 273.

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 federal rule (chapter 7 C.F.R. Part 273) changed and if the Washington Administrative Code is not revised, more incorrect benefits will be

issued, and needy clients may not receive benefits that they may be eligible to receive. The department will initiate a rule-making proceeding to adopt permanent rules on this subject that conform to federal 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 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

November 1, 2002

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 00-04-006, filed 1/20/00, effective 3/1/00)

**WAC 388-444-0035 When am I (able-bodied adult with no dependents) exempt from ABAWD provisions? Some food assistance household members are exempt from ABAWD provisions.** You are exempt from the ABAWD rules provided in WAC 388-444-0030 if you are:

- (1) Under eighteen or fifty years of age or older;
- (2) Determined to be physically or mentally unable to work;
- (3) A ~~((parent or other))~~ member of a household with responsibility for a ~~((dependent child under eighteen years of age or a))~~ person determined to be incapacitated;
- (4) An adult in a household that has a member who is under the age of eighteen, even when the child is an ineligible household member;
  - (5) Pregnant;
  - ~~((5))~~ (6) Living in an area approved as exempt by U.S. Department of Agriculture;
  - ~~((6))~~ (7) Complying with the work requirements of an employment and training program under temporary assistance for needy families (TANF);
  - ~~((7))~~ (8) Applying for or receiving unemployment compensation;
  - ~~((8))~~ (9) Students enrolled at least half time as defined by the institution in:
    - (a) Any accredited school;
    - (b) Training program; or
    - (c) Institution of higher education. A student enrolled in higher education must follow the student criteria defined in chapter 388-482 WAC.
  - ~~((9))~~ (10) Participating in a chemical dependency treatment program;

~~((+0))~~ (11) Employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate multiplied by thirty hours;

~~((+1))~~ (12) Eligible for one of the annual federal-approved exemption slots under what is called the fifteen percent exemption rule.

**WSR 02-23-016  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-279—Filed November 8, 2002, 5:00 p.m., effective November 11, 2002]

Date of Adoption: November 8, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07300X; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of red and green sea urchins exist in the areas described. Prohibition of all diving within one or two days of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: November 11, 2002.

November 8, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

**WAC 220-52-07300Y Sea urchins.** Notwithstanding the provisions of WAC 220-52-073, effective November 11, 2002 until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Green sea urchins: Sea Urchin Districts 1, 2, 3, 4, 6 and 7 are open only on Mondays, Tuesdays and Fridays of each week. The minimum size for green sea urchins is 2.25 inches (size in largest test diameter exclusive of spines).

(2) Red sea urchins: Sea Urchin Districts 1 and 2 are open only on Mondays, Tuesdays and Wednesdays of each week. In Sea Urchin Districts 1 and 2 it is unlawful to harvest red sea urchins smaller than 4.0 inches or larger than 5.5 inches (size in largest test diameter exclusive of spines).

(3) It is unlawful to dive for any purpose from a commercially licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources on Thursdays, Saturdays and Sundays of each week.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 11, 2002:

WAC 220-52-07300X Sea urchins. (02-254)

**WSR 02-23-017  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-280—Filed November 8, 2002, 5:00 p.m.]

Date of Adoption: November 8, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: While all bottom trawling is currently prohibited inside the DBCA (Darkblotched Conservation Area), the council is allowing a midwater trawl fishery in the area during the months of November and December. To determine which vessels in the area are fishing legally a declaration process is necessary. 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.

EMERGENCY

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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.

November 8, 2002

J. P. Koenings

Director

### NEW SECTION

**WAC 220-44-05000Q Coastal bottomfish—Declaration process.** Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice the following rules apply:

(1) Washington trawl vessels wishing to participate in the midwater fishery for widow and yellowtail rockfish within the currently closed area between 100 and 250 fathoms must declare their intent to do so according to the following procedure:

(a) At least 48 hours prior to fishing, a vessel representative must call the Washington Department of Fish and Wildlife's trawl declaration hotline at (360) 249-4628 ext. 275 and provide the following information:

Vessel name

Anticipated fishing dates

Whether fishing will occur north or south of Destruction Island, Washington.

(2) At the conclusion of the midwater fishing trip, the vessel representative must again call the hotline at least 24 hours prior to landing and declare the port, buyer, date and time that offloading of the trip will occur. If, after a fishing trip is declared, the vessel is unable to make the trip due to adverse weather or other extenuating circumstances, the vessel representative should call the hotline and declare the trip to be canceled.

(3) Each participating vessel is limited to two fishing trips during the November-December period.

**WSR 02-23-018  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-281—Filed November 8, 2002, 5:00 p.m., effective November 13, 2002, 7:00 a.m.]

Date of Adoption: November 8, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600I; and amending WAC 220-52-046.

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: Adjustments made to boundaries of noncommercial zones to be consistent with state/tribal management plans. The closures are to maintain state commercial quota plans in those regions. The test fishery in Areas 26B and 26C is to provide information on crab abundance and distribution. 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: November 13, 2002, 7:00 a.m.

November 8, 2002

J. P. Koenings

Director

### NEW SECTION

**WAC 220-52-04600J Crab fishery—Seasons and areas.** (1) Notwithstanding the provisions of WAC 220-52-046, it is lawful to fish for Dungeness Crab for commercial purposes as provided herein:

(a) Effective immediately until further notice, commercial harvest will be allowed in those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east and north of a line that extends from Possession Point to the green number 1 buoy at Possession Point thence following the 200 foot contour northward to a point due east from the Glendale Dock, thence extending due west to the Whidbey Island shore.

(b) Effective 7:00 a.m. November 13, 2002 through 11:59 p.m. November 22, 2002, or until 10,000 lbs of Dungeness crab are caught, whichever comes first, vessels and Puget Sound Commercial Crab license holders listed below will be allowed to harvest in Marine Fish-Shellfish Management and Catch Reporting Areas 26B and 26C for the purposes of a test fishery. Participating fishers must be in compliance with the WDFW/Vessel Owner Contract for November 2002 Dungeness Crab Test Fishery in Puget Sound Crab Management Region 4. Participating fishers:

VESSEL(S) IDENTIFICATION	LICENSED COMMERCIAL CRABBER
WN6794NJ	CREWS KENNETH L
MISS CASSIE, WN8117RK	RANTZ JOHN R, FISK ANDY W
WN003BL	HANSELMAN JOHN C
HUSSAR, 226 711	MOODY DORSEY R
WN405BR	CARLSON THOMAS G
WN1011NH	COLLINS JACK A

(2) Effective immediately until further notice, commercial harvest will be closed in those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 26A West, 25B, 25D, and 23B.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 7:00 a.m. November 13, 2002:

WAC 220-52-046001 Crab fishery—Seasons and areas. (02-276)

**WSR 02-23-019  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-282—Filed November 8, 2002, 5:00 p.m.]

Date of Adoption: November 8, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100F and 220-47-41100E; and amending WAC 220-47-311 and 220-47-411.

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 all-citizen allocation of chum salmon in Areas 8A and 8D has already been attained. Hood Canal chum run has been updated to a run size of 856,000 and there is sufficient chum salmon remaining in the all-citizen allocation for additional fishing. Therefore, a one day opening for each gear type (purse seine and gill net) in Hood Canal is scheduled during each of the next two weeks. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

November 8, 2002

J. P. Koenings

Director

**NEW SECTION**

**WAC 220-47-31100G Purse seine—Open periods.** Notwithstanding the provisions of WAC 220-47-311:

(1) Effective immediately through December 6, 2002, it is unlawful to retain chinook and coho salmon taken with purse seine gear in Salmon Management and Catch Reporting Areas 7, 7A, 8A, 10, 11, 12, 12B, and 12C, and it is unlawful to retain chinook salmon taken with purse seine gear in Salmon Management and Catch Reporting Areas 8 and 8D.

(2) Effective immediately through 4:00 p.m. December 6, 2002, that portion of Area 7B east of a line from Post Point to the flashing red light at west entrance to Squalicum Harbor is open to purse seines 24 hours per day 7 days per week.

(3) Areas 8A and 8D are closed until further notice.

(4) Areas 12, 12B, and 12C are closed, except:

(a) Areas 12 and 12B are open from 7:00 a.m. until 5:00 p.m. on November 13 and November 18, 2002.

(b) Area 12C is open from 7:00 a.m. until 5:00 p.m. on November 18, 2002.

**NEW SECTION**

**WAC 220-47-41100F Gill net—Open periods.** Notwithstanding the provisions of WAC 220-47-411:

(1) Effective immediately through 4:00 p.m. December 6, 2002, that portion of Area 7B east of a line from Post Point to the flashing red light at west entrance to Squalicum Harbor is open to gill nets, using 6-1/4 inch minimum mesh, 24 hours per day 7 days per week.

(2) Areas 8A and 8D are closed until further notice.

(3) Areas 12, 12B, and 12C are closed, except:

(a) Areas 12 and 12B are open to gill nets, using 6-1/4 inch minimum mesh, from 7:00 a.m. until 7:00 p.m. on November 12 and from 7:00 a.m. until 6:00 p.m. November 19, 2002.

(b) Area 12C is open to gill nets, using 6-1/4 inch minimum mesh, from 7:00 a.m. until 6:00 p.m. on November 19, 2002.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 220-47-31100F Purse seine—Open periods. (02-277)

EMERGENCY

WAC 220-47-41100E Gill net—Open periods. (02-277)

**WSR 02-23-020**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 02-283—Filed November 8, 2002, 5:00 p.m., effective November 11, 2002, 12:01 a.m.]

Date of Adoption: November 8, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900X; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: River flows have returned to normal in the Hoh River allowing fall chinook and coho salmon to migrate upriver to most of their usual spawning grounds. Biologists remain concerned that chinook salmon have been more affected than other species by the previous low flows that delayed normal distribution to the spawning grounds. The upper river and South Fork remain closed to fishing to provide maximum protection for chinook on the spawning grounds. 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: November 11, 2002, 12:01 a.m.  
 November 8, 2002

J. P. Koenings  
 Director

**NEW SECTION**

**WAC 232-28-61900Z Exceptions to statewide rules.** Notwithstanding the provisions of WAC 232-28-619, effective

12:01 a.m. November 11, 2002, until further notice the following rules apply:

- (1) Quillayute River (Jefferson Co.) - Closed to fishing.
- (2) Hoh River (Jefferson Co.) - Closed to fishing, except those waters of the Hoh River from the mouth to DNR Oxbox Campground boat launch are open to fishing November 11 through November 30, 2002. Release chinook salmon.
- (3) Clearwater River (Jefferson Co.) - Closed to fishing.
- (4) Bogachiel River (Clallam Co.) - Closed to fishing.
- (5) Calawah River (Clallam Co.) - Closed to fishing.
- (6) Dickey River (Clallam Co.) - Closed to fishing.
- (7) Sol Duc River (Clallam Co.) - Closed to fishing.

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

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 11, 2002:

WAC 232-28-61900X Exceptions to statewide rules. (02-274)

**WSR 02-23-031**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed November 12, 2002, 3:39 p.m., effective November 15, 2002]

Date of Adoption: November 12, 2002.

Purpose: To bring the rules of the DSHS Division of Child Support (DCS) into accord with the changes to chapter 388-02 WAC effective November 15, 2002 (WSR 02-21-061), eliminating administrative review via the DSHS Board of Appeals for all DCS hearings except for those concerning disclosure of address information under WAC 388-14A-2114 through 388-14A-2140; to clarify when the Office of Administrative Hearings (OAH) issues an initial decision and when OAH issues a final decision; to establish procedures for requesting reconsideration of a decision by OAH.

Statutory Authority for Adoption: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, and 74.20A.310.

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: Changes to chapter 388-02 WAC adopted effective November 15, 2002, under WSR 02-21-061 make it necessary for DCS to adopt rules regarding this subject to preserve due process rights of those affected by DCS rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 0, Repealed 0.

Effective Date of Rule: November 15, 2002.

November 12, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

#### NEW SECTION

**WAC 388-14A-6105 What is the difference between an initial order and a final order in a hearing involving the division of child support?** (1) In an administrative hearing involving the DSHS division of child support (DCS), the administrative law judge (ALJ) enters either an initial order, which is subject to review, or a final order, which is not subject to review.

(2) The terms "initial order," "final order" and "review" are defined in WAC 388-02-0010, and those definitions are repeated here for ease of reference:

(a) "Initial order" is a hearing decision made by an ALJ that may be reviewed by a review judge pursuant to WAC 388-02-0215(4). An initial order is sometimes called an "initial decision."

(b) "Final order" means an order that is the final DSHS decision.

(c) "Review" means the act of reviewing initial orders and making the final agency decision as provided by RCW 34.05.464.

(3) WAC 388-14A-6110 and 388-14A-6115 describe how to determine what kind of order is entered. Whether the ALJ enters an initial order or a final order does not depend on the date the hearing is held or the date the order is entered.

(4) WAC 388-14A-6120 describes what you can do if you disagree with an initial order or final order.

(5) WAC 388-14A-6125 describes when DCS may take enforcement action on an initial order or final order.

#### NEW SECTION

**WAC 388-14A-6110 When must an ALJ enter an initial order in a DCS hearing proceeding?** An administrative law judge (ALJ) must enter an initial order in a division of child support (DCS) hearing proceeding if:

(1) The case involves the disclosure of a party's address under WAC 388-14A-2114 through 388-14A-2140;

(2) A custodial parent (CP) or noncustodial parent (NCP) files a hearing request before November 15, 2002;

(3) A CP or NCP files a petition for modification with DCS or the office of administrative hearings (OAH) before November 15, 2002; or

(4) DCS petitions for modification of an administrative order, and either the NCP or the CP is served with the notice of hearing before November 15, 2002.

#### NEW SECTION

**WAC 388-14A-6115 When must an ALJ enter a final order in a DCS hearing proceeding?** Except for cases regarding address disclosure under WAC 388-14A-2114 through 388-14A-2140, an administrative law judge (ALJ) must enter a final order in a DCS hearing proceeding if:

(1) A custodial parent (CP) or noncustodial parent (NCP) files a hearing request on or after November 15, 2002;

(2) An NCP or CP files a petition for modification with DCS or the office of administrative hearings (OAH) on or after November 15, 2002;

(3) DCS petitions for modification of an administrative order, and neither the NCP nor the CP is served before November 15, 2002.

#### NEW SECTION

**WAC 388-14A-6120 What can I do if I do not agree with an initial order or final order entered by an administrative law judge?** (1) Except for the DCS representative, any party to an initial order entered by an administrative law judge (ALJ) has the right to request review pursuant to chapter 388-02 WAC.

(2) No party may request administrative review of a final order entered by an ALJ.

(3) Any party to an initial order or a final order may petition to vacate an order of dismissal or default, pursuant to WAC 388-14A-3700 and 388-14A-6150.

(4) Any party to an initial order or final order may request correction of a clerical error in the order, pursuant to WAC 388-02-0540 through 388-02-0555.

(5) Any party to a final order may request reconsideration of the order, pursuant to WAC 388-02-0605 through 388-02-0635.

(6) Except for the DCS representative, any party to a final order may petition for judicial review, pursuant to RCW 34.05.510 through 34.05.598. You do not need to request reconsideration of the order before you petition for judicial review.

#### NEW SECTION

**WAC 388-14A-6125 When does an initial order or final order entered by an ALJ become enforceable?** (1) If no party requests review within twenty-one days of the date OAH mailed an initial order, the DSHS division of child support (DCS) may take enforcement action on the twenty-second day after OAH mailed the order.

(2) DCS may take enforcement action on a final order immediately upon entry of the order.

(a) Even if a party files a request for reconsideration, a request to correct a clerical error, a petition to vacate, or a petition for judicial review, DCS does not stop enforcement of the order.

(b) To stop DCS from enforcing a final order, you must obtain a court order staying (stopping) enforcement of the order.

**WSR 02-23-033**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 02-284—Filed November 12, 2002, 5:00 p.m., effective November 13, 2002, 12:01 a.m.]

Date of Adoption: November 12, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Z; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: River flows have returned to normal in the Clearwater River and Quillayute River system allowing fall chinook and coho salmon to migrate upriver to most of their usual spawning grounds. Biologists remain concerned that chinook salmon have been more affected than other species by the previous low flows that delayed normal distribution to the spawning grounds. 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: November 13, 2002, 12:01 a.m.  
November 12, 2002

J. P. Koenings  
Director

**NEW SECTION**

**WAC 232-28-61900A Exceptions to statewide rules**  
Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. November 13 through November 30, 2002, it

is unlawful to violate the following provisions in the following waters:

(1) Quillayute River (Jefferson Co.) Those waters from mouth to confluence of Sol Duc and Bogachiel Rivers, including Olympic National Park waters - Release chinook salmon

(2) Hoh River (Jefferson Co.) Those waters of the Hoh River from the mouth to DNR Oxbow Campground boat launch - Release chinook salmon.

(3) Bogachiel River (Clallam Co.) Those waters from mouth to Highway 101 Bridge - Release chinook salmon.

(4) Calawah River (Clallam Co.) Those waters from mouth to Highway 101 Bridge - Release chinook salmon.

(5) Clearwater River (Jefferson Co.) Those waters from the mouth to Snahapish River - Release chinook salmon.

(6) Dickey River (Clallam Co.) Those waters from mouth to East Fork Dickey River including Olympic National Park - Release chinook salmon.

(7) Sol Duc River (Clallam Co.) Those waters from mouth to concrete pump station at Sol Duc hatchery - Release chinook salmon.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 13, 2002:

WAC 232-28-61900Z      Exceptions to statewide  
rules. (02-283)

**WSR 02-23-035**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 02-285—Filed November 13, 2002, 3:23 p.m., effective November 18, 2002, 8:00 a.m.]

Date of Adoption: November 13, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600J; and amending WAC 220-52-040 and 220-52-046.

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: Adjustments made to boundaries of noncommercial zones to be consistent with state/tribal management plans. The closures/openers and pot limits are to maintain state commercial quota plans in those regions. The test fishery in Areas 26B and 26C is to provide information on crab abundance and distribution. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: November 18, 2002, 8:00 a.m.  
November 13, 2002

J. P. Koenings  
Director

HUSSAR, 226 711	MOODY DORSEY R
WN405BR	CARLSON THOMAS G
WN1011NH	COLLINS JACK A

(2) Effective immediately until further notice, commercial harvest will be closed in those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 20A, 20B, 21A, 21B, 22A, 22B, 26A West, 25B, and 25D except as provided herein:

(a) Effective 8:00 a.m. November 18, 2002 and thereafter daily from one-half hour before sunrise to one-half after sunset through November 24, 2002, commercial harvest will be allowed in those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 26A West, 25B, and 25D except that for the following 48 hour period, crab fishers may continue to remove their gear from the grounds. No crab may be landed from or possessed from these areas after 11:59 p.m. November 24, 2002.

**NEW SECTION**

**WAC 220-52-04000I Commercial crab fishery—Exceptions to permanent rules for pot limits.** Notwithstanding the provisions of WAC 220-52-040, effective 8:00 a.m. November 18, 2002 through 11:59 p.m. November 24, 2002, it is unlawful to fish for crabs for commercial purposes with more than 50 pots per license, per buoy tag number in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 8:00 a.m. November 18, 2002:

WAC 220-52-04600J Crab fishery—Seasons and areas. (02-281)

**NEW SECTION**

**WAC 220-52-04600K Crab fishery—Seasons and areas.** (1) Notwithstanding the provisions of WAC 220-52-046, it is lawful to fish for Dungeness Crab for commercial purposes as provided herein:

(a) Effective immediately until further notice, commercial harvest will be allowed in those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east and north of a line that extends from Possession Point to the green number 1 buoy at Possession Point thence following the 200 foot contour northward to a point due east from the Glendale Dock, thence extending due west to the Whidbey Island shore.

(b) Effective immediately through 11:59 p.m. November 22, 2002, or until 10,000 lbs of Dungeness crab are caught, whichever comes first, vessels and Puget Sound Commercial Crab license holders listed below will be allowed to harvest in Marine Fish-Shellfish Management and Catch Reporting Areas 26B and 26C for the purposes of a test fishery. Participating fishers must be in compliance with the WDFW/Vessel Owner Contract for November 2002 Dungeness Crab Test Fishery in Puget Sound Crab Management Region 4. Participating fishers:

VESSEL(S) IDENTIFICATION	LICENSED COMMERCIAL CRABBER
WN6794NJ	CREWS KENNETH L
MISS CASSIE, WN8117RK	RANTZ JOHN R, FISK ANDY W
WN003BL	HANSELMAN JOHN C

**WSR 02-23-043**

**EMERGENCY RULES**

**PERSONNEL RESOURCES BOARD**

[Filed November 14, 2002, 3:40 p.m.]

Date of Adoption: November 14, 2002.

Purpose: The purpose of this rule is to reinstate the exemption language for the State Board for Community and Technical Colleges and the board's definitions of student, part-time or temporary employees, and part-time professional consultants. This language was contained in WAC 251-04-040 that was repealed at the July board meeting. Since the language being proposed is not contained in chapter 41.06 RCW, there is a need for it to be reinstated.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: RCW 41.06.070 exempts from coverage of chapter 41.06 RCW students, part time, or temporary employees, and part-time professional consultants as defined by the Washington Personnel Resources Board. Effective September 1, 2002, the board abolished WAC 251-04-040 which has historically defined these categories of employees. Without the emergency adoption of WAC 251-04-035 which reinstates the definitions of student, part-time temporary employees and part-time professional consultants, the status of these employees may be in question.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

November 14, 2002

E. C. Matt  
Secretary

exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection (2)(a) of this section.

(e) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

**WSR 02-23-044**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 02-286—Filed November 14, 2002, 4:38 p.m., effective November 15, 2002, 12:01 a.m.]

Date of Adoption: November 14, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100G and 220-47-41100F; and amending WAC 220-47-311 and 220-47-411.

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 all-citizen allocation of chum salmon in Area 8 has already been attained. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: November 15, 2002, 12:01 a.m.

November 14, 2002

J. P. Koenings  
Director

**NEW SECTION**

**WAC 251-04-035 Exemptions.** The provisions of this chapter do not apply to positions listed in RCW 41.06.070 and to the following:

(1) The executive director, his/her confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges.

(2) The following definitions are hereby established as the criteria for identifying positions occupied by student, part-time or temporary employees, and part-time professional consultants that are exempt from the provisions of this chapter.

(a) Students employed by the institution at which they are enrolled (or related board) and who either:

(i) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not take the place of a classified employee laid off due to lack of funds or lack of work; or fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(ii) Are employed in a position directly related to their major field of study to provide a training opportunity; or

(iii) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(b) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(c) Students employed through the state or federal work/study programs.

(d) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked

**NEW SECTION**

**WAC 220-47-31100H Purse seine—Open periods.** Notwithstanding the provisions of WAC 220-47-311:

(1) Effective immediately through December 6, 2002, it is unlawful to retain chinook and coho salmon taken with purse seine gear in Salmon Management and Catch Reporting Areas 7, 7A, 8A, 10, 11, 12, 12B, and 12C, and it is unlawful to retain chinook salmon taken with purse seine gear in Salmon Management and Catch Reporting Areas 8 and 8D.

(2) Effective immediately through 4:00 p.m. December 6, 2002, that portion of Area 7B east of a line from Post Point to the flashing red light at west entrance to Squalicum Harbor is open to purse seines 24 hours per day 7 days per week.

(3) Area 8 - Effective 12:01 a.m. November 15, 2002 until further notice - Closed.

(4) Areas 8A and 8D are closed until further notice.

(5) Areas 12, 12B, and 12C are closed, except:

(a) Areas 12, 12B and 12C are open from 7:00 a.m. until 5:00 p.m. on November 18, 2002.

**NEW SECTION**

**WAC 220-47-41100G Gill net—Open periods.** Notwithstanding the provisions of WAC 220-47-411:

(1) Effective immediately through 4:00 p.m. December 6, 2002, that portion of Area 7B east of a line from Post Point to the flashing red light at west entrance to Squalicum Harbor is open to gill nets, using 6-1/4 inch minimum mesh, 24 hours per day 7 days per week.

(2) Area 8 - Effective 12:01 a.m. November 15, 2002 until further notice - Closed.

(3) Areas 8A and 8D are closed until further notice.

(4) Areas 12, 12B, and 12C are closed, except:

(a) Areas 12, 12B and 12C are open to gill nets, using 6-1/4 inch minimum mesh, from 7:00 a.m. until 6:00 p.m. November 19, 2002.

**REPEALER**

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. November 15, 2002:

WAC 220-47-31100G Purse seine—Open periods. (02-282)

WAC 220-47-41100F Gill net—Open periods. (02-282)

an initial order entered by an administrative law judge (ALJ). The amended rule provides that BOA may review an initial order by an ALJ for any DSHS case where the request for a hearing was received by the Office of Administrative Hearings (OAH) on or before November 14, 2002. This amendment assures that individuals and entities that requested a hearing by this date will have the same review options that were available before the rule was amended by WSR 02-21-061.

Citation of Existing Rules Affected by this Order: Amending WAC 388-02-0215.

Statutory Authority for Adoption: RCW 34.05.020.

Other Authority: Chapter 34.05 RCW, Parts IV and V.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Recently adopted revisions to chapter 388-02 WAC (WSR 02-21-061, effective November 15, 2002) make it necessary for the department to adopt this emergency rule to preserve the due process rights of DSHS clients, providers, licensees and applicable others who request a fair hearing or adjudicative proceeding on or before November 14, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

November 13, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-21-061, filed 10/15/02, effective 11/15/02)

**WAC 388-02-0215 What is the authority of the ALJ?**

(1) The ALJ must hear and decide the issues de novo (anew) based on what is presented during the hearing.

(2) As needed, the ALJ may:

(a) Determine the order for presenting evidence;

EMERGENCY

**WSR 02-23-048**

**EMERGENCY RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Management Services Administration)

[Filed November 15, 2002, 10:50 a.m.]

Date of Adoption: November 15, 2002.

Purpose: Amending WAC 388-02-0215 What is the authority of the ALJ? The department is amending the rule to clarify agency hearing procedures concerning the types of cases where the DSHS Board of Appeals (BOA) may review

(b) Issue subpoenas or orders directing witnesses to appear or bring documents;

(c) Rule on objections, motions, and other procedural matters;

(d) Rule on an offer of proof made to admit evidence;

(e) Admit relevant evidence;

(f) Impartially question witnesses to develop the record;

(g) Call additional witnesses and request exhibits to complete the record;

(h) Give the parties an opportunity to cross-examine witnesses or present more evidence against the witnesses or exhibits;

(i) Keep order during the hearing;

(j) Allow or require oral or written argument and set the deadlines for the parties to submit argument or evidence;

(k) Permit others to attend, photograph or electronically record hearings, but may place conditions to preserve confidentiality or prevent disruption;

(l) Allow a party to waive rights given by chapters 34.05 RCW or 388-02 WAC, unless another law prevents it;

(m) Decide whether a party has a right to a hearing;

(n) Issue protective orders;

(o) Consider granting a stay if authorized by law or DSHS rule; and

(p) Take any other action necessary and authorized under these or other rules.

(3) The ALJ administers oaths or affirmations and takes testimony.

(4) The ALJ enters an initial order in those cases where the parties may request review of an initial order by a review judge. Cases where the parties may request review of an initial order by a review judge are those relating to:

(a) Adult family home licenses under chapter 388-76 WAC;

(b) Boarding home licenses under chapter 388-78A WAC;

(c) Resident protection program findings under WAC 388-97-077;

(d) Nursing home licenses under WAC 388-97-550 through 388-97-695;

(e) Self-directed care under RCW 74.39A.050(9) and WAC 388-71-0150 and 388-71-0155;

(f) Termination of provider for placing clients in imminent jeopardy under RCW 74.39A.095(7) and WAC 388-71-0551;

(g) Termination of provider due to inadequate performance or inability to deliver quality care under RCW 74.39A.095(7) and WAC 388-71-0540 and 388-71-0551;

(h) Denial of contract to provider due to inability of provider to appropriately meet the care needs of clients under RCW 74.39A.095(8) and WAC 388-71-0546;

(i) Denial or termination of a contract to a provider due to a disqualifying crime or lack of character, competence, or suitability to maintain the health, safety, and well-being of clients under RCW 43.20A.710 and WAC 388-71-0540;

(j) Social service eligibility under WAC 388-71-0400 through 388-71-0480, 388-71-0202, and 388-71-0203;

(k) Domestic violence perpetrator treatment program certification under chapter 388-60 WAC;

(l) Licensing or certification of child foster care homes, programs, facilities, and agencies under chapter 74.15 RCW and chapters 388-148 and 388-160 WAC;

(m) Child protective services findings of abuse and neglect under RCW 26.44.125 and chapter 388-15 WAC;

(n) Adoption support under WAC 388-27-0120 through 388-27-0390, for which a hearing has been held under WAC 388-27-0365;

(o) Child day care licenses under chapter 74.15 RCW and chapters 388-150, 388-151, and 388-155 WAC;

(p) Background checks of protective payees under WAC 388-460-0025, for which a hearing has been held under WAC 388-460-0070;

(q) Background checks of child care providers and other persons under WAC 388-290-0143, for which a hearing has been held under WAC 388-290-0260 as part of the working connections child care program;

(r) Background checks of persons acting in the place of a parent under WAC 388-454-0006, for which a hearing has been held under WAC 388-472-0005 (1)(j);

(s) Claims of good cause for not cooperating with the division of child support under WAC 388-422-0020;

(t) Parent address disclosure under WAC 388-14A-2114 through 388-14A-2140;

(u) Chemical dependency treatment provider certification under chapter 388-805 WAC;

(v) Community residential services and support certification, for which a hearing has been held under WAC 388-820-920;

(w) Denial or termination of eligibility for services under WAC 388-825-100, for which a hearing has been held under WAC 388-825-120 (1)(a);

(x) Development or modification of an individual service plan under WAC 388-825-050, for which a hearing has been held under WAC 388-825-120 (1)(b);

(y) Authorization, denial, reduction, or termination of services under WAC 388-825-100, for which a hearing has been held under WAC 388-825-120 (1)(c);

(z) Licensed community facilities under RCW 74.15.210 and WAC 388-730-0090;

(aa) Community mental health and involuntary treatment program licenses under WAC 388-865-0480;

(bb) Medical, dental, or transportation services, for which a hearing has been held under WAC 388-526-2610;

(cc) Medical provider overpayments, for which a hearing has been held under WAC 388-502-0230(5) or 388-502-0240(17); or

(dd) Other cases for which a right to a hearing exists, if a request for a hearing was received by OAH or DSHS on or before November 14, 2002, and other rules do not require the ALJ to enter a final order.

(5) The ALJ makes the final decision and enters the final order in all cases except those cases set forth in subsection (4) of this section.

(6) A review judge has the same authority as an ALJ when presiding at a hearing.

**WSR 02-23-058**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 02-287—Filed November 15, 2002, 4:58 p.m., effective November 15, 2002, 7:01 p.m.]

Date of Adoption: November 15, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100H and 220-47-41100G; and amending WAC 220-47-311 and 220-47-411.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are remaining chum salmon available for harvest in Areas 10, 11, 12 and 12B. These fishing plans have been discussed and reviewed by comanagers. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: November 15, 2002, 7:01 p.m.

November 15, 2002

J. P. Koenings

Director

by Larry Peck

**NEW SECTION**

**WAC 220-47-31100I Purse seine—Open periods.** Notwithstanding the provisions of WAC 220-47-311:

(1) Effective immediately through December 6, 2002, it is unlawful to retain chinook and coho salmon taken with purse seine gear in Salmon Management and Catch Reporting Areas 7, 7A, 8A, 10, 11, 12, 12B, and 12C, and it is unlawful to retain chinook salmon taken with purse seine gear in Salmon Management and Catch Reporting Areas 8 and 8D.

(2) Effective immediately through 4:00 p.m. December 6, 2002, that portion of Area 7B east of a line from Post Point

to the flashing red light at west entrance to Squalicum Harbor is open to purse seines 24 hours per day 7 days per week.

(3) Areas 8A and 8D are closed until further notice.

(4) Areas 10 and 11 are open from 7:00 a.m. until 5:00 p.m. on November 18, 2002.

(5) Areas 12, 12B and 12C are closed, except:

(a) Areas 12 and 12B are open from 7:00 a.m. until 5:00 p.m. on November 18, 2002 and open from 7:00 a.m. until 12:00 noon on November 19, 2002.

**NEW SECTION**

**WAC 220-47-41100H Gill net—Open periods.** Notwithstanding the provisions of WAC 220-47-411:

(1) Effective immediately through 4:00 p.m. December 6, 2002, that portion of Area 7B east of a line from Post Point to the flashing red light at west entrance to Squalicum Harbor is open to gill nets, using 6-1/4 inch minimum mesh, 24 hours per day 7 days per week.

(2) Areas 8A and 8D are closed until further notice.

(3) Areas 10 and 11 are open to gill nets, using 6-1/4 inch minimum mesh, from 4:00 p.m. November 18 until 8:00 a.m. November 19, 2002.

(4) Areas 12, 12B, and 12C are closed, except:

(a) Areas 12 and 12B are open to gill nets, using 6-1/4 inch minimum mesh, from 12:01 a.m. November 18 until 12:00 noon November 19, 2002.

**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 sections of the Washington Administrative Code are repealed effective 7:01 p.m. November 15, 2002:

WAC 220-47-31100H Purse seine—Open periods. (02-286)

WAC 220-47-41100G Gill net—Open periods. (02-286)

**WSR 02-23-064**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed November 18, 2002, 4:34 p.m.]

Date of Adoption: October 30, 2002.

Purpose: To implement chapter 230, Laws of 2001. The purpose of the proposed emergency rule adoption for Emergency Respite Centers (ERC) is to establish licensing standards immediately for programs providing out-of-home placement to children at risk of child abuse/neglect. Licensing standards do not currently exist for ERC. The emergency rules would provide protection to the children placed by their parents or legal guardians with ERC. The department filed a

preproposal statement of inquiry as WSR 01-15-079. Progress has been made on the development of permanent rules and the department plans to file proposed rules for comment and a public hearing shortly.

Statutory Authority for Adoption: RCW 74.15.020 as amended by chapter 230, Laws of 2001, RCW 74.15.280.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are emergency respite centers sometimes called crisis nurseries in operation across the state. Several agencies have built new facilities that have not received certificates of compliance from the Department of Health or Office of State Fire Marshal. Children's Administration is proposing the emergency WACs to provide for the safety of any child placed in an emergency respite center while permanent rules are developed.

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 20, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

October 30, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

## EMERGENCY RESPITE CENTER—EMERGENCY WAC

### NEW SECTION

**WAC 388-148-1205 What is an emergency respite center?** An emergency respite center is a licensed facility sometimes called a crisis nursery that provides emergency and crisis care for up to seventy-two hours to children who are admitted by their parents or guardians to prevent abuse or neglect.

### NEW SECTION

**WAC 388-148-1210 What services may be provided or arranged for by the emergency respite center?** An emergency respite center must maintain current information on community services or provide referral services that are

needed by the families they serve. The services also may include:

- (1) An intake assessment and referral; and
- (2) The provision of direct child care.

### NEW SECTION

**WAC 388-148-1215 What services must emergency respite centers not provide?** An emergency respite center may not provide services that substitute for crisis residential centers, HOPE centers, or any other services required under chapter 13.32A (Family reconciliation services) or 13.34 RCW (Child welfare dependencies).

### NEW SECTION

**WAC 388-148-1220 Who may provide emergency respite services?** Emergency respite centers may provide emergency respite services to children who are admitted by their parents or legal guardians to prevent abuse or neglect.

### NEW SECTION

**WAC 388-148-1225 May a facility be licensed as an emergency respite center and a child care center?** A licensed emergency respite center may also be licensed as a child care center.

### NEW SECTION

**WAC 388-148-1230 Who may an emergency respite center serve?** (1) Emergency respite centers may provide care for children from birth through seventeen years.

(2) There is one situation when an emergency respite centers may provide care for a person eighteen through twenty years of age. That situation is when an eighteen through twenty-year old person is developmentally disabled and admitted by their parent or legal guardian with a sibling who is under eighteen.

### NEW SECTION

**WAC 388-148-1235 What hours are emergency respite centers open?** An emergency respite center may be open twenty-four hours a day, seven days a week.

### NEW SECTION

**WAC 388-148-1240 Who may place children in an emergency respite center?** A parent or legal guardian of a child may place a child in an emergency respite center.

### NEW SECTION

**WAC 388-148-1245 How long may a child stay in an emergency respite center?** A child may be placed in an emergency respite center for up to seventy-two hours.

NEW SECTION

**WAC 388-148-1250 What written information is needed before a child is admitted to an emergency respite center?** An emergency respite center must obtain the following written consent and information from the parent or guardian before a child may be accepted for emergency respite care:

- (1) Permission from the child's parent or guardian authorizing the placement of their child in an emergency respite center;
- (2) Permission to seek emergency medical care on behalf of their child;
- (3) Basic family information, including address, telephone numbers, and emergency contact; and
- (4) Basic medical information, including current medication, known allergies, and at-risk behaviors of the child.

NEW SECTION

**WAC 388-148-1255 Is a health history required upon admission to an emergency respite center?** Emergency respite centers are not required, but may obtain a health history upon admission from the parent, legal guardian, or child-placing agency placing a child for emergency respite services.

NEW SECTION

**WAC 388-148-1260 Must all children accepted for care in an emergency respite center have current immunizations?** Emergency respite centers may accept a child who is not current with immunizations for care in an emergency respite center.

NEW SECTION

**WAC 388-148-1265 What are the qualifications for an executive director or an emergency respite center?** The executive director of an emergency respite center must meet the qualifications for a group care executive director (WAC 388-148-0700), except that a degree in early childhood education may substitute for a degree in social science.

NEW SECTION

**WAC 388-148-1270 What are the qualifications for the on-site program manager for an emergency respite center?** The on-site program manager for an emergency respite center must meet the qualifications for the group care on-site program manager (WAC 388-148-0720), except that a degree in early childhood education may be substituted for a degree in social science.

NEW SECTION

**WAC 388-148-1275 Are professional consultants needed for an emergency respite center?** (1) Emergency respite centers must have consultants available, as needed to work with your staff, the children you serve, and the chil-

dren's families. The consultants must meet the full professional competency requirements in their respective fields. The consultant or consultants must have:

- (a) The training, experience, knowledge and demonstrated skills in each area that he or she will be supervising;
  - (b) The ability to ensure your staff develop their skills and understanding needed to effectively manage their cases;
  - (c) Knowledge of mandatory child abuse and neglect reporting requirements; and
  - (d) Training and experience in early childhood education.
- (2) Consultants may be hired as staff or operate under a contract with an emergency respite center.

NEW SECTION

**WAC 388-148-1280 What is the ratio of child care staff to children in an emergency respite center?** (1) At all times, emergency respite centers must have the following minimum staffing ratios:

- (a) At least two staff on duty when children are present;
  - (b) One child care staff providing visual or auditory supervision;
  - (c) One staff for every two children when children are birth through two years old;
  - (d) One staff for every three children when children are three through five years old;
  - (e) One staff for every eight children when children are six through seventeen years old.
- (2) You must have relief staff so that all staff can have the equivalent of two days off a week.

NEW SECTION

**WAC 388-148-1285 What are the requirements for supervision of children placed in an emergency respite center?** (1) Emergency respite centers must provide or arrange for care and supervision that is appropriate for the child's age, developmental level, and condition.

(2) Emergency respite centers must supervise children who help with food preparation in the kitchen, based on their age and skills.

(3) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower.

(4) Staff, volunteers, and others caring for children at an emergency respite center must provide the children with appropriate adult supervision, emotional support, personal attention, and structured daily routines and living experiences.

(5) In emergency respite centers, children must be within visual or auditory range at all times.

(6) When a child exhibits behavior that poses a safety risk to other children in care, the child must not share a bedroom with other children.

NEW SECTION

**WAC 388-148-1290** What fire safety requirements must I follow to receive a license as an emergency respite center? An emergency respite center must comply with the requirements for fire and life safety of the office of the State Fire Marshal under chapter 212-12 WAC.

NEW SECTION

**WAC 388-148-1295** Does an emergency respite center need approval from the department of health? An emergency respite center must receive a certificate of compliance from the department of health before the department (DSHS) will issue an emergency respite center license.

NEW SECTION

**WAC 388-148-1300** What licensing requirements in chapter 388-148 WAC must I follow to be licensed as an emergency respite center? (1) An emergency respite center must comply with the group care licensing requirements and the following sections of chapter 388-148 WAC:

- (a) WAC 388-148-0005 through 388-148-0215;
- (b) WAC 388-148-0260 through 388-148-0330;
- (c) WAC 388-148-0345 through 388-148-0450;
- (d) WAC 388-148-0465 through 388-148-0490;
- (e) WAC 388-148-0565;
- (f) WAC 388-148-0575 through 388-148-0605;
- (g) WAC 388-148-0660 through 388-148-0690;
- (h) WAC 388-148-0700 through 388-148-0720; and
- (i) WAC 388-148-0730 through 388-148-0740.

(2) To be licensed as an emergency respite center you must comply with the specific section of chapter 388-148 WAC that applies to emergency respite centers WAC 388-148-1205 through 388-148-1300, in addition of the subsection (1) above.



**WSR 02-23-005**  
**POLICY STATEMENT**  
**UNIVERSITY OF WASHINGTON**  
 [Filed November 7, 2002, 11:02 a.m.]

The University of Washington has recently adopted or revised the following policy statements:

Administrative Policy Statement 1.1, "University Organization Chart," November 4, 2002.

Administrative Policy Statement 42.1, "Professional Staff Program," October 21, 2002.

Administrative Policy Statement 45.3, "Holiday Policy for WPRB-Classified, Contract-Classified, and Professional Staff," October 21, 2002.

Administrative Policy Statement 73.2, "Travel Expenses for Prospective Employees," October 14, 2002.

To view any policy statement, go to the UW *Administrative Policy Statement* website: <http://www.washington.edu/admin/adminpro/APS/APSIndex.html> or contact Rebecca Goodwin Deardorff, Director, Administrative Procedures Office, University of Washington at 4014 University Way N.E., Seattle, WA 98105-6203, or by e-mail at [adminpro@u.washington.edu](mailto:adminpro@u.washington.edu), or by fax at (206) 616-6294.

**WSR 02-23-010**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
 [Memorandum—November 8, 2002]

**BOARD OF TRUSTEES**  
**OPEN COMMITTEE MEETINGS NOTICE**

**Eastern Washington University**  
**526 5th Street**  
**Cheney, WA 99004**

In November, four committees of the board of trustees of Eastern Washington University will hold meetings at which we anticipate the attendance of a quorum of the board. The purpose of these meetings is to discuss university business in preparation for the board of trustees meeting scheduled on December 6, 2002.

**November 5, 2002**

Academic Affairs Committee  
 PUB 323

12:30 a.m. - 1:30 p.m.

Joint Academic Affairs and  
 Student Affairs Committees  
 PUB 323

1:30 - 3:00 p.m.

Student Affairs Committee  
 PUB 323

3:00 - 4:30 p.m.

Business and Finance Committee  
 PUB 261

4:30 - 7:30 p.m.

**November 12, 2002**  
 Coordinating Committee Meeting  
 PUB 261  
 2:00 - 4:00 p.m.

**WSR 02-23-011**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**  
 [Memorandum—November 8, 2002]

**NOTICE OF SPECIAL MEETING**

**BOARD OF TRUSTEES**  
**COMMUNITY COLLEGE DISTRICT NO. 4**  
**SKAGIT VALLEY COLLEGE**

2405 East College Way  
 Mount Vernon, WA 98273  
 Wednesday, November 6, 2002  
 6:30 p.m.

Mount Vernon Campus - Cascade Room

Chairperson, Elizabeth Hancock, has called a special meeting of the board of trustees for **Wednesday, November 6, 2002, 6:30 p.m.** This is a joint meeting with the board of trustees of Bellingham Technical College, Whatcom Community College and Everett Community College.

**WSR 02-23-012**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**  
 [Memorandum—November 8, 2002]

**NOTICE OF SPECIAL MEETING**

**BOARD OF TRUSTEES**  
**COMMUNITY COLLEGE DISTRICT NO. 4**  
**SKAGIT VALLEY COLLEGE**

2405 East College Way  
 Mount Vernon, WA 98273  
 Wednesday, November 6, 2002  
 5:45 p.m.

Mount Vernon Campus - Board Room

Chairperson, Elizabeth Hancock, has called a special meeting of the board of trustees for **Wednesday, November 6, 2002, at 5:45 p.m.** This meeting is being held to discuss and set a salary range for the president's position. Action may be taken, if necessary, as a result of items discussed. Following the open portion of the meeting an executive session may be held to discuss personnel issues.

**WSR 02-23-013**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**  
[Memorandum—November 5, 2002]

The regular December 2002 meeting of the board of trustees will be changed from meeting at 5:00 p.m. on December 9, 2002, at the Mount Vernon Campus, Board Room, to meeting at 5:00 p.m. on December 9, 2002, at the Whidbey Island Campus, Hayes Hall 137.

**WSR 02-23-024**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
[Memorandum—November 8, 2002]

The following is a schedule of the regular meetings of the Public Employment Relations Commission for 2003:

- January 6
- February 11
- March 11
- April 8
- May 13
- June 10
- July 8
- August 12
- September 9
- October 14
- November 18
- December 9

All meetings begin at 10:00 a.m. Meetings are held in the Evergreen Plaza Building, 711 Capitol Way, Olympia, WA. Attendees should check at Room 603 for the specific room number.

Following due notice, some meetings may be rescheduled or relocated.

Meeting sites are barrier free to the greatest extent possible. Braille or taped agenda items for visually impaired persons, and interpreters for individuals with hearing impairment will be provided if requested with adequate notice. Such requests should be made at least ten working days in advance of the scheduled meeting date, and should be addressed to: Public Employment Relations Commission, P.O. Box 40919, Olympia, WA 98504-0919.

**WSR 02-23-025**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
[November 7, 2002]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENT TO GR 26 (b)(2) ) NO. 25700-A-754  
AND (3) )

The Board for Judicial Administration having recommended the adoption of the amendment to GR 26 (b)(2) and (3), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That the amendment will be published in the Washington Reports and become effective upon publication.

DATED at Olympia, Washington this 7th day of November 2002.

Alexander, C. J.

Madsen, J.

Ireland, J.

Johnson, J.

Bridge, J.

Smith, J.

Chambers, J.

Sanders, J.

Owens, J.

**GR 26**  
**MANDATORY CONTINUING JUDICIAL EDUCATION**

Preamble. The protection of the rights of free citizens depends upon the existence of an independent and competent judiciary. The challenge of maintaining judicial competence requires ongoing education of judges in the application of legal principles and the art of judging in order to meet the needs of a changing society. This rule establishes the minimum requirements for continuing education of judicial officers.

(a) Minimum Requirement. Each judicial officer shall complete a minimum of 45 credit hours of judicial education approved by the Board for Court Education (BCE) every three years, commencing January 1 of the calendar year following the adoption of this rule. If a judicial officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of the excess credit may be carried forward and applied to the judicial officer's education requirement for the following three-year reporting period. At least six credit hours for each three-year reporting period shall be earned by completing programs in judicial ethics approved by the BCE. The fifteen credit hours that may be carried forward may include two credit hours toward the judicial ethics requirement.

(b) Judicial College Attendance.

MISC.

1) A judicial officer shall attend and complete the Washington Judicial College program within twelve months of the initial appointment or election to the judicial office.

2) A judicial officer who attended the Washington Judicial College during his or her term of office in a court of limited jurisdiction shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election to the Superior Court. A judicial officer who attended the Washington Judicial College during his or her term of office in the Superior Court shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election as a judicial officer in a court of limited jurisdiction. A judicial officer who attended the Washington Judicial College during his or her term of office in a superior court or court of limited jurisdiction and is subsequently appointed or elected to an appellate court position is not required to attend the Washington Judicial College.

3) A judicial officer of a District Court, Municipal Court, or Superior Court, or an appellate court, who has been a judicial officer at the time of the adoption of this rule for less than four years but has not attended the Washington Judicial College, shall attend and complete the Washington Judicial College program within twelve months of the adoption of this rule.

(c) Accreditation. BCE shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of continuing judicial education programs and may choose to award continuing judicial education credits for self-study or teaching. Judicial education credit shall be given for programs BCE determines enhance the knowledge and skills that are relevant to the judicial office.

(d) Compliance Report. Each judicial officer shall file a report with the Administrative Office of the Courts (AOC) on or before January 31 each year in such form as the Administrative Office of the Courts shall prescribe concerning the judicial officer's progress toward the judicial education requirements of sections (a) and (b) of this rule during the previous calendar year. By April 15, BCE shall send a reminder of the requirements of this rule to any judicial officer who has not filed the annual progress report. AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of this rule. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet web site, publishing the information as part of any voter's guide produced by or under the direction of the Administrative Office of the Courts, and releasing the information in electronic or printed form to media organizations throughout the State.

(e) Delinquency. Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

(f) Definition. The term "judicial officer" as used in this rule shall not include judges pro tempore but shall otherwise include all full or part time appointed or elected justices, judges, court commissioners and magistrates.

[Adopted effective July 1, 2002.]

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

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

### WSR 02-23-038

#### NOTICE OF PUBLIC MEETINGS PUBLIC WORKS BOARD

[Memorandum—November 14, 2002]

#### Public Works Board Meeting Dates for 2003

Date	Time	Event	Location
January 7, 2003	8:30 a.m.	Regular Meeting	SeaTac, Washington
March 4, 2003	8:30 a.m.	Regular Meeting	SeaTac, Washington
May 6, 2003	8:30 a.m.	Regular Meeting	SeaTac, Washington
June 3, 2003	8:30 a.m.	Regular Meeting	SeaTac, Washington
August 5, 2003	8:30 a.m.	Regular Meeting	SeaTac, Washington
August 19, 2003	8:30 a.m.	Regular Meeting	SeaTac, Washington
October 7, 2003	8:30 a.m.	Regular Meeting and Biennial Project Tour	Tacoma, Washington
November 4, 2002 [2003]	8:30 a.m.	Regular Meeting	SeaTac, Washington

The Public Works Board adopted the 2003 meeting schedule at the November 5, 2002, regular meeting.

Changes to the schedule, if any, will be published by the Washington State Code Reviser's Office.

Changes to the schedule, if any, will also be posted one week prior to board meetings at the board website [www.pwb.wa.gov](http://www.pwb.wa.gov).

### WSR 02-23-049

#### ATTORNEY GENERAL'S OFFICE

[Filed November 15, 2002, 11:10 a.m.]

#### NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by December 11, 2002. This is not the

due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested, information about the Attorney General's Opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s):

**02-11-03 Request by Sue Byington, Chair  
Citizens' Commission on Salaries for  
Elected Officials**

**In developing a salary schedule pursuant to Washington Constitution, article 28, and RCW 43.03.300 through 43.03.310, may the Commission consider economic and budget issues?**

**WSR 02-23-050  
NOTICE OF PUBLIC MEETINGS  
WASHINGTON STATE LOTTERY  
(Lottery Commission)  
[Memorandum—November 15, 2002]**

Following is the meeting schedule for the regular meetings of the Washington Lottery Commission for 2003:

Thursday, January 16, 2003	Seattle
Thursday, March 20, 2003	Olympia
Thursday, May 15, 2003	Yakima
Thursday, July 17, 2003	Yakima
Thursday, September 18, 2003	Spokane
Thursday, November 13, 2003	Vancouver

**WSR 02-23-051  
NOTICE OF PUBLIC MEETINGS  
CONVENTION AND TRADE  
CENTER  
[Memorandum—November 13, 2002]**

A meeting of the Washington State Convention and Trade Center board of directors Design and Construction Committee will be held on **Tuesday, November 19, 2002, at 12:30 p.m.** in the Administrative Boardroom, 5th Floor of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

**WSR 02-23-052  
NOTICE OF PUBLIC MEETINGS  
CONVENTION AND TRADE  
CENTER  
[Memorandum—November 13, 2002]**

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on **Tuesday, November 19, 2002, at 2:00 p.m.** in Room 211, of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

**WSR 02-23-053  
INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
[Filed November 15, 2002, 4:32 p.m.]**

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instruction.  
Subject: Access to baby and child dentistry (ABCD).  
Effective Date: November 1, 2002.

Document Description: These are billing instructions for ABCD dental providers to use when billing for services rendered to Medical Assistance clients. Included in this document are definitions, client eligibility, coverage information, claim form instructions and samples, and fee schedules.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

November 7, 2002

E. A. Myers, Manager  
Rules and Publications Section

**WSR 02-23-054  
INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
[Filed November 15, 2002, 4:32 p.m.]**

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 228.  
Subject: Elimination of BOA review of administrative orders.

Effective Date: November 13, 2002.

Document Description: This notice explains to DCS staff how the hearings process changes because of the elimination of the Board of Appeals review of DCS administrative orders.

MISC.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sschille@dshs.wa.gov.

November 13, 2002  
Stephanie E. Schiller

**WSR 02-23-055**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed November 15, 2002, 4:33 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 02-84 MAA.  
Subject: Acceptable identifiers for prescriber ID field.  
Effective Date: January 1, 2003.

Document Description: Effective January 1, 2003, the Medical Assistance Administration (MAA) will deny claims for the prescription drug program if the prescriber's name is entered in the prescriber ID field. MAA will only authorize payment for claims that meet the criteria in this memorandum.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

November 12, 2002  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 02-23-056**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed November 15, 2002, 4:34 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 02-86 MAA.  
Subject: New contracts awarded for spoken language interpreters.

Effective Date: January 1, 2003.

Document Description: Effective for dates of service on and after January 1, 2003, the Department of Social and Health Services (DSHS) will cover spoken language interpreter services for DSHS clients through new contracts awarded to interpreter services brokers. This memorandum explains the new process for requesting spoken language interpreter services and provides a list of brokers to contact.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

November 14, 2002

E. A. Myers, Manager  
Rules and Publications Section

**WSR 02-23-061**

**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**

(Wheat Commission)

[Memorandum—November 15, 2002]

The Washington Wheat Commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting information of the board of directors for publication in the state register for the period January through December 2003. The meetings will take place in the commission conference room located at 907 West Riverside Avenue, Spokane, WA. The meetings will begin at 10:00 a.m. on the first day and will reconvene at 8:30 a.m. on the second day. (Except for January 8, 2003, meeting which will begin at 8:00 a.m. for one day.)

Regular	January 8
Regular	March 12 and 13
Annual	May 21 and 22
Regular	September 17 and 18
Regular	November 19 and 20

We understand that should any changes to this meeting schedule become necessary, we will provide the information at least twenty days prior to the rescheduled meeting date for publication in the state register. If further details are required, please do not hesitate to contact our office.

**WSR 02-23-067**

**NOTICE OF PUBLIC MEETINGS**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**

[Memorandum—November 14, 2002]

The following schedule of regular meetings of the board of trustees of Walla Walla Community College for 2003 was adopted at their meeting on November 13, 2002. Time of the meetings will be 9:30 a.m. unless otherwise advised.

MISC.

2003 MEETING SCHEDULE  
FOR  
WALLA WALLA COMMUNITY COLLEGE  
BOARD OF TRUSTEES

WWCC Board Room

(Meeting times are at 9:30 a.m. unless otherwise advised)

- Wednesday, January 15, 2003
- Wednesday, February 19, 2003
- Wednesday, March 19, 2003
- Wednesday, April 23, 2003; 10 a.m. Clarkston
- Wednesday, May 21, 2003
- Wednesday, June 25, 2003
- Wednesday, July 16, 2003 (optional)
- Wednesday, August 20, 2003 (optional)
- Wednesday, September 24, 2003
- Wednesday, October 15, 2003
- Wednesday, November 19, 2003
- Wednesday, December 10, 2003

**WSR 02-23-077**  
**INTERPRETIVE AND POLICY STATEMENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed November 19, 2002, 10:10 a.m.]

In accordance with RCW 34.05.230(12), the following is a list of Policy and Interpretive Statements issued by the department for September and October 2002.

If you have any questions or need additional information, please call Carmen Moore at (360) 902-4206.

**POLICY AND INTERPRETIVE STATEMENTS**  
**for September 2002**

**WISHA Services Division**

**WISHA Regional Directive (WRD) 1.65 "Expert Testimony by WISHA Staff."**

This policy provides guidance to WISHA staff regarding expert testimony arising out of their job duties. It replaces WISHA interim interpretative memorandum (WIIM) #96-2-E, issued February 12, 1996, and will remain in effect indefinitely. This policy was issued September 2, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

**WISHA Regional Directive (WRD) 2.40 "Hazards Found during Supervisory Spot Checks or Training Activities."**

This policy provides guidance to WISHA staff regarding the identification and correction of serious violations encountered outside normal enforcement and consultation activities. It replaces WISHA interim interpretative memorandum (WIIM) #96-2-L, issued February 26, 1996, and will remain in effect indefinitely. This policy was issued September 2, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

**WISHA Regional Directive (WRD) 11.35 "Tuberculosis."**

This policy provides guidance to WISHA staff regarding application of Center for Disease Control (CDC) guidelines in cases involving potential TB exposure. It replaces WISHA interim interpretative memorandum (WIIM) #96-2-J, issued February 26, 1996, and will remain in effect indefinitely. This policy was issued September 2, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

**WISHA Regional Directive (WRD) 18.45, "High Voltage Night Patrol Requirements."**

This policy provides guidance to WISHA staff regarding the application of WAC 296-385 [296-45-385](15), high voltage night patrols while operating a vehicle on public highways require two employees, one of whom must be journey level line worker or otherwise competent or qualified employee. It replaces WISHA interim interpretative memorandum (WIIM) 96-4-B, issued April 30, 1996, and will remain in effect indefinitely. This policy was issued September 2, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

**WISHA Regional Directive (WRD) 24.10, "Process Safety Management Inspections."**

This policy provides guidance to WISHA staff conducting process safety management inspections. It replaces WISHA interim interpretative memorandum (WIIM) 96-4-F, issued April 30, 1996, and will remain in effect indefinitely. This policy was issued September 2, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

**WISHA Interim Interpretative Memorandum (WIIM) #96-2-B "Definition of Livestock & Livestock Operations."**

This interim interpretative memorandum provided guidance to WISHA staff regarding the definition of "livestock" and "livestock operation" in relation to WAC 296-24-12501(2) (temporary labor camps), has been rescinded. With the updated "Temporary Worker Housing Standards," the policy is no longer needed. Repealed September 2, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

**WISHA Interim Interpretative Memorandum (WIIM) #96-3-E, "Hazardous Material Inspections Policy."**

This interim interpretative memorandum provided guidance to WISHA staff regarding adopting the federal standard for hazardous waste operations and emergency response, has been rescinded. The policy is no longer fully applicable because our standards on these subjects have been rewritten to separate the two issues. In addition, they are currently being rewritten as part of the clear rule-writing project. Repealed September 2, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

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**WISHA Interim Interpretative Memorandum (WIIM) #96-6-D, "Permit-Required Confined Spaces."**

This interim interpretative memorandum provided guidance to WISHA staff regarding adopting the federal standard on permit-required confined spaces, has been rescinded. This policy is no longer necessary since the last standard addressed some of the issues in the federal standard and the rule is currently being reworked as part of the clear rule writing. Repealed September 2, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

**WISHA Interim Interpretative Memorandum (WIIM) #96-6-E, "Hearing Loss Recordkeeping."**

This interim interpretative memorandum supplemented WISHA Regional Directive (WRD) 94-1B (compliance policy for OSHA 200 log recording of confirmed standard threshold shifts for hearing loss) providing guidance to WISHA staff, has been rescinded. Since L&I follows OSHA's approach (with the most recent federal changes released July 2002), the policy is no longer necessary. Repealed September 2, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

**WISHA Interim Interpretative Memorandum (WIIM) #96-9-A, "WISHA Hazard Alert Approval Process."**

This interim interpretative memorandum implemented the process coordinating the selection, development, and distribution of hazard alerts, is rescinded. The policy is no longer needed. Repealed September 2, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

**POLICY AND INTERPRETIVE STATEMENTS  
for October**

**Insurance Services Division****POLICY 61.02 Determining Coverage for Law Enforcement Officers and Firefighters (LEOFF).**

This policy applies when determining industrial insurance coverage (state fund or self insurance) for municipal law enforcement officers and firefighters as determined by their retirement system act, or volunteer firefighters relief and pension. The policy was updated to remove reference to a specific telephone number for Washington State Retirement System. Amended October 1, 2002.

Contact Linda Norris, Mailstop 4310, phone (360) 902-4999.

**POLICY 64.60 Minimum in Tolerance Amount**

This policy was updated to provide additional guidelines for policy managers, revenue officers or field audit staff when there is a premium balance of \$9.99 or less, either credit or debit, remaining on an employer's industrial insurance account. Amended October 1, 2002.

Contact Linda Norris, Mailstop 4310, phone (360) 902-4999.

**POLICY 64.61 Creating a Refund**

This policy was updated to provide additional guidelines for policy managers to use when they receive a request from a business for a refund of their industrial insurance premium. Amended October 1, 2002.

Contact Linda Norris, Mailstop 4310, phone (360) 902-4999.

**POLICY 91.28 Conducting the Post Audit Review via e-mail or by FAX**

This policy provides guidelines for field auditors conducting the post audit review via e-mail or by FAX. New policy effective October 1, 2002.

Contact Linda Norris, Mailstop 4310, phone (360) 902-4999.

**POLICY 30.11 Nonagency Spouse Attendant Services**

This policy provides guidelines to adjudicators regarding nonagency spouse attendant service providers approved by the insurer prior to October 1, 2001, and primarily supplements WAC 296-20-303. This policy applies to state fund and self-insured worker's compensation claims. Amended October 25, 2002.

Contact Linda Norris, Mailstop 4310, phone (360) 902-4999.

**POLICY 30.12 Agency Attendant Services**

This policy was developed to provide guidelines for adjudicators regarding all agency attendant services provided after May 31, 2002, and primarily supplements WAC 296-20-303. This policy applies to state fund and self-insured worker's compensation claims. New policy effective October 25, 2002.

Contact Linda Norris, Mailstop 4310, phone (360) 902-4999.

Carmen Moore  
Legislative and Governmental  
Affairs Office

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**WSR 02-23-078****NOTICE OF PUBLIC MEETINGS  
SKAGIT VALLEY COLLEGE**

[Memorandum—November 18, 2002]

At the November 12, 2002, board of trustees meeting, the following schedule was approved by the trustees for the January-June 2003 meeting dates. All meetings will be held on the Mount Vernon campus and will begin at 5:00 p.m., unless otherwise noted.

**January-June****Board Meeting Dates**

Monday, January 13, 2003

**Location**

Mount Vernon Campus  
Board Room  
2405 East College Way  
Mount Vernon

**January-June**

**Board Meeting Dates**

	<b>Location</b>
Monday, February 10, 2003	Whidbey Island Campus Hayes Hall 137 1900 S.E. Pioneer Way Oak Harbor
Monday, March 10, 2003	Mount Vernon Campus Board Room 2405 East College Way Mount Vernon
Monday, April 14, 2003	Whidbey Island Campus Hayes Hall 137 1900 S.E. Pioneer Way Oak Harbor
Monday, May 12, 2003	South Whidbey Center 11042 SR 525, #138 Clinton
Thursday, June 12, 2003 - 1:00 p.m.	San Juan Center 221 Weber Way Friday Harbor

**WSR 02-23-079**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE AUTHORITY**  
 (Public Employees Benefits Board)  
 [Memorandum—November 18, 2002]

Following is a revised 2002 Public Employees Benefits Board (PEBB) meeting schedule for publication in the Washington State Register. The meeting scheduled for November 26, 2002, has been cancelled.

Please contact Cyndi Presnell at 923-2802, if you have any questions or need further information.

**PUBLIC EMPLOYEES BENEFITS BOARD**

**2002 Revised Meeting Schedule**

1.	<b>January 29, 2002 - CANCELLED</b> Location: Health Care Authority 676 Woodland Square Loop S.E. Room E402 Lacey, WA Time: 1:00-3:30 p.m.
2.	<b>February 21, 2002</b> Location: Health Care Authority 676 Woodland Square Loop S.E. Room E402 Lacey, WA Time: 9:00 a.m. to 11:30 a.m.

3.	<b>March 19, 2002</b> Location: Health Care Authority 676 Woodland Square Loop S.E. Lacey, WA <b>CANCELLED</b>
4.	<b>April 23, 2002</b> Academy Classroom Forum Building 605 East 11th Olympia, WA Time: 1:00-3:30 p.m.
5.	<b>May 21, 2002</b> Location: Health Care Authority 676 Woodland Square Loop S.E. Lacey, WA <b>CANCELLED</b>
6.	<b>July 30, 2002 - CANCELLED</b> Location: 710 Sleater Kinney Road S.E. Suite Q Lacey, WA Time: 1:00-3:30 p.m.
7.	<b>August 6, 2002</b> Location: Academy Classroom Forum Building 605 East 11th Olympia, WA Time: 1:00-3:30 p.m.
8.	<b>October 22, 2002 (Planning Session Retreat)</b> Location: TBA Time: 1:00-3:30 p.m.
9.	<b>November 26, 2002 - CANCELLED</b> Teleconference Time: 1:00-3:30 p.m.

If you are a person with a disability and need a special accommodation, please contact Shelley Westall at (360) 923-2829.

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**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

**Suffixes:**

- C = Continuance of previous proposal
  - E = Emergency action
  - P = Proposed action
  - S = Supplemental notice
  - W = Withdrawal of proposed action
  - X = Expedited rule making
  - XA = Expedited adoption
  - XR = Expedited repeal
  - No suffix means permanent action
- WAC #** Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.
- WSR #** Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4-25-410	AMD	02-04-064	16-89-010	AMD-P	02-20-100	16-157-020	AMD-P	02-22-088
4-25-520	AMD	02-04-064	16-89-015	AMD-P	02-20-100	16-157-030	NEW-P	02-04-109
4-25-530	AMD-P	02-13-022	16-89-020	REP-P	02-20-100	16-157-030	NEW	02-10-090
4-25-530	AMD-S	02-17-050	16-89-022	NEW-P	02-20-100	16-157-030	AMD-P	02-22-088
4-25-530	AMD	02-22-083	16-89-025	NEW-P	02-20-100	16-157-100	NEW-P	02-04-109
4-25-540	AMD	02-04-064	16-89-030	AMD-P	02-20-100	16-157-100	NEW	02-10-090
4-25-610	AMD	02-04-064	16-89-050	AMD-P	02-20-100	16-157-100	REP-P	02-22-088
4-25-610	PREP	02-11-007	16-89-100	AMD-P	02-20-100	16-157-110	NEW-P	02-04-109
4-25-620	AMD	02-04-064	16-104	PREP	02-06-050	16-157-110	NEW	02-10-090
4-25-626	AMD	02-04-064	16-108	PREP	02-18-015	16-157-110	REP-P	02-22-088
4-25-630	AMD	02-04-064	16-154-010	REP-P	02-04-109	16-157-120	NEW-P	02-04-109
4-25-631	AMD	02-04-064	16-154-030	REP-P	02-04-109	16-157-120	NEW	02-10-090
4-25-640	AMD-W	02-04-062	16-154-040	REP-P	02-04-109	16-157-200	NEW-P	02-04-109
4-25-640	PREP	02-04-063	16-154-050	REP-P	02-04-109	16-157-200	NEW	02-10-090
4-25-640	AMD-P	02-17-049	16-154-053	REP-P	02-04-109	16-157-200	REP-P	02-22-088
4-25-640	AMD	02-22-082	16-154-060	REP-P	02-04-109	16-157-210	NEW-P	02-04-109
4-25-660	AMD	02-04-064	16-154-070	REP-P	02-04-109	16-157-210	NEW	02-10-090
4-25-710	PREP	02-04-063	16-154-080	REP-P	02-04-109	16-157-220	NEW-P	02-04-109
4-25-710	AMD	02-04-064	16-154-090	REP-P	02-04-109	16-157-220	NEW	02-10-090
4-25-720	AMD	02-04-064	16-154-100	REP-P	02-04-109	16-157-220	AMD-P	02-22-088
4-25-721	AMD	02-04-064	16-154-110	REP-P	02-04-109	16-157-230	NEW-P	02-04-109
4-25-730	AMD	02-04-064	16-154-120	REP-P	02-04-109	16-157-230	NEW	02-10-090
4-25-735	NEW	02-04-064	16-154-180	REP-P	02-04-109	16-157-230	AMD-P	02-22-088
4-25-745	AMD	02-04-064	16-156-003	REP-P	02-04-109	16-157-240	NEW-P	02-04-109
4-25-746	AMD	02-04-064	16-156-004	REP-P	02-04-109	16-157-240	NEW	02-10-090
4-25-750	AMD	02-04-064	16-156-005	REP-P	02-04-109	16-157-240	AMD-P	02-22-088
4-25-752	NEW	02-04-064	16-156-010	REP-P	02-04-109	16-157-245	NEW-P	02-22-088
4-25-756	NEW	02-04-064	16-156-020	REP-P	02-04-109	16-157-250	NEW-P	02-04-109
4-25-783	AMD	02-04-064	16-156-030	REP-P	02-04-109	16-157-250	NEW	02-10-090
4-25-790	AMD	02-04-064	16-156-035	REP-P	02-04-109	16-157-250	AMD-P	02-22-088
4-25-791	AMD	02-04-064	16-156-040	REP-P	02-04-109	16-157-255	NEW-P	02-04-109
4-25-792	AMD	02-04-064	16-156-050	REP-P	02-04-109	16-157-255	NEW	02-10-090
4-25-793	NEW	02-04-064	16-156-060	REP-P	02-04-109	16-157-255	AMD-P	02-22-088
4-25-795	AMD	02-04-064	16-156-070	REP-P	02-04-109	16-157-260	NEW-P	02-04-109
4-25-820	AMD	02-04-064	16-157	AMD-C	02-07-117	16-157-260	NEW	02-10-090
4-25-830	AMD	02-04-064	16-157	PREP	02-16-098	16-157-260	AMD-P	02-22-088
4-25-910	AMD	02-04-064	16-157-010	NEW-P	02-04-109	16-157-270	NEW-P	02-04-109
4-25-930	NEW-P	02-13-021	16-157-010	NEW	02-10-090	16-157-270	NEW	02-10-090
4-25-930	NEW	02-17-051	16-157-020	NEW-P	02-04-109	16-157-270	AMD-P	02-22-088
16-89-005	AMD-P	02-20-100	16-157-020	NEW	02-10-090	16-157-275	NEW-P	02-04-109

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-157-275	NEW	02-10-090	16-200-750	PREP	02-22-094	16-228-2020	REP-C	02-18-023
16-157-280	NEW-P	02-04-109	16-200-755	PREP	02-22-094	16-228-2020	REP-C	02-23-096
16-157-280	NEW	02-10-090	16-200-760	PREP	02-22-094	16-228-2025	NEW-P	02-14-092
16-157-280	REP-P	02-22-088	16-200-770	PREP	02-22-094	16-228-2025	NEW-C	02-18-023
16-157-290	NEW-P	02-04-109	16-200-790	PREP	02-22-094	16-228-2025	NEW-C	02-23-096
16-157-290	NEW	02-10-090	16-200-795	PREP	02-22-094	16-228-2030	REP-P	02-14-092
16-157-290	AMD-P	02-22-088	16-200-805	PREP	02-22-094	16-228-2030	REP-C	02-18-023
16-158-010	REP-P	02-04-109	16-200-815	PREP	02-22-094	16-228-2030	REP-C	02-23-096
16-158-020	REP-P	02-04-109	16-200-820	PREP	02-22-094	16-228-2035	NEW-P	02-14-092
16-158-027	REP-P	02-04-109	16-200-830	PREP	02-22-094	16-228-2035	NEW-C	02-18-023
16-158-028	REP-P	02-04-109	16-200-840	PREP	02-22-094	16-228-2035	NEW-S	02-19-107
16-158-030	REP-P	02-04-109	16-200-860	PREP	02-22-094	16-228-2035	NEW-C	02-23-096
16-158-040	REP-P	02-04-109	16-200-865	PREP	02-22-094	16-228-2040	REP-P	02-14-092
16-158-050	REP-P	02-04-109	16-200-885	PREP	02-22-094	16-228-2040	REP-C	02-18-023
16-158-060	REP-P	02-04-109	16-200-887	PREP	02-22-094	16-228-2040	REP-C	02-23-096
16-158-080	REP-P	02-04-109	16-200-890	PREP	02-22-094	16-228-2045	NEW-P	02-14-092
16-158-090	REP-P	02-04-109	16-200-900	PREP	02-22-094	16-228-2045	NEW-S	02-19-107
16-158-100	REP-P	02-04-109	16-200-910	PREP	02-22-094	16-228-2045	NEW-C	02-23-096
16-158-110	REP-P	02-04-109	16-200-920	PREP	02-22-094	16-228-2050	NEW-P	02-14-092
16-158-120	REP-P	02-04-109	16-200-930	PREP	02-22-094	16-228-2050	NEW-C	02-18-023
16-158-130	REP-P	02-04-109	16-200-940	PREP	02-22-094	16-228-2050	NEW-C	02-23-096
16-158-135	REP-P	02-04-109	16-200-950	PREP	02-22-094	16-228-2060	NEW-P	02-14-092
16-158-150	REP-P	02-04-109	16-219-010	PREP	02-22-093	16-228-2060	NEW-C	02-18-023
16-160	PREP	02-16-097	16-219-016	PREP	02-22-093	16-228-2060	NEW-C	02-23-096
16-160-010	AMD-P	02-22-087	16-228	PREP	02-22-093	16-230-250	PREP	02-22-093
16-160-020	AMD-P	02-22-087	16-228-1231	AMD	02-04-041	16-230-260	PREP	02-22-093
16-160-025	REP-P	02-22-087	16-228-1231	PREP	02-22-091	16-230-270	PREP	02-22-093
16-160-035	AMD-P	02-22-087	16-228-1235	NEW-E	02-06-048	16-230-281	PREP	02-22-093
16-160-060	AMD-P	02-22-087	16-228-1235	NEW-P	02-07-080	16-230-290	PREP	02-22-093
16-160-070	AMD-P	02-22-087	16-228-1235	NEW-C	02-11-070	16-231-107	PREP	02-22-092
16-162-010	REP-P	02-04-109	16-228-1235	NEW	02-12-017	16-231-149	PREP	02-22-092
16-162-025	REP-P	02-04-109	16-228-12351	NEW-E	02-06-048	16-301-025	PREP	02-05-083
16-162-030	REP-P	02-04-109	16-228-12351	NEW-P	02-07-080	16-301-025	AMD-P	02-09-059
16-162-034	REP-P	02-04-109	16-228-12351	NEW-C	02-11-070	16-301-025	AMD	02-12-060
16-162-036	REP-P	02-04-109	16-228-12351	NEW	02-12-017	16-301-045	PREP	02-05-083
16-162-037	REP-P	02-04-109	16-228-12352	NEW-E	02-06-048	16-301-045	AMD-P	02-09-059
16-162-040	REP-P	02-04-109	16-228-12352	NEW-P	02-07-080	16-301-045	AMD	02-12-060
16-162-045	REP-P	02-04-109	16-228-12352	NEW-C	02-11-070	16-301-050	PREP	02-05-083
16-162-050	REP-P	02-04-109	16-228-12352	NEW	02-12-017	16-301-050	AMD-P	02-09-059
16-162-070	REP-P	02-04-109	16-228-1237	NEW-E	02-06-048	16-301-050	AMD	02-12-060
16-162-100	REP-P	02-04-109	16-228-1237	NEW-P	02-07-080	16-302-091	PREP	02-05-083
16-164-010	REP-P	02-04-109	16-228-1237	NEW-C	02-11-070	16-302-091	AMD-P	02-09-059
16-164-020	REP-P	02-04-109	16-228-1237	NEW	02-12-017	16-302-091	AMD	02-12-060
16-164-035	REP-P	02-04-109	16-228-12371	NEW-E	02-06-048	16-302-125	PREP	02-05-083
16-164-037	REP-P	02-04-109	16-228-12371	NEW-P	02-07-080	16-302-125	AMD-P	02-09-059
16-164-040	REP-P	02-04-109	16-228-12371	NEW-C	02-11-070	16-302-125	AMD	02-12-060
16-164-050	REP-P	02-04-109	16-228-12371	NEW	02-12-017	16-302-142	NEW-P	02-09-059
16-164-055	REP-P	02-04-109	16-228-1238	NEW-P	02-07-080	16-302-142	NEW	02-12-060
16-164-060	REP-P	02-04-109	16-228-1238	NEW-C	02-11-070	16-302-250	PREP	02-05-083
16-164-070	REP-P	02-04-109	16-228-1238	NEW-W	02-12-028	16-302-250	AMD-P	02-09-059
16-164-080	REP-P	02-04-109	16-228-1460	PREP	02-18-111	16-302-250	AMD	02-12-060
16-164-085	REP-P	02-04-109	16-228-2000	REP-P	02-14-092	16-302-260	PREP	02-05-083
16-164-090	REP-P	02-04-109	16-228-2000	REP-C	02-18-023	16-302-260	AMD-P	02-09-059
16-164-100	REP-P	02-04-109	16-228-2000	REP-C	02-23-096	16-302-260	AMD	02-12-060
16-164-110	REP-P	02-04-109	16-228-2005	NEW-P	02-14-092	16-302-330	PREP	02-05-083
16-200-7401	NEW-P	02-21-126	16-228-2005	NEW-C	02-18-023	16-302-330	AMD-P	02-09-059
16-200-7402	NEW-P	02-21-126	16-228-2005	NEW-S	02-19-107	16-302-330	AMD	02-12-060
16-200-7403	NEW-P	02-21-126	16-228-2005	NEW-C	02-23-096	16-302-385	PREP	02-05-083
16-200-7404	NEW-P	02-21-126	16-228-2015	NEW-P	02-14-092	16-302-385	AMD-P	02-09-059
16-200-7405	NEW-P	02-21-126	16-228-2015	NEW-C	02-18-023	16-302-385	AMD	02-12-060
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16-302-410	AMD-P	02-09-059	16-324-398	AMD	02-12-010	16-462-055	AMD-P	02-08-085
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16-302-435	AMD	02-12-060	16-324-431	AMD	02-12-010	16-470-800	NEW	02-09-099
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16-302-490	AMD-P	02-09-059	16-324-740	AMD-P	02-08-087	16-470-820	NEW-E	02-07-120
16-302-490	AMD	02-12-060	16-324-740	AMD	02-12-010	16-470-820	NEW	02-09-099
16-302-545	PREP	02-05-083	16-324-750	AMD-P	02-08-087	16-470-830	NEW-P	02-06-131
16-302-685	PREP	02-05-083	16-324-750	AMD	02-12-010	16-470-830	NEW-E	02-07-120
16-302-685	AMD-P	02-09-059	16-325-015	AMD-X	02-04-020	16-470-830	NEW	02-09-099
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16-303-200	AMD-P	02-09-060	16-400-008	NEW-E	02-14-127	16-470-840	NEW	02-09-099
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16-303-200	PREP	02-22-076	16-400-008	NEW	02-20-062	16-470-850	NEW-E	02-07-120
16-303-210	PREP	02-03-127	16-400-045	AMD-X	02-09-012	16-470-850	NEW	02-09-099
16-303-210	AMD-P	02-09-060	16-400-045	AMD	02-13-119	16-470-860	NEW-P	02-06-131
16-303-210	AMD	02-12-061	16-401	PREP	02-14-150	16-470-860	NEW-E	02-07-120
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16-303-230	PREP	02-03-127	16-403-141	AMD-P	02-07-118	16-470-870	NEW-P	02-06-131
16-303-230	AMD-P	02-09-060	16-403-141	AMD-C	02-12-005	16-470-870	NEW-E	02-07-120
16-303-230	AMD	02-12-061	16-403-141	AMD	02-12-011	16-470-870	NEW	02-09-099
16-303-230	PREP	02-22-076	16-403-142	AMD-P	02-07-118	16-470-900	PREP	02-23-095
16-303-250	PREP	02-03-127	16-403-142	AMD-C	02-12-005	16-470-905	PREP	02-23-095
16-303-250	PREP	02-05-083	16-403-142	AMD	02-12-011	16-470-911	PREP	02-23-095
16-303-250	AMD-P	02-09-060	16-403-190	PREP	02-03-128	16-470-912	PREP	02-23-095
16-303-250	AMD	02-12-061	16-403-190	AMD-P	02-07-118	16-470-916	PREP	02-23-095
16-303-250	PREP	02-22-076	16-403-190	AMD-C	02-12-005	16-470-917	PREP	02-23-095
16-303-300	PREP	02-03-127	16-403-190	AMD	02-12-011	16-470-921	PREP	02-23-095
16-303-300	AMD-P	02-09-060	16-403-280	AMD-P	02-07-118	16-484-210	AMD-P	02-08-086
16-303-300	AMD	02-12-061	16-403-280	AMD-C	02-12-005	16-484-210	AMD	02-12-009
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16-303-310	PREP	02-03-127	16-449	PREP	02-16-089	16-484-220	AMD	02-12-009
16-303-310	AMD-P	02-09-060	16-458	PREP	02-14-128	16-484-230	AMD-P	02-08-086
16-303-310	AMD	02-12-061	16-458-075	AMD-E	02-14-127	16-484-230	AMD	02-12-009
16-303-310	PREP	02-22-076	16-458-075	AMD-P	02-17-101	16-484-240	AMD-P	02-08-086
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16-303-317	AMD-P	02-09-060	16-458-080	REP-E	02-14-127	16-484-250	AMD-P	02-08-086
16-303-317	AMD	02-12-061	16-458-080	REP-P	02-17-101	16-484-250	AMD	02-12-009
16-303-317	PREP	02-22-076	16-458-080	REP	02-20-062	16-484-260	AMD-P	02-08-086
16-303-320	PREP	02-03-127	16-458-085	AMD-E	02-14-127	16-484-260	AMD	02-12-009
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16-557-020	REP-C	02-09-005	16-750	PREP	02-17-089	36-12-200	AMD-P	02-17-103
16-557-020	REP-W	02-11-083	16-750-005	AMD-P	02-21-084	36-12-200	AMD	02-20-094
16-557-025	REP-C	02-09-005	16-750-011	AMD-P	02-21-084	36-12-210	REP	02-03-069
16-557-025	REP-W	02-11-083	16-750-015	AMD-P	02-21-084	36-12-220	REP	02-03-069
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16-557-040	REP-C	02-09-005	16-752-610	AMD	02-12-030	36-12-240	AMD-W	02-17-059
16-557-040	REP-W	02-11-083	36-12	PREP	02-13-139	36-12-240	AMD-P	02-17-103
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16-557-041	REP-W	02-11-083	36-12-011	AMD	02-03-069	36-12-240	AMD	02-03-069
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16-557-050	REP-W	02-11-083	36-12-011	AMD-W	02-17-059	36-12-260	AMD	02-03-069
16-557-060	REP-C	02-09-005	36-12-011	AMD-P	02-17-103	36-12-270	AMD	02-03-069
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16-557-070	REP-W	02-11-083	36-12-030	AMD	02-03-069	36-12-290	AMD	02-03-069
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16-557-080	REP-W	02-11-083	36-12-030	AMD-W	02-17-059	36-12-310	AMD	02-03-069
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36-13-050	AMD-P	02-17-103	44-10-010	AMD	02-12-093	98-08-010	REP	02-19-018
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36-14-105	NEW-P	02-17-103	51-11	PREP	02-14-029	98-08-370	REP-P	02-14-058
36-14-105	NEW	02-20-094	51-11-0108	AMD-P	02-21-113	98-08-370	REP	02-19-018
36-14-106	NEW-P	02-16-060	51-11-0201	AMD-P	02-21-113	98-08-380	REP-P	02-14-058
36-14-106	NEW-W	02-17-059	51-11-0503	AMD-P	02-21-113	98-08-380	REP	02-19-018
36-14-106	NEW-P	02-17-103	51-11-0530	AMD-E	02-14-032	98-08-390	REP-P	02-14-058
36-14-106	NEW	02-20-094	51-11-0530	AMD-E	02-21-117	98-08-390	REP	02-19-018
36-14-110	AMD-P	02-16-060	51-11-0533	AMD-E	02-14-032	98-08-400	REP-P	02-14-058
36-14-110	AMD-W	02-17-059	51-11-0533	AMD-E	02-21-117	98-08-400	REP	02-19-018
36-14-110	AMD-P	02-17-103	51-11-0601	AMD-P	02-21-113	98-08-410	REP-P	02-14-058
36-14-110	AMD	02-20-094	51-11-0602	AMD-P	02-21-113	98-08-410	REP	02-19-018
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36-14-120	NEW-W	02-17-059	51-11-0625	AMD-P	02-21-113	98-08-420	REP	02-19-018
36-14-120	NEW-P	02-17-103	51-11-0625	AMD-E	02-21-117	98-08-430	REP-P	02-14-058
36-14-120	NEW-P	02-20-093	51-11-0800	AMD-P	02-21-113	98-08-430	REP	02-19-018
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98- 08-470	REP	02-19-018	98- 80-050	NEW	02-19-018	132D-120-030	AMD-P	02-21-081
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98- 08-490	REP	02-19-018	98- 80-070	NEW	02-19-018	132D-120-060	AMD-P	02-21-081
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98- 08-510	REP	02-19-018	106-116-201	AMD	02-18-077	132D-120-100	AMD-P	02-21-081
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98- 08-520	REP	02-19-018	106-116-208	AMD	02-18-077	132D-120-120	AMD-P	02-21-081
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98- 08-530	REP	02-19-018	106-116-304	AMD	02-18-077	132D-120-140	REP-P	02-21-081
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98- 08-550	REP	02-19-018	106-116-308	AMD	02-18-077	132D-120-180	REP-P	02-21-081
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98- 08-560	REP	02-19-018	106-116-514	AMD	02-18-077	132D-120-200	REP-P	02-21-081
98- 08-570	REP-P	02-14-058	106-116-601	AMD-P	02-15-116	132D-120-210	REP-P	02-21-081
98- 08-570	REP	02-19-018	106-116-601	AMD	02-18-077	132D-120-220	REP-P	02-21-081
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98- 08-580	REP	02-19-018	106-116-603	AMD	02-18-077	132F-104	PREP	02-22-084
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98- 08-590	REP	02-19-018	106-116-701	AMD	02-18-077	132F-120	PREP	02-22-084
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98- 14-050	AMD	02-19-018	106-116-856	AMD	02-18-077	132G-104-010	AMD	02-11-090
98- 14-060	AMD-P	02-14-058	106-116-859	AMD-P	02-15-116	132G-104-020	AMD-P	02-06-127
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98- 15-010	NEW-P	02-14-058	118- 65-030	AMD-P	02-09-072	132H-120-030	AMD-P	02-03-106
98- 15-010	NEW	02-19-018	118- 65-030	AMD	02-12-053	132H-120-030	AMD	02-10-069
98- 15-020	NEW-P	02-14-058	118- 65-040	AMD-P	02-09-072	132H-120-050	AMD-P	02-03-106
98- 15-020	NEW	02-19-018	118- 65-040	AMD	02-12-053	132H-120-050	AMD	02-10-069
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98- 40-010	REP	02-19-018	118- 65-050	AMD	02-12-053	132H-120-200	AMD	02-10-069
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98- 40-020	REP	02-19-018	118- 65-060	AMD	02-12-053	132H-120-220	AMD	02-10-069
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98- 40-030	REP	02-19-018	118- 65-070	AMD	02-12-053	132H-120-300	AMD	02-10-069
98- 40-040	REP-P	02-14-058	118- 65-081	AMD-P	02-09-072	132H-120-350	AMD-P	02-03-106
98- 40-040	REP	02-19-018	118- 65-081	AMD	02-12-053	132H-120-350	AMD	02-10-069
98- 40-050	REP-P	02-14-058	118- 65-090	AMD-P	02-09-072	132H-120-410	AMD-P	02-03-106
98- 40-050	REP	02-19-018	118- 65-090	AMD	02-12-053	132H-120-410	AMD	02-10-069
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98- 40-070	REP	02-19-018	130- 14-030	AMD	02-06-043	132H-120-440	AMD	02-10-069
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132H-140-040	AMD	02-14-007	132N-150-080	NEW	02-04-068	132U-120-150	AMD-P	02-19-056
132H-140-050	AMD-P	02-09-071	132N-150-090	NEW	02-04-068	132U-120-150	AMD-C	02-20-066
132H-140-050	AMD	02-14-007	132N-150-100	NEW	02-04-068	132U-120-190	REP-P	02-19-056
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132H-140-090	REP-P	02-09-071	132N-150-210	NEW	02-04-068	132U-120-240	REP-C	02-20-066
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132H-160-190	AMD	02-14-008	132U-120-010	AMD-C	02-20-066	132U-120-300	REP-C	02-20-066
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132H-410-030	NEW	02-10-070	132U-120-030	AMD-C	02-20-066	132U-120-330	AMD-C	02-20-066
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132H-410-060	NEW-P	02-03-107	132U-120-060	AMD-P	02-19-056	132Z-116-005	NEW	02-11-048
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132H-410-070	NEW	02-10-070	132U-120-065	NEW-C	02-20-066	132Z-116-010	NEW-E	02-04-061
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132H-410-080	NEW	02-10-070	132U-120-070	REP-C	02-20-066	132Z-116-010	NEW-E	02-12-056
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132Z-116-070	NEW-P	02-03-089	132Z-116-310	NEW	02-11-048	136- 50-055	NEW-P	02-11-118
132Z-116-070	NEW-E	02-04-061	132Z-116-310	NEW-E	02-12-056	136- 50-055	NEW	02-18-020
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173-303-500	AMD-S	02-19-099	173-350-700	NEW-P	02-14-061	173-700-223	NEW-W	02-12-058
173-303-505	AMD-P	02-11-101	173-350-710	NEW-P	02-14-061	173-700-224	NEW-W	02-12-058
173-303-505	AMD-S	02-19-099	173-350-715	NEW-P	02-14-061	173-700-230	NEW-W	02-12-058
173-303-506	AMD-P	02-11-101	173-350-900	NEW-P	02-14-061	173-700-231	NEW-W	02-12-058

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-700-232	NEW-W	02-12-058	173-700-422	NEW-W	02-12-058	180-16-006	REP	02-18-056
173-700-233	NEW-W	02-12-058	173-700-423	NEW-W	02-12-058	180-16-162	AMD-P	02-14-126
173-700-234	NEW-W	02-12-058	173-700-500	NEW-W	02-12-058	180-16-162	AMD	02-18-053
173-700-235	NEW-W	02-12-058	173-700-501	NEW-W	02-12-058	180-16-191	AMD-P	02-14-126
173-700-240	NEW-W	02-12-058	173-700-502	NEW-W	02-12-058	180-16-191	AMD	02-18-053
173-700-241	NEW-W	02-12-058	173-700-503	NEW-W	02-12-058	180-16-195	AMD-E	02-08-038
173-700-250	NEW-W	02-12-058	173-700-504	NEW-W	02-12-058	180-16-195	AMD-E	02-14-114
173-700-251	NEW-W	02-12-058	173-700-505	NEW-W	02-12-058	180-16-195	AMD-P	02-14-117
173-700-252	NEW-W	02-12-058	173-700-600	NEW-W	02-12-058	180-16-195	AMD	02-18-056
173-700-253	NEW-W	02-12-058	173-700-610	NEW-W	02-12-058	180-16-215	AMD-P	02-14-126
173-700-254	NEW-W	02-12-058	173-700-611	NEW-W	02-12-058	180-16-215	AMD	02-18-053
173-700-255	NEW-W	02-12-058	173-700-612	NEW-W	02-12-058	180-16-220	AMD-E	02-08-038
173-700-256	NEW-W	02-12-058	173-700-620	NEW-W	02-12-058	180-16-220	AMD-E	02-14-114
173-700-257	NEW-W	02-12-058	173-700-630	NEW-W	02-12-058	180-16-220	AMD-P	02-14-117
173-700-258	NEW-W	02-12-058	173-700-700	NEW-W	02-12-058	180-16-220	AMD	02-18-056
173-700-300	NEW-W	02-12-058	173-700-710	NEW-W	02-12-058	180-16-227	NEW-E	02-08-038
173-700-310	NEW-W	02-12-058	173-700-720	NEW-W	02-12-058	180-16-227	NEW-E	02-14-114
173-700-311	NEW-W	02-12-058	173-700-730	NEW-W	02-12-058	180-16-227	NEW-P	02-14-117
173-700-320	NEW-W	02-12-058	173-700-731	NEW-W	02-12-058	180-16-227	NEW	02-18-056
173-700-330	NEW-W	02-12-058	173-700-732	NEW-W	02-12-058	180-18	PREP	02-08-039
173-700-340	NEW-W	02-12-058	173-700-740	NEW-W	02-12-058	180-18-010	AMD-E	02-08-038
173-700-350	NEW-W	02-12-058	173-700-750	NEW-W	02-12-058	180-18-010	AMD-E	02-14-114
173-700-351	NEW-W	02-12-058	173-700-800	NEW-W	02-12-058	180-18-010	AMD-P	02-14-117
173-700-352	NEW-W	02-12-058	180-08	PREP	02-08-041	180-18-010	AMD	02-18-056
173-700-353	NEW-W	02-12-058	180-08	AMD-P	02-14-115	180-18-020	REP-E	02-08-038
173-700-354	NEW-W	02-12-058	180-08	AMD	02-18-054	180-18-020	REP-E	02-14-114
173-700-355	NEW-W	02-12-058	180-08-001	NEW-P	02-14-115	180-18-020	REP-P	02-14-117
173-700-356	NEW-W	02-12-058	180-08-001	NEW	02-18-054	180-18-020	REP	02-18-056
173-700-357	NEW-W	02-12-058	180-08-002	NEW-P	02-14-115	180-20	PREP	02-10-049
173-700-358	NEW-W	02-12-058	180-08-002	NEW	02-18-054	180-20	PREP	02-10-084
173-700-359	NEW-W	02-12-058	180-08-003	REP-P	02-14-115	180-20-005	AMD-P	02-14-116
173-700-360	NEW-W	02-12-058	180-08-003	REP	02-18-054	180-20-005	AMD	02-18-055
173-700-361	NEW-W	02-12-058	180-08-004	NEW-P	02-14-115	180-20-007	NEW-P	02-14-116
173-700-370	NEW-W	02-12-058	180-08-004	NEW	02-18-054	180-20-007	NEW	02-18-055
173-700-371	NEW-W	02-12-058	180-08-005	REP-P	02-14-115	180-20-009	NEW-P	02-14-116
173-700-372	NEW-W	02-12-058	180-08-005	REP	02-18-054	180-20-009	NEW	02-18-055
173-700-373	NEW-W	02-12-058	180-08-006	NEW-P	02-14-115	180-20-030	REP-P	02-14-116
173-700-374	NEW-W	02-12-058	180-08-006	NEW	02-18-054	180-20-030	REP	02-18-055
173-700-375	NEW-W	02-12-058	180-08-008	NEW-P	02-14-115	180-20-031	AMD-P	02-14-116
173-700-376	NEW-W	02-12-058	180-08-008	NEW	02-18-054	180-20-031	AMD	02-18-055
173-700-380	NEW-W	02-12-058	180-10	PREP	02-08-041	180-20-034	REP-P	02-14-116
173-700-390	NEW-W	02-12-058	180-10-001	REP-P	02-14-115	180-20-034	REP	02-18-055
173-700-391	NEW-W	02-12-058	180-10-003	REP-P	02-14-115	180-20-090	REP-P	02-14-116
173-700-392	NEW-W	02-12-058	180-10-005	REP-P	02-14-115	180-20-090	REP	02-18-055
173-700-393	NEW-W	02-12-058	180-10-007	REP-P	02-14-115	180-20-095	REP-P	02-14-116
173-700-394	NEW-W	02-12-058	180-10-010	REP-P	02-14-115	180-20-095	REP	02-18-055
173-700-395	NEW-W	02-12-058	180-10-015	REP-P	02-14-115	180-20-101	AMD-P	02-14-116
173-700-400	NEW-W	02-12-058	180-10-020	REP-P	02-14-115	180-20-101	AMD	02-18-055
173-700-401	NEW-W	02-12-058	180-10-025	REP-P	02-14-115	180-20-111	AMD-P	02-14-116
173-700-402	NEW-W	02-12-058	180-10-030	REP-P	02-14-115	180-20-111	AMD	02-18-055
173-700-403	NEW-W	02-12-058	180-10-035	REP-P	02-14-115	180-20-115	REP-P	02-14-116
173-700-404	NEW-W	02-12-058	180-10-040	REP-P	02-14-115	180-20-115	REP	02-18-055
173-700-405	NEW-W	02-12-058	180-10-045	REP-P	02-14-115	180-20-120	AMD-P	02-14-116
173-700-410	NEW-W	02-12-058	180-16	PREP	02-08-039	180-20-120	AMD	02-18-055
173-700-411	NEW-W	02-12-058	180-16	PREP	02-08-044	180-20-123	REP-P	02-14-116
173-700-412	NEW-W	02-12-058	180-16-002	AMD-E	02-08-038	180-20-123	REP	02-18-055
173-700-413	NEW-W	02-12-058	180-16-002	AMD-E	02-14-114	180-20-125	REP-P	02-14-116
173-700-414	NEW-W	02-12-058	180-16-002	AMD-P	02-14-117	180-20-125	REP	02-18-055
173-700-415	NEW-W	02-12-058	180-16-002	AMD	02-18-056	180-20-130	REP-P	02-14-116
173-700-416	NEW-W	02-12-058	180-16-006	REP-E	02-08-038	180-20-130	REP	02-18-055
173-700-420	NEW-W	02-12-058	180-16-006	REP-E	02-14-114	180-20-135	AMD-P	02-14-116
173-700-421	NEW-W	02-12-058	180-16-006	REP-P	02-14-117	180-20-135	AMD	02-18-055

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180- 22	PREP	02-08-045	180- 23-115	REP-P	02-14-118	180- 38-070	REP-E	02-18-051
180- 22-100	AMD-P	02-14-118	180- 23-115	REP	02-18-052	180- 38-080	NEW-E	02-18-051
180- 22-100	AMD	02-18-052	180- 23-120	REP-P	02-14-118	180- 39	PREP	02-06-061
180- 22-105	REP-P	02-14-118	180- 23-120	REP	02-18-052	180- 40	PREP	02-06-062
180- 22-105	REP	02-18-052	180- 24	PREP	02-06-052	180- 41	PREP	02-06-063
180- 22-140	AMD-P	02-14-118	180- 24-400	AMD-E	02-08-035	180- 43	PREP	02-08-042
180- 22-140	AMD	02-18-052	180- 24-400	AMD-P	02-10-053	180- 43-005	AMD-P	02-14-123
180- 22-150	AMD-P	02-14-118	180- 24-400	AMD	02-14-113	180- 43-005	AMD	02-18-062
180- 22-150	AMD	02-18-052	180- 24-405	REP-E	02-08-035	180- 43-010	AMD-P	02-14-123
180- 22-201	NEW-P	02-14-118	180- 24-405	REP-P	02-10-053	180- 43-010	AMD	02-18-062
180- 22-201	NEW	02-18-052	180- 24-405	REP	02-14-113	180- 43-015	AMD-P	02-14-123
180- 22-205	NEW-P	02-14-118	180- 24-410	AMD-E	02-08-035	180- 43-015	AMD	02-18-062
180- 22-205	NEW	02-18-052	180- 24-410	AMD-P	02-10-053	180- 44	PREP	02-06-064
180- 22-210	NEW-P	02-14-118	180- 24-410	AMD	02-14-113	180- 46	PREP	02-06-065
180- 22-210	NEW	02-18-052	180- 24-415	AMD-E	02-08-035	180- 50	PREP	02-06-066
180- 22-215	NEW-P	02-14-118	180- 24-415	AMD-P	02-10-053	180- 50-135	PREP	02-15-026
180- 22-215	NEW	02-18-052	180- 24-415	AMD	02-14-113	180- 52-070	NEW-P	02-08-092
180- 22-220	NEW-P	02-14-118	180- 25	PREP	02-06-053	180- 52-070	NEW-P	02-10-089
180- 22-220	NEW	02-18-052	180- 26	PREP	02-06-054	180- 52-070	NEW	02-14-125
180- 22-225	NEW-P	02-14-118	180- 27	PREP	02-06-055	180- 52-070	NEW-W	02-21-054
180- 22-225	NEW	02-18-052	180- 29	PREP	02-06-056	180- 53	PREP	02-08-039
180- 23	PREP	02-08-045	180- 31	PREP	02-06-057	180- 53-005	REP-E	02-08-038
180- 23-037	REP-P	02-14-118	180- 32	PREP	02-06-058	180- 53-005	REP-E	02-14-114
180- 23-037	REP	02-18-052	180- 33	PREP	02-06-059	180- 53-005	REP-P	02-14-117
180- 23-040	REP-P	02-14-118	180- 34	PREP	02-08-046	180- 53-005	REP	02-18-056
180- 23-040	REP	02-18-052	180- 34-005	REP-P	02-14-119	180- 53-010	REP-E	02-08-038
180- 23-043	REP-P	02-14-118	180- 34-010	REP-P	02-14-119	180- 53-010	REP-E	02-14-114
180- 23-043	REP	02-18-052	180- 36	PREP	02-06-060	180- 53-010	REP-P	02-14-117
180- 23-047	REP-P	02-14-118	180- 37-005	PREP	02-10-051	180- 53-010	REP	02-18-056
180- 23-047	REP	02-18-052	180- 37-005	NEW-P	02-14-120	180- 53-020	REP-E	02-08-038
180- 23-050	REP-P	02-14-118	180- 37-005	NEW	02-18-060	180- 53-020	REP-E	02-14-114
180- 23-050	REP	02-18-052	180- 37-010	PREP	02-10-051	180- 53-020	REP-P	02-14-117
180- 23-055	REP-P	02-14-118	180- 37-010	NEW-P	02-14-120	180- 53-020	REP	02-18-056
180- 23-055	REP	02-18-052	180- 37-010	NEW	02-18-060	180- 53-025	REP-E	02-08-038
180- 23-058	REP-P	02-14-118	180- 38	PREP	02-08-043	180- 53-025	REP-E	02-14-114
180- 23-058	REP	02-18-052	180- 38	AMD-P	02-14-140	180- 53-025	REP-P	02-14-117
180- 23-060	REP-P	02-14-118	180- 38	AMD-E	02-18-051	180- 53-025	REP	02-18-056
180- 23-060	REP	02-18-052	180- 38-005	AMD-P	02-14-140	180- 53-030	REP-E	02-08-038
180- 23-065	REP-P	02-14-118	180- 38-005	AMD-E	02-18-051	180- 53-030	REP-E	02-14-114
180- 23-065	REP	02-18-052	180- 38-010	REP-P	02-14-140	180- 53-030	REP-P	02-14-117
180- 23-070	REP-P	02-14-118	180- 38-010	REP-E	02-18-051	180- 53-030	REP	02-18-056
180- 23-070	REP	02-18-052	180- 38-020	AMD-P	02-14-140	180- 53-035	REP-E	02-08-038
180- 23-075	REP-P	02-14-118	180- 38-020	AMD-E	02-18-051	180- 53-035	REP-E	02-14-114
180- 23-075	REP	02-18-052	180- 38-025	REP-P	02-14-140	180- 53-035	REP-P	02-14-117
180- 23-077	REP-P	02-14-118	180- 38-025	REP-E	02-18-051	180- 53-035	REP	02-18-056
180- 23-077	REP	02-18-052	180- 38-030	REP-P	02-14-140	180- 53-040	REP-E	02-08-038
180- 23-078	REP-P	02-14-118	180- 38-030	REP-E	02-18-051	180- 53-040	REP-E	02-14-114
180- 23-078	REP	02-18-052	180- 38-035	REP-P	02-14-140	180- 53-040	REP-P	02-14-117
180- 23-080	REP-P	02-14-118	180- 38-035	REP-E	02-18-051	180- 53-040	REP	02-18-056
180- 23-080	REP	02-18-052	180- 38-040	REP-P	02-14-140	180- 53-045	REP-E	02-08-038
180- 23-085	REP-P	02-14-118	180- 38-040	REP-E	02-18-051	180- 53-045	REP-E	02-14-114
180- 23-085	REP	02-18-052	180- 38-045	AMD-P	02-14-140	180- 53-045	REP-P	02-14-117
180- 23-090	REP-P	02-14-118	180- 38-045	AMD-E	02-18-051	180- 53-045	REP	02-18-056
180- 23-090	REP	02-18-052	180- 38-050	AMD-P	02-14-140	180- 53-050	REP-E	02-08-038
180- 23-095	REP-P	02-14-118	180- 38-050	AMD-E	02-18-051	180- 53-050	REP-E	02-14-114
180- 23-095	REP	02-18-052	180- 38-055	REP-P	02-14-140	180- 53-050	REP-P	02-14-117
180- 23-100	REP-P	02-14-118	180- 38-055	REP-E	02-18-051	180- 53-050	REP	02-18-056
180- 23-100	REP	02-18-052	180- 38-060	REP-P	02-14-140	180- 53-055	REP-E	02-08-038
180- 23-105	REP-P	02-14-118	180- 38-060	REP-E	02-18-051	180- 53-055	REP-E	02-14-114
180- 23-105	REP	02-18-052	180- 38-065	AMD-P	02-14-140	180- 53-055	REP-P	02-14-117
180- 23-110	REP-P	02-14-118	180- 38-065	REP-E	02-18-051	180- 53-055	REP	02-18-056
180- 23-110	REP	02-18-052	180- 38-070	REP-P	02-14-140	180- 53-060	REP-E	02-08-038

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-53-060	REP-E	02-14-114	180-55-085	REP	02-18-056	180-77-070	AMD	02-04-018
180-53-060	REP-P	02-14-117	180-55-090	REP-E	02-08-038	180-77-075	AMD	02-04-018
180-53-060	REP	02-18-056	180-55-090	REP-E	02-14-114	180-77-080	AMD	02-04-018
180-53-070	REP-E	02-08-038	180-55-090	REP-P	02-14-117	180-77-110	AMD	02-04-018
180-53-070	REP-E	02-14-114	180-55-090	REP	02-18-056	180-77-120	AMD	02-04-018
180-53-070	REP-P	02-14-117	180-55-095	REP-E	02-08-038	180-77-122	AMD	02-04-018
180-53-070	REP	02-18-056	180-55-095	REP-E	02-14-114	180-77A	AMD	02-04-018
180-55	PREP	02-08-039	180-55-095	REP-P	02-14-117	180-77A	PREP	02-06-069
180-55-005	AMD-E	02-08-038	180-55-095	REP	02-18-056	180-77A-004	AMD	02-04-018
180-55-005	AMD-E	02-14-114	180-55-100	REP-E	02-08-038	180-77A-006	AMD	02-04-018
180-55-005	AMD-P	02-14-117	180-55-100	REP-E	02-14-114	180-77A-025	AMD	02-04-018
180-55-005	AMD	02-18-056	180-55-100	REP-P	02-14-117	180-77A-029	AMD	02-04-018
180-55-010	REP-E	02-08-038	180-55-100	REP	02-18-056	180-77A-030	AMD	02-04-018
180-55-010	REP-E	02-14-114	180-55-105	REP-E	02-08-038	180-77A-033	AMD	02-04-018
180-55-010	REP-P	02-14-117	180-55-105	REP-E	02-14-114	180-77A-037	AMD	02-04-018
180-55-010	REP	02-18-056	180-55-105	REP-P	02-14-117	180-77A-040	AMD	02-04-018
180-55-015	AMD-E	02-08-038	180-55-105	REP	02-18-056	180-77A-057	AMD	02-04-018
180-55-015	AMD-E	02-14-114	180-55-110	REP-E	02-08-038	180-77A-165	AMD	02-04-018
180-55-015	AMD-P	02-14-117	180-55-110	REP-E	02-14-114	180-77A-180	AMD	02-04-018
180-55-015	AMD	02-18-056	180-55-110	REP-P	02-14-117	180-77A-195	AMD	02-04-018
180-55-020	AMD-E	02-08-038	180-55-110	REP	02-18-056	180-78A	PREP	02-06-070
180-55-020	AMD-E	02-14-114	180-55-115	REP-E	02-08-038	180-78A-010	AMD-P	02-14-109
180-55-020	AMD-P	02-14-117	180-55-115	REP-E	02-14-114	180-78A-010	AMD	02-18-037
180-55-020	AMD	02-18-056	180-55-115	REP-P	02-14-117	180-78A-100	AMD-P	02-14-109
180-55-025	REP-E	02-08-038	180-55-115	REP	02-18-056	180-78A-100	AMD	02-18-037
180-55-025	REP-E	02-14-114	180-55-120	REP-E	02-08-038	180-78A-200	AMD-P	02-14-109
180-55-025	REP-P	02-14-117	180-55-120	REP-E	02-14-114	180-78A-200	AMD	02-18-037
180-55-025	REP	02-18-056	180-55-120	REP-P	02-14-117	180-78A-209	AMD	02-04-018
180-55-030	REP-E	02-08-038	180-55-120	REP	02-18-056	180-78A-220	AMD	02-04-014
180-55-030	REP-E	02-14-114	180-55-125	REP-E	02-08-038	180-78A-250	AMD-P	02-14-109
180-55-030	REP-P	02-14-117	180-55-125	REP-E	02-14-114	180-78A-250	AMD	02-18-037
180-55-030	REP	02-18-056	180-55-125	REP-P	02-14-117	180-78A-255	AMD	02-04-014
180-55-032	NEW-E	02-08-038	180-55-125	REP	02-18-056	180-78A-261	AMD	02-04-014
180-55-032	NEW-E	02-14-114	180-55-130	REP-E	02-08-038	180-78A-264	AMD	02-04-014
180-55-032	NEW-P	02-14-117	180-55-130	REP-E	02-14-114	180-78A-270	AMD	02-04-018
180-55-034	NEW-E	02-08-038	180-55-130	REP-P	02-14-117	180-78A-270	AMD-P	02-14-109
180-55-034	NEW-E	02-14-114	180-55-130	REP	02-18-056	180-78A-270	AMD	02-18-037
180-55-034	NEW-P	02-14-117	180-55-135	REP-E	02-08-038	180-78A-325	AMD-P	02-14-109
180-55-034	NEW	02-18-056	180-55-135	REP-E	02-14-114	180-78A-325	AMD	02-18-037
180-55-035	REP-E	02-08-038	180-55-135	REP-P	02-14-117	180-78A-400	AMD-P	02-14-109
180-55-035	REP-E	02-14-114	180-55-135	REP	02-18-056	180-78A-400	AMD	02-18-037
180-55-035	REP-P	02-14-117	180-55-150	NEW-E	02-08-038	180-78A-500	AMD-P	02-14-109
180-55-035	REP	02-18-056	180-55-150	NEW-E	02-14-114	180-78A-500	AMD	02-18-037
180-55-050	REP-E	02-08-038	180-55-150	NEW-P	02-14-117	180-78A-505	PREP	02-06-051
180-55-050	REP-E	02-14-114	180-55-150	NEW	02-18-056	180-78A-505	AMD-P	02-10-085
180-55-050	REP-P	02-14-117	180-57	PREP	02-16-007	180-78A-505	AMD-P	02-14-109
180-55-050	REP	02-18-056	180-72	PREP	02-06-067	180-78A-505	AMD	02-14-111
180-55-070	REP-E	02-08-038	180-77	AMD	02-04-018	180-78A-505	AMD	02-18-037
180-55-070	REP-E	02-14-114	180-77	PREP	02-06-068	180-78A-505	PREP	02-19-015
180-55-070	REP-P	02-14-117	180-77-002	AMD	02-04-018	180-78A-507	NEW-P	02-14-109
180-55-070	REP	02-18-056	180-77-003	AMD	02-04-018	180-78A-507	NEW	02-18-037
180-55-075	REP-E	02-08-038	180-77-005	AMD	02-04-018	180-78A-535	AMD-P	02-14-109
180-55-075	REP-E	02-14-114	180-77-012	AMD	02-04-018	180-78A-535	AMD	02-18-037
180-55-075	REP-P	02-14-117	180-77-014	AMD	02-04-018	180-78A-535	PREP	02-19-015
180-55-075	REP	02-18-056	180-77-020	AMD	02-04-018	180-78A-540	AMD-P	02-14-109
180-55-080	REP-E	02-08-038	180-77-025	AMD	02-04-018	180-78A-540	AMD	02-18-037
180-55-080	REP-E	02-14-114	180-77-031	AMD	02-04-018	180-78A-700	PREP	02-15-028
180-55-080	REP-P	02-14-117	180-77-041	AMD	02-04-018	180-79A	PREP	02-06-071
180-55-080	REP	02-18-056	180-77-041	PREP	02-10-048	180-79A-015	REP-P	02-14-109
180-55-085	REP-E	02-08-038	180-77-041	AMD-P	02-14-106	180-79A-015	REP	02-18-037
180-55-085	REP-E	02-14-114	180-77-041	AMD	02-18-039	180-79A-020	REP-P	02-14-109
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180-79A-030	AMD	02-04-015	180-85-075	AMD	02-14-112	180-86-170	AMD	02-19-050
180-79A-107	NEW-E	02-14-036	180-86	PREP	02-06-076	180-86-170	AMD-W	02-23-023
180-79A-117	AMD	02-04-018	180-86-011	AMD-P	02-10-052	180-86-180	AMD-P	02-10-052
180-79A-130	AMD	02-04-018	180-86-011	AMD-P	02-14-122	180-86-180	AMD-P	02-14-122
180-79A-131	AMD-P	02-14-109	180-86-011	AMD	02-19-050	180-86-180	AMD	02-19-050
180-79A-131	AMD	02-18-037	180-86-011	AMD-W	02-23-023	180-86-180	AMD-W	02-23-023
180-79A-140	AMD	02-04-018	180-86-013	AMD-P	02-10-052	180-86-185	AMD-P	02-10-052
180-79A-140	AMD	02-13-027	180-86-013	AMD-P	02-14-122	180-86-185	AMD-P	02-14-122
180-79A-140	AMD-P	02-14-109	180-86-013	AMD	02-19-050	180-86-185	AMD	02-19-050
180-79A-140	AMD	02-18-037	180-86-013	AMD-W	02-23-023	180-86-185	AMD-W	02-23-023
180-79A-145	AMD-P	02-14-109	180-86-020	PREP	02-03-084	180-87	PREP	02-06-077
180-79A-145	AMD	02-18-037	180-86-020	REP-P	02-10-052	180-90	PREP	02-06-078
180-79A-150	AMD	02-04-018	180-86-020	REP-P	02-14-122	180-90-105	AMD-E	02-08-037
180-79A-150	PREP	02-10-050	180-86-020	REP	02-19-050	180-90-105	AMD-P	02-10-088
180-79A-150	AMD-P	02-14-109	180-86-020	REP-W	02-23-023	180-90-105	AMD-W	02-14-110
180-79A-150	AMD	02-18-037	180-86-030	AMD-P	02-10-052	180-90-105	AMD-P	02-14-124
180-79A-155	PREP	02-16-008	180-86-030	AMD-P	02-14-122	180-90-110	REP-E	02-08-037
180-79A-206	PREP	02-05-061	180-86-030	AMD	02-19-050	180-90-110	REP-P	02-10-088
180-79A-206	AMD-P	02-10-085	180-86-030	AMD-W	02-23-023	180-90-110	REP-W	02-14-110
180-79A-206	AMD	02-14-111	180-86-055	PREP	02-03-084	180-90-110	REP-P	02-14-124
180-79A-211	AMD	02-04-018	180-86-055	REP-P	02-10-052	180-90-112	AMD-E	02-08-037
180-79A-211	AMD-P	02-14-109	180-86-055	REP-P	02-14-122	180-90-112	AMD-P	02-10-088
180-79A-211	AMD	02-18-037	180-86-055	REP	02-19-050	180-90-112	AMD-W	02-14-110
180-79A-231	AMD	02-13-027	180-86-055	REP-W	02-23-023	180-90-112	AMD-P	02-14-124
180-79A-231	PREP	02-16-010	180-86-065	AMD-P	02-10-052	180-90-115	REP-E	02-08-037
180-79A-250	PREP	02-05-060	180-86-065	AMD-P	02-14-122	180-90-115	REP-P	02-10-088
180-79A-250	AMD-P	02-10-087	180-86-065	AMD	02-19-050	180-90-115	REP-W	02-14-110
180-79A-250	AMD-W	02-12-123	180-86-065	AMD-W	02-23-023	180-90-115	REP-P	02-14-124
180-79A-250	AMD-P	02-14-109	180-86-070	AMD-P	02-10-052	180-90-119	REP-E	02-08-037
180-79A-250	AMD	02-18-037	180-86-070	AMD-P	02-14-122	180-90-119	REP-P	02-10-088
180-81	PREP	02-06-072	180-86-070	AMD	02-19-050	180-90-119	REP-W	02-14-110
180-82	PREP	02-06-073	180-86-070	AMD-W	02-23-023	180-90-119	REP-P	02-14-124
180-82-105	AMD	02-04-018	180-86-075	AMD-P	02-10-052	180-90-120	REP-E	02-08-037
180-82-105	PREP	02-10-045	180-86-075	AMD-P	02-14-122	180-90-120	REP-P	02-10-088
180-82-105	AMD-P	02-14-108	180-86-075	AMD	02-19-050	180-90-120	REP-W	02-14-110
180-82-105	AMD	02-18-038	180-86-075	AMD-W	02-23-023	180-90-120	REP-P	02-14-124
180-82-110	PREP	02-16-009	180-86-100	AMD-P	02-10-052	180-90-120	REP-P	02-14-124
180-82-120	AMD-P	02-14-109	180-86-100	AMD-P	02-14-122	180-90-123	REP-E	02-08-037
180-82-120	AMD	02-18-037	180-86-100	AMD	02-19-050	180-90-123	REP-P	02-10-088
180-82-202	AMD	02-04-018	180-86-100	AMD-W	02-23-023	180-90-123	REP-W	02-14-110
180-82-322	AMD	02-04-018	180-86-116	AMD-P	02-10-052	180-90-123	REP-P	02-14-124
180-82-346	AMD	02-04-016	180-86-116	AMD-P	02-14-122	180-90-125	REP-E	02-08-037
180-82-350	AMD	02-04-018	180-86-116	AMD	02-19-050	180-90-125	REP-P	02-10-088
180-82A-002	NEW	02-04-013	180-86-116	AMD-W	02-23-023	180-90-125	REP-W	02-14-110
180-82A-004	NEW-W	02-13-028	180-86-130	AMD-P	02-10-052	180-90-125	REP-P	02-14-124
180-82A-200	NEW	02-04-013	180-86-130	AMD-P	02-14-122	180-90-130	AMD-E	02-08-037
180-82A-201	NEW-W	02-13-028	180-86-130	AMD	02-19-050	180-90-130	AMD-P	02-10-088
180-82A-202	NEW	02-04-013	180-86-130	AMD-W	02-23-023	180-90-130	AMD-W	02-14-110
180-82A-204	NEW	02-04-013	180-86-140	AMD-P	02-10-052	180-90-130	AMD-P	02-14-124
180-82A-206	NEW	02-04-013	180-86-140	AMD-P	02-14-122	180-90-133	REP-E	02-08-037
180-82A-215	NEW	02-04-013	180-86-140	AMD	02-19-050	180-90-133	REP-P	02-10-088
180-83	PREP	02-06-074	180-86-140	AMD-W	02-23-023	180-90-133	REP-W	02-14-110
180-85	PREP	02-06-075	180-86-140	AMD-P	02-10-052	180-90-133	REP-P	02-14-124
180-85	PREP	02-15-027	180-86-145	AMD-P	02-14-122	180-90-135	REP-E	02-08-037
180-85-025	AMD-P	02-14-107	180-86-145	AMD-P	02-19-050	180-90-135	REP-P	02-10-088
180-85-025	AMD	02-18-050	180-86-145	AMD	02-19-050	180-90-135	REP-W	02-14-110
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180-85-033	NEW	02-18-050	180-86-160	AMD-P	02-10-052	180-90-137	REP-E	02-08-037
180-85-035	AMD	02-04-017	180-86-160	AMD-P	02-14-122	180-90-137	REP-P	02-10-088
180-85-075	AMD	02-04-017	180-86-160	AMD	02-19-050	180-90-137	REP-W	02-14-110
			180-86-160	AMD-W	02-23-023	180-90-137	REP-P	02-14-124

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180-90-141	AMD-W	02-14-110	182-12-230	AMD-P	02-15-177	192-240-030	NEW-E	02-07-065
180-90-141	AMD-P	02-14-124	182-12-230	AMD	02-18-087	192-240-035	NEW-E	02-03-074
180-90-160	AMD-E	02-08-037	182-20-250	NEW-P	02-15-179	192-240-040	NEW-E	02-03-074
180-90-160	AMD-P	02-10-088	182-20-250	NEW	02-18-089	192-240-040	NEW-E	02-07-065
180-90-160	AMD-W	02-14-110	182-25-010	PREP	02-18-086	192-240-045	NEW-E	02-07-065
180-90-160	AMD-P	02-14-124	182-25-010	AMD-E	02-18-090	196-09	PREP	02-13-079
180-95	PREP	02-06-079	182-25-010	AMD-P	02-21-134	196-24-041	PREP	02-13-079
180-96	PREP	02-06-080	182-25-020	AMD-P	02-15-176	196-26-020	REP-P	02-08-075
180-97	PREP	02-08-040	182-25-020	AMD	02-19-053	196-26-020	REP	02-13-080
180-97-003	AMD-E	02-08-034	182-25-040	AMD-P	02-15-180	196-26-030	REP-P	02-08-075
180-97-003	AMD-P	02-14-121	182-25-040	AMD	02-19-054	196-26-030	REP	02-13-080
180-97-003	AMD	02-18-061	182-25-041	NEW-E	02-18-090	196-26A-010	NEW-P	02-08-075
180-97-005	REP-E	02-08-034	182-25-080	AMD-P	02-15-176	196-26A-010	NEW	02-13-080
180-97-005	REP-P	02-14-121	182-25-080	AMD	02-19-053	196-26A-020	NEW-P	02-08-075
180-97-005	REP	02-18-061	182-25-085	AMD-P	02-15-180	196-26A-020	NEW	02-13-080
180-97-010	AMD-E	02-08-034	182-25-085	AMD	02-19-054	196-26A-025	NEW-P	02-08-075
180-97-010	AMD-P	02-14-121	182-25-090	AMD-P	02-15-180	196-26A-025	NEW	02-13-080
180-97-010	AMD	02-18-061	182-25-090	AMD	02-19-054	196-26A-030	NEW-P	02-08-075
180-97-015	REP-E	02-08-034	192-16-013	REP-X	02-08-071	196-26A-030	NEW	02-13-080
180-97-015	REP-P	02-14-121	192-16-013	REP	02-14-035	196-26A-035	NEW-P	02-08-075
180-97-015	REP	02-18-061	192-16-021	REP	02-08-072	196-26A-035	NEW	02-13-080
180-97-020	REP-E	02-08-034	192-16-033	REP-E	02-03-074	196-26A-040	NEW-P	02-08-075
180-97-020	REP-P	02-14-121	192-16-033	PREP	02-07-064	196-26A-040	NEW	02-13-080
180-97-020	REP	02-18-061	192-16-033	REP-E	02-07-065	196-26A-045	NEW-P	02-08-075
180-97-040	AMD-E	02-08-034	192-16-036	REP-E	02-03-074	196-26A-045	NEW	02-13-080
180-97-040	AMD-P	02-14-121	192-16-036	PREP	02-07-064	196-26A-050	NEW-P	02-08-075
180-97-040	AMD	02-18-061	192-16-036	REP-P	02-07-065	196-26A-050	NEW	02-13-080
180-97-050	REP-E	02-08-034	192-16-040	REP-E	02-03-074	196-26A-055	NEW-P	02-08-075
180-97-050	REP-P	02-14-121	192-16-040	PREP	02-07-064	196-26A-055	NEW	02-13-080
180-97-050	REP	02-18-061	192-16-040	REP-P	02-07-065	196-26A-060	NEW-P	02-08-075
180-97-060	AMD-E	02-08-034	192-16-042	REP-E	02-03-074	196-26A-060	NEW	02-13-080
180-97-060	AMD-P	02-14-121	192-16-042	PREP	02-07-064	196-26A-070	NEW-P	02-08-075
180-97-060	AMD	02-18-061	192-16-042	REP-P	02-07-065	196-26A-070	NEW	02-13-080
180-97-070	REP-E	02-08-034	192-16-045	REP-E	02-03-074	196-27-010	REP-P	02-15-139
180-97-070	REP-P	02-14-121	192-16-045	PREP	02-07-064	196-27-010	REP	02-23-027
180-97-070	REP	02-18-061	192-16-045	REP-P	02-07-065	196-27-020	REP-P	02-15-139
180-97-080	AMD-E	02-08-034	192-16-047	REP-E	02-03-074	196-27-020	REP	02-23-027
180-97-080	AMD-P	02-14-121	192-16-047	PREP	02-07-064	196-27A-010	NEW-P	02-15-139
180-97-080	AMD	02-18-061	192-16-047	REP-P	02-07-065	196-27A-010	NEW	02-23-027
180-97-090	REP-E	02-08-034	192-150	PREP	02-20-095	196-27A-020	NEW-P	02-15-139
180-97-090	REP-P	02-14-121	192-150-055	NEW-X	02-08-071	196-27A-020	NEW	02-23-027
180-97-090	REP	02-18-061	192-150-055	NEW	02-14-035	196-27A-030	NEW-P	02-15-139
180-97-100	REP-E	02-08-034	192-150-060	NEW	02-08-072	196-27A-030	NEW	02-23-027
180-97-100	REP-P	02-14-121	192-170	PREP	02-20-095	197-11	PREP	02-20-080
180-97-100	REP	02-18-061	192-170-050	NEW	02-08-072	197-11	PREP-W	02-21-030
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181-01-001	NEW	02-21-014	192-180-012	NEW	02-08-072	204-24-030	AMD	02-19-055
182	PREP	02-11-034	192-180-015	PREP	02-20-095	204-24-050	AMD-P	02-15-072
182	PREP	02-11-035	192-210-005	AMD-P	02-12-126	204-24-050	AMD	02-19-055
182-08-190	AMD-P	02-15-178	192-210-005	AMD-E	02-12-127	204-36-030	AMD	02-07-055
182-08-190	AMD	02-18-088	192-210-005	AMD	02-19-009	204-36-040	AMD	02-07-055
182-12-111	AMD-P	02-15-177	192-210-015	AMD-P	02-12-126	204-36-060	AMD	02-07-055
182-12-111	AMD	02-18-087	192-210-015	AMD-E	02-12-127	204-91A-010	AMD	02-07-056
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182-12-119	AMD-P	02-15-177	192-210-020	NEW-P	02-12-126	204-91A-060	AMD	02-07-056
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182-12-132	AMD-P	02-15-177	192-210-020	NEW	02-19-009	204-91A-120	AMD	02-07-056
182-12-132	AMD	02-18-087	192-240-010	NEW-E	02-03-074	204-91A-130	AMD	02-07-056
182-12-220	AMD-P	02-15-178	192-240-015	NEW-E	02-03-074	204-91A-140	AMD	02-07-056
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204- 95-030	AMD-P	02-16-046	212- 12-044	AMD	02-16-023	220- 16-780	AMD-P	02-13-088
204- 95-030	AMD	02-21-001	212- 12-200	NEW-E	02-03-060	220- 16-780	NEW-W	02-15-088
204- 95-080	AMD-P	02-16-046	212- 12-200	NEW-P	02-17-102	220- 16-780	AMD	02-17-017
204- 95-080	AMD	02-21-001	212- 12-210	NEW-E	02-03-060	220- 16-78000A	NEW-E	02-10-118
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208-424-010	NEW	02-14-038	212- 12-220	NEW-E	02-03-060	220- 16-790	AMD-P	02-13-088
208-424-020	NEW-P	02-11-010	212- 12-220	NEW-P	02-17-102	220- 16-790	NEW-W	02-15-088
208-424-020	NEW	02-14-038	212- 12-230	NEW-E	02-03-060	220- 16-790	AMD	02-17-017
208-424-030	NEW-P	02-11-010	212- 12-230	NEW-P	02-17-102	220- 16-79000A	NEW-E	02-10-118
208-424-030	NEW	02-14-038	212- 12-240	NEW-E	02-03-060	220- 16-800	NEW-W	02-15-088
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208-472-012	REP	02-04-094	212- 12-250	NEW-P	02-17-102	220- 20-010	AMD	02-08-048
208-472-015	AMD	02-04-094	212- 12-260	NEW-E	02-03-060	220- 20-015	AMD-X	02-15-025
208-472-020	AMD	02-04-094	212- 12-260	NEW-P	02-17-102	220- 20-015	AMD	02-23-002
208-472-025	AMD	02-04-094	212- 12-270	NEW-E	02-03-060	220- 20-016	PREP	02-06-107
208-472-030	NEW	02-04-094	212- 12-270	NEW-P	02-17-102	220- 20-016	AMD-X	02-11-073
208-472-035	NEW	02-04-094	212- 12-280	NEW-E	02-03-060	220- 20-016	AMD-C	02-16-002
208-472-041	REP	02-04-094	212- 12-280	NEW-P	02-17-102	220- 20-020	AMD-X	02-15-025
208-472-045	REP	02-04-094	212- 12-290	NEW-E	02-03-060	220- 20-020	AMD	02-23-002
208-472-050	REP	02-04-094	212- 12-290	NEW-P	02-17-102	220- 20-025	AMD	02-08-048
208-472-060	REP	02-04-094	212- 12-300	NEW-E	02-03-060	220- 20-025	AMD-X	02-15-025
208-472-065	REP	02-04-094	212- 12-300	NEW-P	02-17-102	220- 20-025	AMD	02-23-002
208-472-070	REP	02-04-094	212- 12-310	NEW-E	02-03-060	220- 20-075	NEW	02-05-046
208-472-075	REP	02-04-094	212- 12-310	NEW-P	02-17-102	220- 20-080	NEW-P	02-13-134
208-472-080	REP	02-04-094	212- 12-320	NEW-E	02-03-060	220- 20-080	NEW-S	02-21-115
208-620-160	AMD-P	02-12-004	212- 12-320	NEW-P	02-17-102	220- 20-08000A	NEW-E	02-14-089
208-620-160	AMD	02-21-101	212- 12-330	NEW-E	02-03-060	220- 20-08000A	REP-E	02-22-015
208-660-125	AMD-P	02-12-003	212- 12-330	NEW-P	02-17-102	220- 20-08000B	NEW-E	02-22-015
208-660-125	AMD	02-21-100	212- 12-340	NEW-E	02-03-060	220- 20-100	NEW	02-08-048
212- 12-001	PREP	02-07-018	212- 12-340	NEW-P	02-17-102	220- 20-100	NEW-W	02-15-088
212- 12-001	AMD-P	02-11-038	212- 12-350	NEW-E	02-03-060	220- 22-40000D	NEW-E	02-19-040
212- 12-001	AMD	02-16-023	212- 12-350	NEW-P	02-17-102	220- 24-04000B	NEW-E	02-10-078
212- 12-005	PREP	02-07-018	212- 12-360	NEW-E	02-03-060	220- 24-04000B	REP-E	02-10-078
212- 12-005	AMD-P	02-11-038	212- 12-360	NEW-P	02-17-102	220- 24-04000B	REP-E	02-10-120
212- 12-005	AMD	02-16-023	212- 12-370	NEW-E	02-03-060	220- 24-04000C	NEW-E	02-10-120
212- 12-010	PREP	02-07-018	212- 12-370	NEW-P	02-17-102	220- 24-04000C	REP-E	02-10-120
212- 12-010	AMD-P	02-11-038	212- 12-380	NEW-E	02-03-060	220- 24-04000C	REP-E	02-13-003
212- 12-010	AMD	02-16-023	212- 12-380	NEW-P	02-17-102	220- 24-04000D	NEW-E	02-14-090
212- 12-011	PREP	02-07-018	212- 12-390	NEW-E	02-03-060	220- 24-04000D	REP-E	02-14-090
212- 12-011	AMD-P	02-11-038	212- 12-390	NEW-P	02-17-102	220- 24-04000E	NEW-E	02-15-041
212- 12-011	AMD	02-16-023	212- 12-400	NEW-E	02-03-060	220- 24-04000E	REP-E	02-15-041
212- 12-015	PREP	02-07-018	212- 12-400	NEW-P	02-17-102	220- 24-04000F	NEW-E	02-16-013
212- 12-015	AMD-P	02-11-038	212- 12-410	NEW-E	02-03-060	220- 24-04000F	REP-E	02-16-013
212- 12-015	AMD	02-16-023	212- 12-410	NEW-P	02-17-102	220- 24-04000G	NEW-E	02-17-010
212- 12-020	PREP	02-07-018	212- 12-420	NEW-E	02-03-060	220- 24-04000G	REP-E	02-17-010
212- 12-020	AMD-P	02-11-038	212- 12-420	NEW-P	02-17-102	220- 24-04000H	NEW-E	02-18-010
212- 12-020	AMD	02-16-023	220- 12-005	NEW-P	02-13-107	220- 24-04000H	REP-E	02-18-010
212- 12-025	PREP	02-07-018	220- 12-005	NEW	02-19-007	220- 32-05100K	REP-E	02-04-073
212- 12-025	AMD-P	02-11-038	220- 12-020	AMD-P	02-21-094	220- 32-05100L	NEW-E	02-04-073
212- 12-025	AMD	02-16-023	220- 12-090	NEW-P	02-13-107	220- 32-05100L	REP-E	02-04-073
212- 12-030	PREP	02-07-018	220- 12-090	NEW	02-19-007	220- 32-05100L	REP-E	02-07-011
212- 12-030	AMD-P	02-11-038	220- 12-09000A	NEW-E	02-15-001	220- 32-05100M	NEW-E	02-07-011
212- 12-030	AMD	02-16-023	220- 16-028	AMD	02-08-048	220- 32-05100M	REP-E	02-07-011
212- 12-035	PREP	02-07-018	220- 16-410	AMD-W	02-05-035	220- 32-05100M	REP-E	02-07-044
212- 12-035	AMD-P	02-11-038	220- 16-480	AMD	02-08-027	220- 32-05100N	NEW-E	02-07-044
212- 12-035	AMD	02-16-023	220- 16-760	NEW	02-08-048	220- 32-05100N	REP-E	02-07-044
212- 12-040	PREP	02-07-018	220- 16-760	AMD-P	02-13-088	220- 32-05100P	NEW-E	02-10-042
212- 12-040	AMD-P	02-11-038	220- 16-760	NEW-W	02-15-088	220- 32-05100P	REP-E	02-10-042
212- 12-040	AMD	02-16-023	220- 16-760	AMD	02-17-017	220- 32-05100Q	NEW-E	02-11-003

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220-32-05100R	NEW-E	02-11-049	220-33-01000X	REP-E	02-22-016	220-47-31100I	NEW-E	02-23-058
220-32-05100R	REP-E	02-11-049	220-33-03000S	NEW-E	02-11-014	220-47-401	AMD-X	02-11-073
220-32-05100S	NEW-E	02-11-085	220-33-03000S	REP-E	02-11-014	220-47-401	AMD	02-16-004
220-32-05100S	REP-E	02-11-085	220-33-04000N	REP-E	02-04-072	220-47-40100D	NEW-E	02-19-039
220-32-05100S	REP-E	02-11-146	220-33-04000P	NEW-E	02-04-072	220-47-40100D	REP-E	02-19-039
220-32-05100T	NEW-E	02-14-138	220-33-04000P	REP-E	02-04-072	220-47-411	AMD-X	02-11-073
220-32-05100T	REP-E	02-14-138	220-33-04000P	REP-E	02-04-102	220-47-411	AMD	02-16-004
220-32-05100U	NEW-E	02-17-064	220-33-04000Q	NEW-E	02-04-102	220-47-41100C	NEW-E	02-21-010
220-32-05100U	REP-E	02-18-079	220-33-04000Q	REP-E	02-04-102	220-47-41100C	REP-E	02-21-010
220-32-05100V	NEW-E	02-18-079	220-33-04000Q	REP-E	02-06-036	220-47-41100C	REP-E	02-22-014
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220-32-05500E	REP-E	02-11-146	220-36-02300E	NEW-E	02-22-031	220-47-41100G	REP-E	02-23-058
220-32-05700P	NEW-E	02-11-146	220-36-02300E	REP-E	02-22-031	220-47-41100H	NEW-E	02-23-058
220-32-05700P	REP-E	02-11-146	220-40-02100W	NEW-E	02-15-040	220-47-42700B	NEW-E	02-17-042
220-32-05700Q	NEW-E	02-20-033	220-40-02100W	REP-E	02-15-040	220-47-428	AMD-X	02-11-073
220-32-05700Q	REP-E	02-20-033	220-40-027	AMD-X	02-11-072	220-47-428	AMD	02-16-004
220-32-05700Q	REP-E	02-22-017	220-40-027	AMD	02-16-021	220-47-430	AMD-X	02-11-073
220-32-05700R	NEW-E	02-22-017	220-40-02700A	NEW-E	02-20-065	220-47-430	AMD	02-16-004
220-32-05700R	REP-E	02-22-017	220-40-02700A	REP-E	02-20-065	220-47-901	NEW-E	02-16-056
220-33-01000I	NEW-E	02-04-077	220-40-02700Z	NEW-E	02-20-018	220-47-902	NEW-E	02-18-007
220-33-01000I	REP-E	02-04-077	220-40-02700Z	REP-E	02-20-018	220-47-902	REP-E	02-18-007
220-33-01000J	NEW-E	02-05-056	220-44-05000H	REP-E	02-04-060	220-48-005	AMD	02-08-026
220-33-01000J	REP-E	02-05-056	220-44-05000I	NEW-E	02-04-060	220-48-015	AMD-W	02-15-086
220-33-01000J	REP-E	02-07-010	220-44-05000I	REP-E	02-07-093	220-48-01500P	NEW-E	02-17-012
220-33-01000K	NEW-E	02-07-010	220-44-05000J	NEW-E	02-07-093	220-48-029	AMD-P	02-13-108
220-33-01000K	REP-E	02-07-010	220-44-05000J	REP-E	02-11-042	220-48-029	AMD-W	02-15-086
220-33-01000K	REP-E	02-07-094	220-44-05000K	NEW-E	02-11-042	220-48-02900A	NEW-E	02-21-093
220-33-01000L	NEW-E	02-07-094	220-44-05000K	REP-E	02-15-036	220-48-032	AMD-P	02-13-108
220-33-01000L	REP-E	02-07-094	220-44-05000L	NEW-E	02-15-036	220-48-03200A	NEW-E	02-21-093
220-33-01000L	REP-E	02-08-014	220-44-05000L	REP-E	02-16-019	220-48-05100Q	NEW-E	02-19-051
220-33-01000M	NEW-E	02-08-014	220-44-05000M	NEW-E	02-16-019	220-48-06200A	NEW-E	02-21-093
220-33-01000M	REP-E	02-08-025	220-44-05000M	REP-E	02-18-081	220-49-013	AMD	02-08-026
220-33-01000N	NEW-E	02-08-025	220-44-05000N	NEW-E	02-18-081	220-49-02000M	NEW-E	02-21-093
220-33-01000N	REP-E	02-08-025	220-44-05000N	REP-E	02-20-009	220-49-056	AMD	02-08-026
220-33-01000P	NEW-E	02-16-063	220-44-05000P	NEW-E	02-20-009	220-49-05600A	NEW-E	02-21-093
220-33-01000P	REP-E	02-16-063	220-44-05000Q	NEW-E	02-23-017	220-52-03000R	NEW-E	02-11-043
220-33-01000Q	NEW-E	02-17-021	220-47-301	AMD-X	02-11-073	220-52-03000R	REP-E	02-11-043
220-33-01000Q	REP-E	02-17-021	220-47-301	AMD-W	02-16-003	220-52-04000F	REP-E	02-03-068
220-33-01000R	NEW-E	02-17-063	220-47-311	AMD-X	02-11-073	220-52-04000G	NEW-E	02-15-124
220-33-01000R	REP-E	02-17-063	220-47-311	AMD	02-16-004	220-52-04000G	REP-E	02-15-124
220-33-01000R	REP-E	02-19-073	220-47-31100C	NEW-E	02-21-009	220-52-04000H	NEW-E	02-19-040
220-33-01000S	NEW-E	02-19-073	220-47-31100C	REP-E	02-21-009	220-52-04000H	REP-E	02-21-068
220-33-01000S	REP-E	02-19-073	220-47-31100C	REP-E	02-21-085	220-52-04000I	NEW-E	02-23-035
220-33-01000S	REP-E	02-20-010	220-47-31100D	NEW-E	02-21-085	220-52-04600A	REP-E	02-03-024
220-33-01000T	NEW-E	02-20-010	220-47-31100D	REP-E	02-21-085	220-52-04600B	NEW-E	02-03-024
220-33-01000T	REP-E	02-20-010	220-47-31100D	REP-E	02-22-014	220-52-04600B	REP-E	02-03-050
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220-33-01000U	NEW-E	02-20-038	220-47-31100E	REP-E	02-22-014	220-52-04600C	REP-E	02-04-093
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220-33-01000W	REP-E	02-22-016	220-47-31100H	NEW-E	02-23-044	220-52-04600F	REP-E	02-08-070

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220- 52-04600G	REP-E	02-08-070	220- 52-07300U	NEW-E	02-04-035	220- 56-25500B	REP-E	02-15-105
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220- 52-05000E	NEW-E	02-15-013	220- 52-07500D	REP-E	02-10-004	220- 56-265	AMD-P	02-21-094
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220- 52-05100B	NEW-E	02-10-043	220- 55-001	AMD	02-16-070	220- 56-27000M	NEW-E	02-06-036
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220- 52-05100C	NEW-E	02-13-023	220- 55-100	AMD-P	02-13-084	220- 56-282	AMD	02-08-048
220- 52-05100C	REP-E	02-14-068	220- 55-100	AMD	02-16-070	220- 56-28200D	NEW-E	02-06-017
220- 52-05100D	NEW-E	02-14-068	220- 55-200	NEW-P	02-12-130	220- 56-28200D	REP-E	02-06-017
220- 52-05100D	REP-E	02-15-031	220- 55-200	NEW	02-15-038	220- 56-28200E	NEW-E	02-10-119
220- 52-05100E	NEW-E	02-15-031	220- 55-20000A	REP-P	02-12-130	220- 56-28200F	NEW-E	02-15-014
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220- 52-05100F	NEW-E	02-15-104	220- 55-20000B	NEW-E	02-13-045	220- 56-285	AMD	02-08-048
220- 52-05100F	REP-E	02-16-011	220- 56-100	AMD	02-08-048	220- 56-28500B	NEW-E	02-05-010
220- 52-05100G	NEW-E	02-16-011	220- 56-105	AMD	02-08-048	220- 56-28500B	REP-E	02-10-063
220- 52-05100G	REP-E	02-16-049	220- 56-105	AMD-P	02-21-094	220- 56-28500C	NEW-E	02-11-006
220- 52-05100H	NEW-E	02-16-049	220- 56-115	AMD	02-09-001	220- 56-28500C	REP-E	02-11-006
220- 52-05100H	REP-E	02-17-020	220- 56-116	AMD	02-08-048	220- 56-28500C	REP-E	02-11-039
220- 52-05100I	NEW-E	02-17-020	220- 56-124	AMD-X	02-10-127	220- 56-28500D	NEW-E	02-11-039
220- 52-05100I	REP-E	02-17-037	220- 56-124	AMD	02-15-097	220- 56-307	REP	02-08-048
220- 52-05100J	NEW-E	02-17-037	220- 56-128	AMD	02-08-048	220- 56-310	AMD	02-08-048
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220- 52-05100L	NEW-E	02-18-059	220- 56-193	NEW-P	02-10-124	220- 56-315	AMD-P	02-15-106
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220- 52-05100M	REP-E	02-19-111	220- 56-194	NEW	02-13-026	220- 56-31500A	REP-E	02-09-003
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220- 52-05100N	REP-E	02-21-058	220- 56-195	AMD	02-15-097	220- 56-31500C	NEW-E	02-19-037
220- 52-05100Y	NEW-E	02-09-021	220- 56-19500I	NEW-E	02-11-086	220- 56-320	AMD-P	02-21-094
220- 52-05100Y	REP-E	02-09-067	220- 56-19500I	REP-E	02-11-086	220- 56-325	AMD-P	02-21-094
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220- 52-05100Z	REP-E	02-10-004	220- 56-19500J	REP-E	02-17-038	220- 56-32500A	REP-E	02-16-044
220- 52-071	AMD-P	02-13-090	220- 56-210	AMD	02-08-048	220- 56-32500B	NEW-E	02-16-044
220- 52-071	AMD	02-17-016	220- 56-230	AMD-P	02-21-094	220- 56-32500B	REP-E	02-21-058
220- 52-07100W	NEW-E	02-15-002	220- 56-235	AMD	02-09-001	220- 56-32500T	NEW-E	02-08-028
220- 52-07100W	REP-E	02-16-012	220- 56-235	AMD-P	02-21-094	220- 56-32500T	REP-E	02-09-003
220- 52-07100X	NEW-E	02-16-012	220- 56-23500L	NEW-E	02-03-002	220- 56-32500U	NEW-E	02-10-028
220- 52-07100X	REP-E	02-17-066	220- 56-23500L	REP-E	02-07-004	220- 56-32500U	REP-E	02-11-013
220- 52-07100Y	NEW-E	02-17-066	220- 56-23500M	NEW-E	02-07-004	220- 56-32500V	NEW-E	02-11-013
220- 52-07100Y	REP-E	02-18-022	220- 56-23500M	REP-E	02-15-003	220- 56-32500V	REP-E	02-11-041
220- 52-07100Z	NEW-E	02-18-022	220- 56-23500N	NEW-E	02-15-003	220- 56-32500W	NEW-E	02-11-041
220- 52-07100Z	REP-E	02-20-047	220- 56-23500N	REP-E	02-15-003	220- 56-32500W	REP-E	02-11-134
220- 52-073	AMD-P	02-13-090	220- 56-23500P	NEW-E	02-21-092	220- 56-32500X	NEW-E	02-11-134
220- 52-073	AMD	02-17-016	220- 56-250	AMD-P	02-21-094	220- 56-32500X	REP-E	02-12-054
220- 52-07300Q	REP-E	02-03-025	220- 56-25000C	NEW-E	02-15-105	220- 56-32500Y	NEW-E	02-12-054
220- 52-07300R	NEW-E	02-03-025	220- 56-25000D	NEW-E	02-07-025	220- 56-32500Y	REP-E	02-14-004
220- 52-07300R	REP-E	02-03-067	220- 56-25000D	REP-E	02-07-025	220- 56-32500Z	NEW-E	02-14-004
220- 52-07300S	NEW-E	02-03-067	220- 56-255	AMD-W	02-15-087	220- 56-32500Z	REP-E	02-15-125
220- 52-07300S	REP-E	02-03-090	220- 56-255	AMD-P	02-21-094	220- 56-33000D	NEW-E	02-03-051
220- 52-07300T	NEW-E	02-03-090	220- 56-25500A	NEW-E	02-14-139	220- 56-33000D	REP-E	02-05-001
			220- 56-25500A	REP-E	02-15-024			

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220-56-33000E	NEW-E	02-05-001	220-69-24000A	REP-E	02-10-043	226-12-080	AMD-X	02-03-038
220-56-33000E	REP-E	02-07-037	220-69-24000B	NEW-E	02-10-043	226-12-080	AMD	02-08-076
220-56-33000F	NEW-E	02-07-037	220-69-24000B	REP-E	02-13-023	226-16-160	AMD-X	02-03-038
220-56-33000F	REP-E	02-07-075	220-69-24000C	NEW-E	02-13-023	226-16-160	AMD	02-08-076
220-56-33000G	NEW-E	02-07-075	220-69-24000C	REP-E	02-14-068	226-20-010	AMD-X	02-03-038
220-56-33000G	REP-E	02-08-070	220-69-24000D	NEW-E	02-14-068	226-20-010	AMD	02-08-076
220-56-33000H	NEW-E	02-08-070	220-69-24000E	NEW-E	02-19-040	230-02-145	REP-P	02-07-081
220-56-33000H	REP-E	02-11-050	220-69-241	AMD-P	02-13-134	230-02-145	REP	02-11-084
220-56-33000H	REP-E	02-11-094	220-69-241	AMD-S	02-21-115	230-02-205	AMD-S	02-03-077
220-56-33000I	NEW-E	02-11-050	220-74-020	AMD-P	02-06-109	230-02-205	AMD-W	02-16-083
220-56-33000I	REP-E	02-11-094	220-74-020	AMD	02-10-023	230-04-064	AMD-P	02-06-037
220-56-33000J	NEW-E	02-11-094	220-76-100	NEW-P	02-21-114	230-04-064	AMD	02-10-002
220-56-33000J	REP-E	02-11-132	220-76-110	NEW-P	02-21-114	230-04-180	AMD-P	02-13-112
220-56-33000K	NEW-E	02-11-132	220-76-120	NEW-P	02-21-114	230-04-180	AMD	02-17-034
220-56-33000K	REP-E	02-13-002	220-76-130	NEW-P	02-21-114	230-04-202	AMD-W	02-02-090
220-56-33000L	NEW-E	02-13-002	220-76-140	NEW-P	02-21-114	230-04-202	AMD-P	02-13-111
220-56-33000L	REP-E	02-14-025	220-76-150	NEW-P	02-21-114	230-04-202	AMD-W	02-16-024
220-56-33000M	NEW-E	02-14-025	220-77-020	AMD	02-06-018	230-04-202	AMD-P	02-17-032
220-56-33000M	REP-E	02-15-039	220-77-040	AMD	02-06-018	230-04-203	AMD-P	02-13-111
220-56-33000N	NEW-E	02-15-039	220-77-09000A	NEW-E	02-04-069	230-04-203	AMD-W	02-16-024
220-56-33000N	REP-E	02-18-004	220-77-09000A	REP-E	02-04-089	230-04-203	AMD-P	02-17-032
220-56-33000P	NEW-E	02-18-004	220-77-09000B	NEW-E	02-04-089	230-04-204	AMD-P	02-17-032
220-56-33000P	REP-E	02-19-003	220-77-095	AMD-P	02-13-136	230-04-315	REP-P	02-13-111
220-56-33000Q	NEW-E	02-19-003	220-77-095	AMD	02-17-015	230-04-315	REP	02-18-043
220-56-335	AMD	02-08-048	220-77-100	NEW-W	02-11-027	230-08-017	AMD-P	02-17-032
220-56-350	AMD	02-08-048	220-77-105	NEW-W	02-11-027	230-08-255	AMD-P	02-06-037
220-56-350	AMD-P	02-13-091	220-88C-04000	NEW-E	02-13-051	230-08-255	AMD	02-10-002
220-56-350	AMD	02-17-019	220-88C-04000	REP-E	02-19-072	230-12-045	NEW-P	02-07-081
220-56-350	AMD-P	02-21-094	220-88C-04000	NEW-E	02-19-071	230-12-045	NEW	02-11-084
220-56-35000J	REP-E	02-06-035	220-88C-04000	REP-E	02-19-072	230-12-050	AMD-P	02-07-081
220-56-35000K	NEW-E	02-06-035	220-88C-04000	NEW-E	02-19-072	230-12-050	AMD	02-11-084
220-56-35000K	REP-E	02-10-029	220-88C-04000	REP-E	02-20-019	230-12-090	AMD-P	02-13-111
220-56-35000L	NEW-E	02-10-029	220-95-100	AMD-P	02-13-086	230-12-090	AMD	02-17-035
220-56-35000L	REP-E	02-13-011	220-95-100	AMD	02-17-014	230-12-330	AMD-P	02-06-038
220-56-35000M	NEW-E	02-13-011	220-95-110	AMD-P	02-13-086	230-12-330	AMD	02-10-003
220-56-35000M	REP-E	02-20-011	220-95-110	AMD	02-17-014	230-12-340	AMD-P	02-06-038
220-56-355	AMD	02-08-048	220-130-040	AMD-W	02-02-089	230-12-340	AMD	02-10-003
220-56-355	AMD-P	02-13-091	222-10-040	AMD-P	02-05-087	230-20-002	NEW-P	02-13-111
220-56-355	AMD	02-17-019	222-10-040	AMD	02-11-075	230-20-002	NEW	02-17-035
220-56-35500B	NEW-E	02-07-076	222-10-041	AMD-P	02-05-087	230-20-005	NEW-P	02-13-111
220-56-35500C	NEW-E	02-15-120	222-10-041	AMD	02-11-075	230-20-005	NEW	02-17-035
220-56-36000L	NEW-E	02-03-053	222-16-050	AMD-E	02-05-086	230-20-070	AMD-P	02-13-111
220-56-36000L	REP-E	02-03-053	222-16-050	PREP	02-07-023	230-20-070	AMD	02-17-035
220-56-36000L	REP-E	02-04-039	222-16-050	AMD-P	02-11-138	230-20-104	AMD-P	02-13-111
220-56-36000M	NEW-E	02-04-039	222-16-050	AMD-E	02-15-083	230-20-104	AMD	02-17-035
220-56-36000M	REP-E	02-04-039	222-16-050	AMD	02-17-099	230-20-111	REP-P	02-07-081
220-56-36000N	NEW-E	02-07-012	222-21	PREP	02-17-098	230-20-111	REP	02-11-084
220-56-36000N	REP-E	02-07-012	222-21-010	AMD	02-05-084	230-20-125	REP-P	02-07-081
220-56-36000P	NEW-E	02-10-012	222-21-010	AMD-P	02-22-051	230-20-125	REP	02-11-084
220-56-36000P	REP-E	02-10-012	222-21-020	AMD	02-05-084	230-20-170	AMD-P	02-13-111
220-56-36000Q	NEW-E	02-11-012	222-21-030	AMD-P	02-22-051	230-20-170	AMD	02-17-035
220-56-36000Q	REP-E	02-11-012	222-21-035	AMD-P	02-22-051	230-20-230	REP-P	02-07-081
220-56-380	AMD	02-08-048	222-21-040	AMD-P	02-22-051	230-20-230	REP	02-11-084
220-56-380	AMD-P	02-21-094	222-21-045	AMD	02-05-084	230-20-244	AMD	02-06-006
220-56-38000C	REP-E	02-06-035	222-21-045	AMD-P	02-22-051	230-20-246	AMD	02-06-006
220-56-38000D	NEW-E	02-06-035	222-21-050	AMD	02-05-084	230-20-249	AMD	02-06-006
220-56-38000D	REP-E	02-10-029	222-21-050	AMD-P	02-22-051	230-30-033	AMD	02-06-007
220-56-38000E	NEW-E	02-10-029	222-21-061	NEW	02-05-084	230-30-045	AMD	02-06-007
220-69	PREP	02-10-105	226-01-040	AMD-X	02-03-038	230-30-072	AMD	02-06-007
220-69-240	AMD-P	02-13-134	226-01-040	AMD	02-08-076	230-30-106	AMD-P	02-06-038
220-69-240	AMD-S	02-21-115	226-01-050	AMD-X	02-03-038	230-30-106	AMD	02-10-003
220-69-24000A	NEW-E	02-10-004	226-01-050	AMD	02-08-076	230-40-120	AMD-W	02-14-103

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230- 40-610	AMD-P	02-12-076	232- 28-278	AMD	02-11-069	232- 28-61900I	NEW-E	02-18-057
230- 40-610	AMD	02-17-033	232- 28-279	AMD-P	02-06-123	232- 28-61900J	NEW-E	02-03-023
230- 40-800	AMD-P	02-07-081	232- 28-279	AMD	02-11-069	232- 28-61900J	NEW-E	02-11-006
230- 40-800	AMD	02-11-084	232- 28-279	AMD-P	02-13-138	232- 28-61900J	REP-E	02-11-039
230- 40-897	REP-P	02-07-081	232- 28-279	AMD	02-18-005	232- 28-61900J	NEW-E	02-18-073
230- 40-897	REP	02-11-084	232- 28-282	NEW-P	02-10-128	232- 28-61900K	NEW-E	02-03-014
230- 50-010	AMD-P	02-13-111	232- 28-282	NEW	02-15-019	232- 28-61900K	NEW-E	02-11-039
230- 50-010	AMD	02-17-035	232- 28-282	AMD-P	02-21-130	232- 28-61900K	REP-E	02-11-039
232- 12-011	AMD-P	02-06-122	232- 28-291	AMD-P	02-21-131	232- 28-61900K	NEW-E	02-19-005
232- 12-011	AMD	02-08-048	232- 28-299	AMD-P	02-10-128	232- 28-61900K	REP-E	02-19-005
232- 12-011	AMD	02-11-069	232- 28-299	AMD	02-15-018	232- 28-61900L	NEW-E	02-03-015
232- 12-014	AMD-P	02-06-122	232- 28-425	REP-P	02-13-137	232- 28-61900L	REP-E	02-03-015
232- 12-014	AMD	02-11-069	232- 28-425	REP	02-18-005	232- 28-61900L	NEW-E	02-11-040
232- 12-016	NEW-P	02-13-107	232- 28-42500C	NEW-E	02-03-052	232- 28-61900L	NEW-E	02-19-075
232- 12-016	NEW	02-19-007	232- 28-42500C	REP-E	02-03-052	232- 28-61900L	REP-E	02-22-013
232- 12-01600A	NEW-E	02-15-001	232- 28-426	NEW-P	02-13-137	232- 28-61900M	NEW-E	02-03-066
232- 12-017	AMD-P	02-13-107	232- 28-426	NEW	02-18-005	232- 28-61900M	REP-E	02-10-063
232- 12-017	AMD	02-19-007	232- 28-42600A	NEW-E	02-21-046	232- 28-61900M	NEW-E	02-11-068
232- 12-019	AMD	02-08-048	232- 28-42600A	REP-E	02-21-046	232- 28-61900M	REP-E	02-11-068
232- 12-073	NEW-P	02-13-089	232- 28-619	AMD	02-08-048	232- 28-61900M	NEW-E	02-20-012
232- 12-104	AMD-P	02-21-131	232- 28-619	AMD-X	02-10-127	232- 28-61900N	NEW-E	02-04-019
232- 12-106	AMD-P	02-21-131	232- 28-619	AMD-P	02-13-088	232- 28-61900N	REP-E	02-04-019
232- 12-114	AMD-P	02-21-131	232- 28-619	AMD	02-15-097	232- 28-61900N	NEW-E	02-11-071
232- 12-117	AMD-P	02-21-131	232- 28-619	AMD-P	02-15-106	232- 28-61900N	REP-E	02-11-071
232- 12-147	REP	02-08-048	232- 28-619	AMD	02-20-082	232- 28-61900N	NEW-E	02-20-048
232- 12-151	REP	02-08-048	232- 28-619	AMD-P	02-21-094	232- 28-61900N	REP-E	02-20-048
232- 12-168	AMD	02-08-048	232- 28-61900A	NEW-E	02-08-022	232- 28-61900P	NEW-E	02-04-103
232- 12-16800B	NEW-E	02-07-095	232- 28-61900A	REP-E	02-11-001	232- 28-61900P	REP-E	02-12-013
232- 12-16800B	REP-E	02-07-095	232- 28-61900A	NEW-E	02-15-159	232- 28-61900P	NEW-E	02-21-023
232- 12-181	AMD-P	02-17-118	232- 28-61900A	REP-E	02-15-159	232- 28-61900P	REP-E	02-21-023
232- 12-243	AMD-P	02-13-133	232- 28-61900A	NEW-E	02-23-033	232- 28-61900Q	NEW-E	02-05-007
232- 12-243	AMD	02-17-013	232- 28-61900B	NEW-E	02-08-004	232- 28-61900Q	REP-E	02-11-040
232- 12-245	NEW-W	02-11-025	232- 28-61900B	REP-E	02-08-004	232- 28-61900Q	NEW-E	02-11-086
232- 12-253	NEW	02-05-021	232- 28-61900B	NEW-E	02-16-001	232- 28-61900Q	REP-E	02-11-086
232- 12-253	AMD-P	02-10-125	232- 28-61900B	REP-E	02-16-001	232- 28-61900Q	REP-E	02-12-013
232- 12-253	AMD	02-16-043	232- 28-61900C	NEW-E	02-09-023	232- 28-61900Q	NEW-E	02-21-043
232- 12-267	AMD-P	02-10-128	232- 28-61900C	REP-E	02-09-023	232- 28-61900R	NEW-E	02-05-008
232- 12-267	AMD	02-15-018	232- 28-61900C	NEW-E	02-16-022	232- 28-61900R	REP-E	02-05-008
232- 12-272	NEW	02-08-048	232- 28-61900C	REP-E	02-17-041	232- 28-61900R	NEW-E	02-11-114
232- 12-619	AMD	02-08-048	232- 28-61900D	REP-E	02-05-075	232- 28-61900R	REP-E	02-11-114
232- 12-619	AMD-P	02-21-059	232- 28-61900D	NEW-E	02-09-009	232- 28-61900R	NEW-E	02-21-045
232- 12-619	AMD-P	02-21-094	232- 28-61900D	REP-E	02-10-063	232- 28-61900S	NEW-E	02-05-010
232- 12-828	AMD-P	02-13-135	232- 28-61900D	NEW-E	02-17-036	232- 28-61900S	REP-E	02-09-009
232- 28-02220	AMD-P	02-06-124	232- 28-61900D	REP-E	02-19-075	232- 28-61900S	NEW-E	02-12-013
232- 28-02220	AMD	02-11-069	232- 28-61900E	NEW-E	02-10-024	232- 28-61900S	REP-E	02-13-052
232- 28-02240	AMD-P	02-06-124	232- 28-61900E	REP-E	02-10-024	232- 28-61900S	NEW-E	02-21-078
232- 28-02240	AMD	02-11-069	232- 28-61900E	NEW-E	02-17-041	232- 28-61900S	REP-E	02-21-078
232- 28-248	AMD-P	02-06-124	232- 28-61900E	REP-E	02-20-012	232- 28-61900T	NEW-E	02-05-075
232- 28-248	AMD	02-11-069	232- 28-61900F	NEW-E	02-10-077	232- 28-61900T	REP-E	02-07-096
232- 28-266	AMD-P	02-06-121	232- 28-61900F	NEW-E	02-18-008	232- 28-61900T	NEW-E	02-12-019
232- 28-266	AMD-W	02-19-087	232- 28-61900F	REP-E	02-18-011	232- 28-61900T	REP-E	02-12-019
232- 28-271	AMD-P	02-21-131	232- 28-61900F	REP-E	02-21-045	232- 28-61900T	NEW-E	02-21-079
232- 28-273	AMD-P	02-06-121	232- 28-61900G	NEW-E	02-10-062	232- 28-61900T	REP-E	02-22-012
232- 28-273	AMD	02-11-069	232- 28-61900G	NEW-E	02-18-011	232- 28-61900U	REP-E	02-03-022
232- 28-275	AMD-P	02-21-131	232- 28-61900H	REP-E	02-03-014	232- 28-61900U	NEW-E	02-06-100
232- 28-276	AMD-P	02-10-128	232- 28-61900H	NEW-E	02-10-063	232- 28-61900U	REP-E	02-06-100
232- 28-276	AMD	02-15-018	232- 28-61900H	REP-E	02-11-006	232- 28-61900U	NEW-E	02-13-052
232- 28-277	AMD-P	02-06-125	232- 28-61900H	NEW-E	02-18-058	232- 28-61900U	REP-E	02-14-046
232- 28-277	REP-P	02-10-128	232- 28-61900H	REP-E	02-18-058	232- 28-61900U	NEW-E	02-21-086
232- 28-277	AMD	02-11-069	232- 28-61900I	NEW-E	02-03-022	232- 28-61900U	REP-E	02-21-086
232- 28-277	REP	02-15-019	232- 28-61900I	REP-E	02-03-022	232- 28-61900V	NEW-E	02-06-099
232- 28-278	AMD-P	02-06-126	232- 28-61900I	NEW-E	02-11-001	232- 28-61900V	REP-E	02-06-099

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232- 28-61900V	NEW-E	02-14-046	246- 12-040	AMD-X	02-09-042	246-205-530	AMD-P	02-21-127
232- 28-61900V	REP-E	02-15-032	246- 12-040	AMD-W	02-22-033	246-205-531	NEW-P	02-21-127
232- 28-61900V	NEW-E	02-22-013	246- 50	PREP-W	02-09-027	246-205-540	AMD-P	02-21-127
232- 28-61900W	NEW-E	02-07-061	246-100-011	AMD-P	02-16-102	246-205-541	NEW-P	02-21-127
232- 28-61900W	REP-E	02-07-061	246-100-011	AMD-S	02-22-107	246-205-550	AMD-P	02-21-127
232- 28-61900W	NEW-E	02-15-030	246-100-036	AMD-P	02-16-102	246-205-560	AMD-P	02-21-127
232- 28-61900W	REP-E	02-18-008	246-100-036	AMD-S	02-22-107	246-205-570	AMD-P	02-21-127
232- 28-61900W	NEW-E	02-22-012	246-100-040	NEW-P	02-16-102	246-205-580	AMD-P	02-21-127
232- 28-61900W	REP-E	02-22-032	246-100-040	NEW-S	02-22-107	246-205-590	NEW-P	02-21-127
232- 28-61900X	NEW-E	02-07-019	246-100-045	NEW-P	02-16-102	246-215-150	AMD-P	02-04-091
232- 28-61900X	REP-E	02-07-019	246-100-045	NEW-S	02-22-107	246-215-150	AMD	02-09-028
232- 28-61900X	NEW-E	02-15-032	246-100-050	NEW-P	02-16-102	246-217-010	PREP	02-20-075
232- 28-61900X	REP-E	02-17-036	246-100-050	NEW-S	02-22-107	246-217-015	PREP	02-20-075
232- 28-61900X	NEW-E	02-22-032	246-100-055	NEW-P	02-16-102	246-217-025	AMD-P	02-18-031
232- 28-61900X	REP-E	02-23-020	246-100-055	NEW-S	02-22-107	246-217-025	AMD	02-22-079
232- 28-61900Y	NEW-E	02-07-066	246-100-060	NEW-P	02-16-102	246-224	AMD-P	02-07-021
232- 28-61900Y	REP-E	02-07-066	246-100-060	NEW-S	02-22-107	246-224	AMD	02-14-050
232- 28-61900Y	NEW-E	02-15-037	246-100-065	NEW-P	02-16-102	246-224-0001	NEW-P	02-07-021
232- 28-61900Y	REP-E	02-15-037	246-100-065	NEW-S	02-22-107	246-224-0001	NEW	02-14-050
232- 28-61900Y	NEW-E	02-22-038	246-100-070	NEW-P	02-16-102	246-224-001	REP-P	02-07-021
232- 28-61900Y	REP-E	02-22-038	246-100-070	NEW-S	02-22-107	246-224-001	REP	02-14-050
232- 28-61900Z	NEW-E	02-07-096	246-100-166	PREP	02-10-066	246-224-0010	NEW-P	02-07-021
232- 28-61900Z	REP-E	02-07-096	246-100-166	AMD-E	02-14-075	246-224-0010	NEW	02-14-050
232- 28-61900Z	NEW-E	02-15-095	246-100-206	AMD-P	02-08-018	246-224-0020	NEW-P	02-07-021
232- 28-61900Z	REP-E	02-16-022	246-100-206	AMD	02-12-106	246-224-0020	NEW	02-14-050
232- 28-61900Z	NEW-E	02-23-020	246-100-207	AMD-P	02-08-018	246-224-0030	NEW-P	02-07-021
232- 28-61900Z	REP-E	02-23-033	246-100-207	AMD	02-12-106	246-224-0030	NEW	02-14-050
232- 28-620	AMD-X	02-10-127	246-100-208	AMD-P	02-08-018	246-224-0040	NEW-P	02-07-021
232- 28-620	AMD	02-15-097	246-100-208	AMD	02-12-106	246-224-0040	NEW	02-14-050
232- 28-62000D	NEW-E	02-11-086	246-101-505	AMD-P	02-16-102	246-224-0050	NEW-P	02-07-021
232- 28-62000D	REP-E	02-11-086	246-101-505	AMD-S	02-22-107	246-224-0050	NEW	02-14-050
232- 28-62000D	REP-E	02-15-121	246-145-001	NEW	02-11-109	246-224-0060	NEW-P	02-07-021
232- 28-62000E	NEW-E	02-15-121	246-145-010	NEW	02-11-109	246-224-0060	NEW	02-14-050
232- 28-62000E	REP-E	02-17-011	246-145-020	NEW	02-11-109	246-224-0070	NEW-P	02-07-021
232- 28-62000F	NEW-E	02-17-011	246-145-030	NEW	02-11-109	246-224-0070	NEW	02-14-050
232- 28-62000F	REP-E	02-17-065	246-145-040	NEW	02-11-109	246-224-0080	NEW-P	02-07-021
232- 28-62000G	NEW-E	02-17-065	246-205-010	AMD-P	02-21-127	246-224-0080	NEW	02-14-050
232- 28-62000G	REP-E	02-18-009	246-205-020	REP-P	02-21-127	246-224-0090	NEW-P	02-07-021
232- 28-62000H	NEW-E	02-18-009	246-205-021	NEW-P	02-21-127	246-224-0090	NEW	02-14-050
232- 28-62000H	REP-E	02-18-080	246-205-030	REP-P	02-21-127	246-224-010	REP-P	02-07-021
232- 28-62000I	NEW-E	02-18-080	246-205-031	NEW-P	02-21-127	246-224-010	REP	02-14-050
232- 28-62000I	REP-E	02-19-006	246-205-040	REP-P	02-21-127	246-224-0100	NEW-P	02-07-021
232- 28-62000J	NEW-E	02-19-006	246-205-041	NEW-P	02-21-127	246-224-0100	NEW	02-14-050
232- 28-621	AMD	02-08-048	246-205-050	REP-P	02-21-127	246-224-0110	NEW-P	02-07-021
232- 28-621	AMD-X	02-10-127	246-205-051	NEW-P	02-21-127	246-224-0110	NEW	02-14-050
232- 28-621	AMD	02-15-097	246-205-060	REP-P	02-21-127	246-224-0120	NEW-P	02-07-021
232- 28-621	AMD-P	02-21-094	246-205-061	NEW-P	02-21-127	246-224-0120	NEW	02-14-050
232- 28-62100G	NEW-E	02-11-086	246-205-070	REP-P	02-21-127	246-224-020	REP-P	02-07-021
232- 28-62100G	REP-E	02-11-086	246-205-071	NEW-P	02-21-127	246-224-020	REP	02-14-050
232- 28-62100G	REP-E	02-14-069	246-205-080	REP-P	02-21-127	246-224-050	REP-P	02-07-021
232- 28-62100H	NEW-E	02-14-069	246-205-081	NEW-P	02-21-127	246-224-050	REP	02-14-050
232- 28-62100H	REP-E	02-15-033	246-205-090	REP-P	02-21-127	246-224-060	REP-P	02-07-021
232- 28-62100I	NEW-E	02-15-033	246-205-091	NEW-P	02-21-127	246-224-060	REP	02-14-050
232- 28-62100I	REP-E	02-15-096	246-205-100	REP-P	02-21-127	246-224-070	REP-P	02-07-021
232- 28-62100J	NEW-E	02-15-096	246-205-101	NEW-P	02-21-127	246-224-070	REP	02-14-050
236- 48	PREP	02-16-025	246-205-110	REP-P	02-21-127	246-224-090	REP-P	02-07-021
236- 48-002	PREP	02-16-025	246-205-111	NEW-P	02-21-127	246-224-090	REP	02-14-050
236- 48-003	PREP	02-16-025	246-205-120	REP-P	02-21-127	246-224-100	REP-P	02-07-021
236- 48-123	PREP	02-19-048	246-205-121	NEW-P	02-21-127	246-224-100	REP	02-14-050
236- 49	PREP	02-16-026	246-205-131	NEW-P	02-21-127	246-229-0001	NEW-P	02-07-021
236- 56	PREP	02-19-049	246-205-510	NEW-P	02-21-127	246-229-0001	NEW	02-14-050
236- 70	PREP	02-13-127	246-205-520	AMD-P	02-21-127	246-229-001	REP-P	02-07-021

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-229-001	REP	02-14-050	246-323-990	AMD-P	02-13-058	246-331-095	REP-P	02-12-103
246-229-0010	NEW-P	02-07-021	246-323-990	AMD	02-16-068	246-331-095	REP	02-18-026
246-229-0010	NEW	02-14-050	246-324-990	AMD-P	02-10-131	246-331-100	REP-P	02-12-103
246-229-0020	NEW-P	02-07-021	246-324-990	AMD	02-13-061	246-331-100	REP	02-18-026
246-229-0020	NEW	02-14-050	246-325-990	AMD-P	02-13-059	246-331-105	REP-P	02-12-103
246-229-0030	NEW-P	02-07-021	246-325-990	AMD	02-20-040	246-331-105	REP	02-18-026
246-229-0030	NEW	02-14-050	246-326-990	AMD-P	02-13-059	246-331-115	REP-P	02-12-103
246-229-0040	NEW-P	02-07-021	246-326-990	AMD	02-20-040	246-331-115	REP	02-18-026
246-229-0040	NEW	02-14-050	246-327-010	REP-P	02-12-103	246-331-125	REP-P	02-12-103
246-229-0050	NEW-P	02-07-021	246-327-010	REP	02-18-026	246-331-125	REP	02-18-026
246-229-0050	NEW	02-14-050	246-327-025	REP-P	02-12-103	246-331-135	REP-P	02-12-103
246-229-0060	NEW-P	02-07-021	246-327-025	REP	02-18-026	246-331-135	REP	02-18-026
246-229-0060	NEW	02-14-050	246-327-030	REP-P	02-12-103	246-331-165	REP-P	02-12-103
246-229-0070	NEW-P	02-07-021	246-327-030	REP	02-18-026	246-331-165	REP	02-18-026
246-229-0070	NEW	02-14-050	246-327-035	REP-P	02-12-103	246-331-185	REP-P	02-12-103
246-229-0080	NEW-P	02-07-021	246-327-035	REP	02-18-026	246-331-185	REP	02-18-026
246-229-0080	NEW	02-14-050	246-327-065	REP-P	02-12-103	246-331-990	REP-P	02-12-103
246-229-0090	NEW-P	02-07-021	246-327-065	REP	02-18-026	246-331-990	REP	02-18-026
246-229-0090	NEW	02-14-050	246-327-077	REP-P	02-12-103	246-333-010	REP-X	02-10-132
246-229-0100	NEW-P	02-07-021	246-327-077	REP	02-18-026	246-333-010	REP	02-15-164
246-229-0100	NEW	02-14-050	246-327-085	REP-P	02-12-103	246-333-020	REP-X	02-10-132
246-229-020	REP-P	02-07-021	246-327-085	REP	02-18-026	246-333-020	REP	02-15-164
246-229-020	REP	02-14-050	246-327-090	REP-P	02-12-103	246-333-030	REP-X	02-10-132
246-229-030	REP-P	02-07-021	246-327-090	REP	02-18-026	246-333-030	REP	02-15-164
246-229-030	REP	02-14-050	246-327-095	REP-P	02-12-103	246-333-040	REP-X	02-10-132
246-229-050	REP-P	02-07-021	246-327-095	REP	02-18-026	246-333-040	REP	02-15-164
246-229-050	REP	02-14-050	246-327-105	REP-P	02-12-103	246-335-001	NEW-P	02-12-103
246-229-060	REP-P	02-07-021	246-327-105	REP	02-18-026	246-335-001	NEW	02-18-026
246-229-060	REP	02-14-050	246-327-115	REP-P	02-12-103	246-335-010	NEW-P	02-12-103
246-229-070	REP-P	02-07-021	246-327-115	REP	02-18-026	246-335-010	NEW	02-18-026
246-229-070	REP	02-14-050	246-327-125	REP-P	02-12-103	246-335-015	NEW-P	02-12-103
246-229-080	REP-P	02-07-021	246-327-125	REP	02-18-026	246-335-015	NEW	02-18-026
246-229-080	REP	02-14-050	246-327-135	REP-P	02-12-103	246-335-020	NEW-P	02-12-103
246-229-090	REP-P	02-07-021	246-327-135	REP	02-18-026	246-335-020	NEW	02-18-026
246-229-090	REP	02-14-050	246-327-145	REP-P	02-12-103	246-335-025	NEW-P	02-12-103
246-229-100	REP-P	02-07-021	246-327-145	REP	02-18-026	246-335-025	NEW	02-18-026
246-229-100	REP	02-14-050	246-327-165	REP-P	02-12-103	246-335-030	NEW-P	02-12-103
246-229-110	REP-P	02-07-021	246-327-165	REP	02-18-026	246-335-030	NEW	02-18-026
246-229-110	REP	02-14-050	246-327-185	REP-P	02-12-103	246-335-035	NEW-P	02-12-103
246-252-030	AMD-X	02-11-021	246-327-185	REP	02-18-026	246-335-035	NEW	02-18-026
246-252-030	AMD	02-17-005	246-327-990	REP-P	02-12-103	246-335-040	NEW-P	02-12-103
246-254-053	AMD-P	02-04-034	246-327-990	REP	02-18-026	246-335-040	NEW	02-18-026
246-254-053	AMD	02-07-085	246-328-200	REP-X	02-14-054	246-335-045	NEW-P	02-12-103
246-254-070	AMD	02-04-025	246-328-200	REP	02-20-078	246-335-045	NEW	02-18-026
246-254-080	AMD	02-04-025	246-328-990	REP-X	02-14-054	246-335-050	NEW-P	02-12-103
246-254-090	AMD	02-04-025	246-328-990	REP	02-20-078	246-335-050	NEW	02-18-026
246-254-100	AMD	02-04-025	246-329-990	AMD-P	02-10-131	246-335-055	NEW-P	02-12-103
246-254-120	AMD	02-04-025	246-329-990	AMD	02-13-061	246-335-055	NEW	02-18-026
246-272	PREP	02-03-137	246-331-010	REP-P	02-12-103	246-335-060	NEW-P	02-12-103
246-282-990	AMD-P	02-12-102	246-331-010	REP	02-18-026	246-335-060	NEW	02-18-026
246-282-990	AMD	02-15-094	246-331-025	REP-P	02-12-103	246-335-065	NEW-P	02-12-103
246-290	PREP	02-19-061	246-331-025	REP	02-18-026	246-335-065	NEW	02-18-026
246-291	PREP	02-19-060	246-331-030	REP-P	02-12-103	246-335-070	NEW-P	02-12-103
246-310	PREP	02-14-047	246-331-030	REP	02-18-026	246-335-070	NEW	02-18-026
246-310-990	AMD-P	02-10-064	246-331-035	REP-P	02-12-103	246-335-075	NEW-P	02-12-103
246-310-990	AMD	02-14-051	246-331-035	REP	02-18-026	246-335-075	NEW	02-18-026
246-320	PREP	02-11-076	246-331-065	REP-P	02-12-103	246-335-080	NEW-P	02-12-103
246-320	PREP-W	02-17-056	246-331-065	REP	02-18-026	246-335-080	NEW	02-18-026
246-320-990	AMD-P	02-10-131	246-331-077	REP-P	02-12-103	246-335-085	NEW-P	02-12-103
246-320-990	AMD	02-13-061	246-331-077	REP	02-18-026	246-335-085	NEW	02-18-026
246-322-990	AMD-P	02-10-131	246-331-085	REP-P	02-12-103	246-335-090	NEW-P	02-12-103
246-322-990	AMD	02-13-061	246-331-085	REP	02-18-026	246-335-090	NEW	02-18-026

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246-335-095	NEW-P	02-12-103	246-335-255	NEW-P	02-12-103	246-380-990	AMD-P	02-13-059
246-335-095	NEW	02-18-026	246-335-255	NEW	02-18-026	246-380-990	AMD	02-20-040
246-335-100	NEW-P	02-12-103	246-335-260	NEW-P	02-12-103	246-388	PREP	02-08-017
246-335-100	NEW	02-18-026	246-335-260	NEW	02-18-026	246-388-001	REP-P	02-13-075
246-335-105	NEW-P	02-12-103	246-335-265	NEW-P	02-12-103	246-388-001	REP	02-17-001
246-335-105	NEW	02-18-026	246-335-265	NEW	02-18-026	246-388-010	REP-P	02-13-075
246-335-110	NEW-P	02-12-103	246-335-270	NEW-P	02-12-103	246-388-010	REP	02-17-001
246-335-110	NEW	02-18-026	246-335-270	NEW	02-18-026	246-388-020	REP-P	02-13-075
246-335-115	NEW-P	02-12-103	246-335-275	NEW-P	02-12-103	246-388-020	REP	02-17-001
246-335-115	NEW	02-18-026	246-335-275	NEW	02-18-026	246-388-030	REP-P	02-13-075
246-335-120	NEW-P	02-12-103	246-335-280	NEW-P	02-12-103	246-388-030	REP	02-17-001
246-335-120	NEW	02-18-026	246-335-280	NEW	02-18-026	246-388-040	REP-P	02-13-075
246-335-125	NEW-P	02-12-103	246-335-285	NEW-P	02-12-103	246-388-040	REP	02-17-001
246-335-125	NEW	02-18-026	246-335-285	NEW	02-18-026	246-388-050	REP-P	02-13-075
246-335-130	NEW-P	02-12-103	246-335-290	NEW-P	02-12-103	246-388-050	REP	02-17-001
246-335-130	NEW	02-18-026	246-335-290	NEW	02-18-026	246-388-060	REP-P	02-13-075
246-335-135	NEW-P	02-12-103	246-335-295	NEW-P	02-12-103	246-388-060	REP	02-17-001
246-335-135	NEW	02-18-026	246-335-295	NEW	02-18-026	246-388-070	REP-P	02-13-075
246-335-140	NEW-P	02-12-103	246-335-990	NEW-P	02-12-103	246-388-070	REP	02-17-001
246-335-140	NEW	02-18-026	246-335-990	NEW	02-18-026	246-388-072	REP-P	02-13-075
246-335-145	NEW-P	02-12-103	246-336-010	REP-P	02-12-103	246-388-072	REP	02-17-001
246-335-145	NEW	02-18-026	246-336-010	REP	02-18-026	246-388-080	REP-P	02-13-075
246-335-150	NEW-P	02-12-103	246-336-025	REP-P	02-12-103	246-388-080	REP	02-17-001
246-335-150	NEW	02-18-026	246-336-025	REP	02-18-026	246-388-090	REP-P	02-13-075
246-335-155	NEW-P	02-12-103	246-336-030	REP-P	02-12-103	246-388-090	REP	02-17-001
246-335-155	NEW	02-18-026	246-336-030	REP	02-18-026	246-388-100	REP-P	02-13-075
246-335-160	NEW-P	02-12-103	246-336-035	REP-P	02-12-103	246-388-100	REP	02-17-001
246-335-160	NEW	02-18-026	246-336-035	REP	02-18-026	246-388-110	REP-P	02-13-075
246-335-165	NEW-P	02-12-103	246-336-065	REP-P	02-12-103	246-388-110	REP	02-17-001
246-335-165	NEW	02-18-026	246-336-065	REP	02-18-026	246-388-120	REP-P	02-13-075
246-335-170	NEW-P	02-12-103	246-336-077	REP-P	02-12-103	246-388-120	REP	02-17-001
246-335-170	NEW	02-18-026	246-336-077	REP	02-18-026	246-388-130	REP-P	02-13-075
246-335-175	NEW-P	02-12-103	246-336-085	REP-P	02-12-103	246-388-130	REP	02-17-001
246-335-175	NEW	02-18-026	246-336-085	REP	02-18-026	246-388-140	REP-P	02-13-075
246-335-180	NEW-P	02-12-103	246-336-095	REP-P	02-12-103	246-388-140	REP	02-17-001
246-335-180	NEW	02-18-026	246-336-095	REP	02-18-026	246-388-150	REP-P	02-13-075
246-335-185	NEW-P	02-12-103	246-336-100	REP-P	02-12-103	246-388-150	REP	02-17-001
246-335-185	NEW	02-18-026	246-336-100	REP	02-18-026	246-388-160	REP-P	02-13-075
246-335-190	NEW-P	02-12-103	246-336-105	REP-P	02-12-103	246-388-160	REP	02-17-001
246-335-190	NEW	02-18-026	246-336-105	REP	02-18-026	246-388-170	REP-P	02-13-075
246-335-195	NEW-P	02-12-103	246-336-115	REP-P	02-12-103	246-388-170	REP	02-17-001
246-335-195	NEW	02-18-026	246-336-115	REP	02-18-026	246-388-180	REP-P	02-13-075
246-335-200	NEW-P	02-12-103	246-336-125	REP-P	02-12-103	246-388-180	REP	02-17-001
246-335-200	NEW	02-18-026	246-336-125	REP	02-18-026	246-388-190	REP-P	02-13-075
246-335-205	NEW-P	02-12-103	246-336-135	REP-P	02-12-103	246-388-190	REP	02-17-001
246-335-205	NEW	02-18-026	246-336-135	REP	02-18-026	246-388-200	REP-P	02-13-075
246-335-210	NEW-P	02-12-103	246-336-165	REP-P	02-12-103	246-388-200	REP	02-17-001
246-335-210	NEW	02-18-026	246-336-165	REP	02-18-026	246-388-210	REP-P	02-13-075
246-335-220	NEW-P	02-12-103	246-336-990	REP-P	02-12-103	246-388-210	REP	02-17-001
246-335-220	NEW	02-18-026	246-336-990	REP	02-18-026	246-388-220	REP-P	02-13-075
246-335-225	NEW-P	02-12-103	246-338-020	PREP	02-03-138	246-388-220	REP	02-17-001
246-335-225	NEW	02-18-026	246-338-020	AMD-P	02-09-026	246-388-230	REP-P	02-13-075
246-335-230	NEW-P	02-12-103	246-338-020	AMD	02-12-105	246-388-230	REP	02-17-001
246-335-230	NEW	02-18-026	246-338-990	PREP	02-03-138	246-388-240	REP-P	02-13-075
246-335-235	NEW-P	02-12-103	246-338-990	AMD-P	02-09-026	246-388-240	REP	02-17-001
246-335-235	NEW	02-18-026	246-338-990	AMD	02-12-105	246-388-250	REP-P	02-13-075
246-335-240	NEW-P	02-12-103	246-360-990	AMD-P	02-12-104	246-388-250	REP	02-17-001
246-335-240	NEW	02-18-026	246-360-990	AMD	02-18-115	246-388-260	REP-P	02-13-075
246-335-245	NEW-P	02-12-103	246-361-010	AMD-X	02-17-054	246-388-260	REP	02-17-001
246-335-245	NEW	02-18-026	246-361-010	AMD	02-23-071	246-388-270	REP-P	02-13-075
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246-388-290	REP-P	02-13-075	246-760-030	AMD	02-20-079	246-809-640	NEW	02-11-108
246-388-290	REP	02-17-001	246-760-040	AMD-P	02-15-163	246-809-650	NEW	02-11-108
246-388-300	REP-P	02-13-075	246-760-040	AMD	02-20-079	246-810-320	REP	02-09-041
246-388-300	REP	02-17-001	246-760-050	AMD-P	02-15-163	246-810-321	REP	02-09-041
246-388-310	REP-P	02-13-075	246-760-050	AMD	02-20-079	246-810-332	REP	02-09-041
246-388-310	REP	02-17-001	246-760-060	AMD-P	02-15-163	246-810-340	REP	02-09-041
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246-388-320	REP	02-17-001	246-760-070	AMD-P	02-15-163	246-810-521	REP	02-09-041
246-388-330	REP-P	02-13-075	246-760-070	AMD	02-20-079	246-810-532	REP	02-09-041
246-388-330	REP	02-17-001	246-760-080	AMD-P	02-15-163	246-810-540	REP	02-09-041
246-388-340	REP-P	02-13-075	246-760-080	AMD	02-20-079	246-810-600	REP	02-11-108
246-388-340	REP	02-17-001	246-760-090	AMD-P	02-15-163	246-810-610	REP	02-11-108
246-388-350	REP-P	02-13-075	246-760-090	AMD	02-20-079	246-810-620	REP	02-11-108
246-388-350	REP	02-17-001	246-760-100	AMD-P	02-15-163	246-810-630	REP	02-11-108
246-388-360	REP-P	02-13-075	246-760-100	AMD	02-20-079	246-810-640	REP	02-11-108
246-388-360	REP	02-17-001	246-762-001	AMD-P	02-15-162	246-810-650	REP	02-11-108
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246-388-370	REP	02-17-001	246-762-010	AMD-P	02-15-162	246-810-720	REP	02-09-041
246-388-380	REP-P	02-13-075	246-762-010	AMD	02-20-076	246-810-721	REP	02-09-041
246-388-380	REP	02-17-001	246-762-020	AMD-P	02-15-162	246-810-732	REP	02-09-041
246-388-390	REP-P	02-13-075	246-762-020	AMD	02-20-076	246-810-740	REP	02-09-041
246-388-390	REP	02-17-001	246-762-030	AMD-P	02-15-162	246-811	PREP-W	02-11-105
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246-388-400	REP	02-17-001	246-762-040	AMD-P	02-15-162	246-811-082	NEW	02-07-083
246-388-410	REP-P	02-13-075	246-762-040	AMD	02-20-076	246-811-200	NEW	02-07-084
246-388-410	REP	02-17-001	246-762-050	AMD-P	02-15-162	246-811-210	NEW	02-07-084
246-388-420	REP-P	02-13-075	246-762-050	AMD	02-20-076	246-811-220	NEW	02-07-084
246-388-420	REP	02-17-001	246-790-010	AMD-P	02-07-020	246-811-230	NEW	02-07-084
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246-388-430	REP	02-17-001	246-790-050	AMD-P	02-07-020	246-811-250	NEW	02-07-084
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246-388-440	REP	02-17-001	246-790-065	AMD-P	02-07-020	246-811-270	NEW	02-07-084
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246-388-990	REP-P	02-13-075	246-790-070	AMD	02-11-107	246-814-010	NEW	02-21-128
246-388-990	REP	02-17-001	246-790-080	AMD-P	02-07-020	246-814-020	NEW-P	02-16-101
246-455	PREP	02-18-114	246-790-080	AMD	02-11-107	246-814-020	NEW	02-21-128
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246-491-001	NEW	02-20-092	246-790-085	AMD	02-11-107	246-814-030	NEW	02-21-128
246-491-010	NEW-P	02-16-100	246-790-090	AMD-P	02-07-020	246-814-040	NEW-P	02-16-101
246-491-010	NEW	02-20-092	246-790-090	AMD	02-11-107	246-814-040	NEW	02-21-128
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246-491-029	AMD	02-20-092	246-790-100	AMD	02-11-107	246-814-990	NEW	02-21-128
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246-491-039	AMD	02-20-092	246-790-120	AMD	02-11-107	246-815-050	PREP	02-19-083
246-491-149	AMD-P	02-16-100	246-790-130	AMD-P	02-07-020	246-815-100	PREP	02-19-083
246-491-149	AMD	02-20-092	246-790-130	AMD	02-11-107	246-815-110	PREP	02-19-083
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246-562-080	AMD-P	02-15-161	246-808-320	REP-W	02-11-105	246-817-110	PREP	02-15-160
246-562-080	AMD	02-19-084	246-808-330	REP-W	02-11-105	246-817-120	PREP	02-15-160
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246-680-010	AMD-P	02-22-078	246-808-390	REP-W	02-11-105	246-824-070	AMD	02-18-025
246-680-020	AMD-P	02-22-078	246-808-640	REP-W	02-11-105	246-824-071	AMD-P	02-13-062
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246-828	PREP-W	02-11-105	246-935-010	AMD	02-10-135	246-976-790	PREP	02-23-069
246-828-080	PREP-W	02-11-105	246-935-020	AMD	02-10-135	246-976-810	AMD-P	02-09-043
246-828-090	PREP-W	02-11-105	246-935-030	AMD	02-10-135	246-976-810	AMD	02-12-107
246-828-100	PREP-W	02-11-105	246-935-090	AMD	02-10-135	246-976-810	PREP	02-23-069
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246-834-250	PREP	02-17-053	246-937-010	AMD	02-11-022	246-976-822	PREP	02-23-069
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246-840-030	PREP	02-04-033	246-937-030	AMD	02-11-022	246-976-840	PREP	02-23-069
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246-840-050	PREP	02-04-033	246-937-050	AMD	02-11-022	246-976-860	PREP	02-23-069
246-840-060	PREP	02-04-033	246-937-060	AMD	02-11-022	246-976-870	PREP	02-23-069
246-840-070	PREP	02-04-033	246-937-070	AMD	02-11-022	246-976-881	PREP	02-23-069
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246-840-090	PREP	02-04-031	246-976-031	AMD-P	02-10-133	246-976-886	NEW-P	02-09-043
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246-840-710	AMD	02-06-117	246-976-490	PREP	02-23-069	246-976-935	AMD	02-04-045
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246-843-015	REP	02-17-055	246-976-500	PREP	02-23-069	246-976-970	AMD-P	02-10-133
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246-843-180	AMD-P	02-11-106	246-976-510	PREP	02-23-069	250- 20-021	AMD-E	02-14-136
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246-843-330	AMD	02-23-070	246-976-550	PREP	02-23-069	250- 66-030	AMD	02-05-006
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246-851-150	AMD	02-10-065	246-976-560	PREP	02-23-069	250- 69-020	AMD-P	02-22-085
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246-851-160	AMD	02-10-065	246-976-600	AMD-P	02-09-043	250- 69-040	AMD-P	02-22-085
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246-851-250	AMD-C	02-04-090	246-976-600	PREP	02-23-069	250- 69-060	AMD-P	02-22-085
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246-851-300	AMD	02-10-065	246-976-610	PREP	02-23-069	250- 69-110	REP-P	02-22-085
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251- 06-090	AMD-P	02-12-114	251- 14-080	REP-P	02-12-111	251- 30-050	NEW-P	02-13-131
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251- 06-091	NEW-E	02-12-047	251- 14-082	REP-E	02-12-052	251- 30-055	NEW-E	02-13-056
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251- 08-021	AMD-P	02-12-116	251- 14-085	REP-P	02-12-111	251- 30-060	NEW-P	02-13-131
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251- 08-051	REP-P	02-12-116	251- 14-086	REP-P	02-12-111	259- 04-050	AMD	02-06-014
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296-24-12517	REP	02-23-073	296-24-67513	AMD-X	02-05-077	296-52-409	REP	02-03-125
296-24-12519	REP-X	02-17-107	296-24-67513	AMD	02-12-098	296-52-413	REP	02-03-125
296-24-12519	REP	02-23-073	296-24-67515	AMD-X	02-05-077	296-52-417	REP	02-03-125
296-24-12521	REP-X	02-17-107	296-24-67515	AMD	02-12-098	296-52-419	REP	02-03-125
296-24-12521	REP	02-23-073	296-27	PREP	02-20-099	296-52-421	REP	02-03-125
296-24-12523	REP-X	02-17-107	296-27-01113	AMD-X	02-17-104	296-52-423	REP	02-03-125
296-24-12523	REP	02-23-073	296-27-01113	AMD	02-22-029	296-52-425	REP	02-03-125
296-24-14001	AMD-X	02-05-077	296-27-01117	AMD-X	02-17-104	296-52-429	REP	02-03-125
296-24-14001	AMD	02-12-098	296-27-01117	AMD	02-22-029	296-52-433	REP	02-03-125
296-24-145	PREP	02-09-088	296-27-01119	AMD-X	02-17-104	296-52-437	REP	02-03-125
296-24-145	REP-P	02-13-118	296-27-01119	AMD	02-22-029	296-52-441	REP	02-03-125
296-24-145	REP	02-22-027	296-28-001	REP-P	02-07-101	296-52-445	REP	02-03-125
296-24-14501	REP-P	02-13-118	296-28-001	REP	02-17-106	296-52-449	REP	02-03-125
296-24-14501	REP	02-22-027	296-28-005	REP-P	02-07-101	296-52-453	REP	02-03-125
296-24-14503	REP-P	02-13-118	296-28-005	REP	02-17-106	296-52-457	REP	02-03-125
296-24-14503	REP	02-22-027	296-28-010	REP-P	02-07-101	296-52-461	REP	02-03-125
296-24-14505	REP-P	02-13-118	296-28-010	REP	02-17-106	296-52-465	REP	02-03-125
296-24-14505	REP	02-22-027	296-28-015	REP-P	02-07-101	296-52-469	REP	02-03-125
296-24-14507	REP-P	02-13-118	296-28-015	REP	02-17-106	296-52-477	REP	02-03-125
296-24-14507	REP	02-22-027	296-28-020	REP-P	02-07-101	296-52-481	REP	02-03-125
296-24-14509	REP-P	02-13-118	296-28-020	REP	02-17-106	296-52-485	REP	02-03-125
296-24-14509	REP	02-22-027	296-28-025	REP-P	02-07-101	296-52-487	REP	02-03-125
296-24-14511	REP-P	02-13-118	296-28-025	REP	02-17-106	296-52-489	REP	02-03-125
296-24-14511	REP	02-22-027	296-28-030	REP-P	02-07-101	296-52-493	REP	02-03-125
296-24-14513	REP-P	02-13-118	296-28-030	REP	02-17-106	296-52-497	REP	02-03-125
296-24-14513	REP	02-22-027	296-28-035	REP-P	02-07-101	296-52-501	REP	02-03-125
296-24-14515	REP-P	02-13-118	296-28-035	REP	02-17-106	296-52-505	REP	02-03-125
296-24-14515	REP	02-22-027	296-28-040	REP-P	02-07-101	296-52-509	REP	02-03-125
296-24-14517	REP-P	02-13-118	296-28-040	REP	02-17-106	296-52-510	REP	02-03-125
296-24-14517	REP	02-22-027	296-28-045	REP-P	02-07-101	296-52-550	REP	02-03-125
296-24-14519	REP-P	02-13-118	296-28-045	REP	02-17-106	296-52-552	REP	02-03-125
296-24-14519	REP	02-22-027	296-28-050	REP-P	02-07-101	296-52-555	REP	02-03-125
296-24-23003	AMD-X	02-05-077	296-28-050	REP	02-17-106	296-52-600	NEW-W	02-06-102
296-24-23003	AMD	02-12-098	296-30	PREP	02-18-092	296-52-60005	NEW	02-03-125
296-24-405	REP-P	02-07-100	296-32	AMD-S	02-10-025	296-52-60010	NEW	02-03-125
296-24-405	REP	02-15-102	296-32	AMD-W	02-15-132	296-52-60015	NEW	02-03-125
296-24-40501	REP-P	02-07-100	296-32-240	AMD-P	02-05-080	296-52-60020	NEW	02-03-125
296-24-40501	REP	02-15-102	296-32-240	AMD-W	02-15-132	296-52-60020	AMD-X	02-15-165
296-24-40503	REP-P	02-07-100	296-32-250	AMD-X	02-05-077	296-52-60020	AMD-W	02-22-006
296-24-40503	REP	02-15-102	296-32-250	AMD	02-12-098	296-52-60020	AMD-X	02-23-076
296-24-40505	REP-P	02-07-100	296-32-280	AMD-X	02-05-077	296-52-60025	NEW-W	02-06-102
296-24-40505	REP	02-15-102	296-32-280	AMD	02-12-098	296-52-60030	NEW	02-03-125
296-24-40507	REP-P	02-07-100	296-33-010	NEW	02-06-024	296-52-60035	NEW	02-03-125
296-24-40507	REP	02-15-102	296-400A	PREP	02-04-106	296-52-60040	NEW-W	02-06-102
296-24-40509	REP-P	02-07-100	296-401B	PREP	02-04-106	296-52-60045	NEW	02-03-125
296-24-40509	REP	02-15-102	296-401B	PREP	02-15-167	296-52-60050	NEW	02-03-125
296-24-40511	REP-P	02-07-100	296-402A	PREP	02-15-167	296-52-60055	NEW	02-03-125
296-24-40511	REP	02-15-102	296-45	AMD-S	02-10-025	296-52-60060	NEW	02-03-125
296-24-40513	REP-P	02-07-100	296-45	AMD-W	02-15-132	296-52-60065	NEW	02-03-125
296-24-40513	REP	02-15-102	296-45-52530	AMD-P	02-05-080	296-52-60070	NEW-W	02-06-102
296-24-40515	REP-P	02-07-100	296-45-52530	AMD-W	02-15-132	296-52-60075	NEW	02-03-125
296-24-40515	REP	02-15-102	296-46A	PREP	02-04-106	296-52-60080	NEW	02-03-125
296-24-51009	AMD-X	02-05-077	296-46A	PREP	02-15-167	296-52-60085	NEW	02-03-125
296-24-51009	AMD	02-12-098	296-46A-910	AMD-P	02-09-095	296-52-60090	NEW	02-03-125

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296- 52-60095	NEW	02-03-125	296- 52-660	NEW	02-03-125	296- 52-67220	NEW	02-03-125
296- 52-60100	NEW	02-03-125	296- 52-66005	NEW	02-03-125	296- 52-67225	NEW	02-03-125
296- 52-60105	NEW	02-03-125	296- 52-66010	NEW	02-03-125	296- 52-67230	NEW	02-03-125
296- 52-60110	NEW-W	02-06-102	296- 52-66015	NEW	02-03-125	296- 52-67235	NEW	02-03-125
296- 52-60115	NEW	02-03-125	296- 52-66020	NEW	02-03-125	296- 52-67240	NEW	02-03-125
296- 52-60120	NEW	02-03-125	296- 52-66025	NEW-W	02-06-102	296- 52-67245	NEW	02-03-125
296- 52-60125	NEW	02-03-125	296- 52-66030	NEW	02-03-125	296- 52-67250	NEW-W	02-06-102
296- 52-60130	NEW	02-03-125	296- 52-66035	NEW	02-03-125	296- 52-68005	NEW-W	02-06-102
296- 52-60130	AMD-X	02-15-165	296- 52-66040	NEW	02-03-125	296- 52-68010	NEW	02-03-125
296- 52-60130	AMD-W	02-22-006	296- 52-66045	NEW	02-03-125	296- 52-68015	NEW	02-03-125
296- 52-60130	AMD-X	02-23-076	296- 52-66050	NEW	02-03-125	296- 52-68020	NEW	02-03-125
296- 52-61005	NEW	02-03-125	296- 52-66055	NEW	02-03-125	296- 52-68025	NEW	02-03-125
296- 52-61010	NEW	02-03-125	296- 52-66060	NEW	02-03-125	296- 52-68030	NEW	02-03-125
296- 52-61015	NEW	02-03-125	296- 52-67005	NEW-W	02-06-102	296- 52-68035	NEW-W	02-06-102
296- 52-61020	NEW	02-03-125	296- 52-67010	NEW	02-03-125	296- 52-68040	NEW	02-03-125
296- 52-61025	NEW	02-03-125	296- 52-67015	NEW-W	02-06-102	296- 52-68045	NEW	02-03-125
296- 52-61030	NEW	02-03-125	296- 52-67020	NEW	02-03-125	296- 52-68050	NEW	02-03-125
296- 52-61035	NEW	02-03-125	296- 52-67025	NEW	02-03-125	296- 52-68055	NEW	02-03-125
296- 52-61040	NEW	02-03-125	296- 52-67030	NEW	02-03-125	296- 52-68060	NEW	02-03-125
296- 52-61045	NEW	02-03-125	296- 52-67035	NEW	02-03-125	296- 52-68060	AMD-X	02-15-165
296- 52-61050	NEW	02-03-125	296- 52-67040	NEW	02-03-125	296- 52-68060	AMD-W	02-22-006
296- 52-62005	NEW	02-03-125	296- 52-67045	NEW	02-03-125	296- 52-68060	AMD-X	02-23-076
296- 52-62010	NEW	02-03-125	296- 52-67050	NEW	02-03-125	296- 52-68065	NEW	02-03-125
296- 52-62020	NEW-W	02-06-102	296- 52-67055	NEW	02-03-125	296- 52-68070	NEW-W	02-06-102
296- 52-62025	NEW	02-03-125	296- 52-67060	NEW	02-03-125	296- 52-68075	NEW	02-03-125
296- 52-62030	NEW	02-03-125	296- 52-67065	NEW	02-03-125	296- 52-68080	NEW	02-03-125
296- 52-62035	NEW	02-03-125	296- 52-67065	AMD-X	02-15-165	296- 52-68085	NEW	02-03-125
296- 52-62040	NEW	02-03-125	296- 52-67065	AMD-W	02-22-006	296- 52-69005	NEW	02-03-125
296- 52-62045	NEW	02-03-125	296- 52-67065	AMD-X	02-23-076	296- 52-69010	NEW	02-03-125
296- 52-63005	NEW	02-03-125	296- 52-67070	NEW	02-03-125	296- 52-69010	AMD-X	02-15-165
296- 52-63010	NEW	02-03-125	296- 52-67075	NEW	02-03-125	296- 52-69010	AMD-W	02-22-006
296- 52-63015	NEW-W	02-06-102	296- 52-67080	NEW	02-03-125	296- 52-69010	AMD-X	02-23-076
296- 52-63020	NEW	02-03-125	296- 52-67085	NEW	02-03-125	296- 52-69015	NEW	02-03-125
296- 52-63025	NEW	02-03-125	296- 52-67090	NEW	02-03-125	296- 52-69015	AMD-X	02-15-165
296- 52-63030	NEW	02-03-125	296- 52-67095	NEW	02-03-125	296- 52-69015	AMD-W	02-22-006
296- 52-64005	NEW	02-03-125	296- 52-67100	NEW	02-03-125	296- 52-69015	AMD-X	02-23-076
296- 52-64010	NEW-W	02-06-102	296- 52-67105	NEW	02-03-125	296- 52-69020	NEW	02-03-125
296- 52-64015	NEW-W	02-06-102	296- 52-67110	NEW	02-03-125	296- 52-69025	NEW	02-03-125
296- 52-64020	NEW	02-03-125	296- 52-67115	NEW	02-03-125	296- 52-69030	NEW	02-03-125
296- 52-64025	NEW-W	02-06-102	296- 52-67120	NEW-W	02-06-102	296- 52-69035	NEW	02-03-125
296- 52-64030	NEW	02-03-125	296- 52-67125	NEW	02-03-125	296- 52-69040	NEW	02-03-125
296- 52-64035	NEW	02-03-125	296- 52-67130	NEW	02-03-125	296- 52-69045	NEW	02-03-125
296- 52-64040	NEW	02-03-125	296- 52-67135	NEW	02-03-125	296- 52-69050	NEW	02-03-125
296- 52-64045	NEW	02-03-125	296- 52-67140	NEW	02-03-125	296- 52-69055	NEW	02-03-125
296- 52-64050	NEW	02-03-125	296- 52-67145	NEW	02-03-125	296- 52-69060	NEW	02-03-125
296- 52-64055	NEW	02-03-125	296- 52-67150	NEW-W	02-06-102	296- 52-69065	NEW	02-03-125
296- 52-64060	NEW-W	02-06-102	296- 52-67155	NEW-W	02-06-102	296- 52-69070	NEW	02-03-125
296- 52-64065	NEW	02-03-125	296- 52-67160	NEW	02-03-125	296- 52-69075	NEW-W	02-06-102
296- 52-64070	NEW-W	02-06-102	296- 52-67160	AMD-X	02-15-165	296- 52-69080	NEW	02-03-125
296- 52-64075	NEW	02-03-125	296- 52-67160	AMD-W	02-22-006	296- 52-69085	NEW	02-03-125
296- 52-64080	NEW	02-03-125	296- 52-67160	AMD-X	02-23-076	296- 52-69090	NEW	02-03-125
296- 52-64085	NEW	02-03-125	296- 52-67165	NEW	02-03-125	296- 52-69095	NEW	02-03-125
296- 52-64090	NEW	02-03-125	296- 52-67170	NEW	02-03-125	296- 52-69095	AMD-X	02-15-165
296- 52-64095	NEW	02-03-125	296- 52-67175	NEW-W	02-06-102	296- 52-69095	AMD-W	02-22-006
296- 52-64100	NEW	02-03-125	296- 52-67180	NEW	02-03-125	296- 52-69095	AMD-X	02-23-076
296- 52-650	NEW	02-03-125	296- 52-67185	NEW	02-03-125	296- 52-69100	NEW-W	02-06-102
296- 52-65005	NEW	02-03-125	296- 52-67190	NEW	02-03-125	296- 52-69105	NEW	02-03-125
296- 52-65010	NEW	02-03-125	296- 52-67195	NEW	02-03-125	296- 52-69110	NEW	02-03-125
296- 52-65015	NEW	02-03-125	296- 52-67200	NEW	02-03-125	296- 52-69115	NEW	02-03-125
296- 52-65020	NEW	02-03-125	296- 52-67205	NEW-W	02-06-102	296- 52-69120	NEW	02-03-125
296- 52-65025	NEW	02-03-125	296- 52-67210	NEW	02-03-125	296- 52-69125	NEW	02-03-125
296- 52-65030	NEW	02-03-125	296- 52-67215	NEW	02-03-125	296- 52-69125	AMD-X	02-15-165

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-52-69125	AMD-W	02-22-006	296-62	PREP	02-04-107	296-62-41041	REP	02-11-141
296-52-69125	AMD-X	02-23-076	296-62	PREP	02-10-130	296-62-41042	REP	02-11-141
296-52-69130	NEW-X	02-15-165	296-62	PREP	02-13-114	296-62-41043	REP	02-11-141
296-52-69130	NEW-W	02-22-006	296-62	PREP	02-13-116	296-62-41044	REP	02-11-141
296-52-69130	NEW-X	02-23-076	296-62	PREP	02-20-099	296-62-41045	REP	02-11-141
296-52-700	NEW	02-03-125	296-62-054	AMD-P	02-18-094	296-62-41046	REP	02-11-141
296-52-70005	NEW	02-03-125	296-62-055	NEW-P	02-18-094	296-62-41047	REP	02-11-141
296-52-70010	NEW	02-03-125	296-62-05510	NEW-P	02-18-094	296-62-41060	REP	02-11-141
296-52-70010	AMD-X	02-15-165	296-62-05520	NEW-P	02-18-094	296-62-41061	REP	02-11-141
296-52-70010	AMD-W	02-22-006	296-62-060	AMD-P	02-09-092	296-62-41063	REP	02-11-141
296-52-70010	AMD-X	02-23-076	296-62-060	AMD	02-16-047	296-62-41080	REP	02-11-141
296-52-70015	NEW	02-03-125	296-62-070	AMD-P	02-09-092	296-62-41081	REP	02-11-141
296-52-70020	NEW	02-03-125	296-62-070	AMD	02-16-047	296-62-41082	REP	02-11-141
296-52-70025	NEW	02-03-125	296-62-071	PREP	02-11-140	296-62-41084	REP	02-11-141
296-52-70030	NEW	02-03-125	296-62-07302	AMD-X	02-05-077	296-62-41085	REP	02-11-141
296-52-70035	NEW	02-03-125	296-62-07302	AMD	02-12-098	296-62-41086	REP	02-11-141
296-52-70040	NEW	02-03-125	296-62-07304	AMD-X	02-05-077	296-67-053	AMD-X	02-15-166
296-52-70045	NEW	02-03-125	296-62-07304	AMD	02-12-098	296-67-053	AMD	02-20-034
296-52-70050	NEW	02-03-125	296-62-07312	AMD-X	02-05-077	296-67-291	AMD-X	02-15-166
296-52-70055	NEW	02-03-125	296-62-07312	AMD	02-12-098	296-67-291	AMD	02-20-034
296-52-70060	NEW	02-03-125	296-62-07314	AMD-X	02-05-077	296-78-56501	AMD	02-03-124
296-52-70065	NEW	02-03-125	296-62-07314	AMD	02-12-098	296-78-56505	AMD	02-03-124
296-52-70070	NEW	02-03-125	296-62-07421	AMD-X	02-05-077	296-78-56505	AMD-X	02-23-075
296-52-70075	NEW-W	02-06-102	296-62-07421	AMD	02-12-098	296-78-71001	AMD-X	02-23-075
296-52-70080	NEW	02-03-125	296-62-07501	AMD-X	02-05-077	296-78-71011	AMD-X	02-23-075
296-52-70085	NEW	02-03-125	296-62-07501	AMD	02-12-098	296-78-71015	AMD-P	02-07-100
296-52-710	NEW	02-03-125	296-62-07527	AMD-X	02-05-077	296-78-71015	AMD	02-15-102
296-52-710	AMD-X	02-15-165	296-62-07527	AMD	02-12-098	296-78-835	AMD-X	02-23-075
296-52-710	AMD-W	02-22-006	296-62-07540	AMD-X	02-05-077	296-79-140	AMD-X	02-05-077
296-52-710	AMD-X	02-23-076	296-62-07540	AMD	02-12-098	296-79-140	AMD	02-12-098
296-52-71005	NEW-W	02-06-102	296-62-080	AMD-P	02-09-092	296-86A-010	REP-P	02-09-095
296-52-71010	NEW-W	02-06-102	296-62-080	AMD	02-16-047	296-86A-010	REP	02-12-022
296-52-71015	NEW	02-03-125	296-62-11021	AMD-P	02-07-100	296-86A-020	REP-P	02-09-095
296-52-71020	NEW	02-03-125	296-62-11021	AMD	02-15-102	296-86A-020	REP	02-12-022
296-52-71020	AMD-X	02-15-165	296-62-130	AMD-P	02-09-092	296-86A-025	REP-P	02-09-095
296-52-71020	AMD-W	02-22-006	296-62-130	AMD	02-16-047	296-86A-025	REP	02-12-022
296-52-71020	AMD-X	02-23-076	296-62-14105	AMD-X	02-05-077	296-86A-028	REP-P	02-09-095
296-52-71025	NEW	02-03-125	296-62-14105	AMD	02-12-098	296-86A-028	REP	02-12-022
296-52-71030	NEW-W	02-06-102	296-62-14110	AMD-X	02-05-077	296-86A-030	REP-P	02-09-095
296-52-71035	NEW	02-03-125	296-62-14110	AMD	02-12-098	296-86A-030	REP	02-12-022
296-52-71040	NEW	02-03-125	296-62-14155	AMD-X	02-05-077	296-86A-040	REP-P	02-09-095
296-52-71040	AMD-X	02-15-165	296-62-14155	AMD	02-12-098	296-86A-040	REP	02-12-022
296-52-71040	AMD-W	02-22-006	296-62-14171	AMD-X	02-05-077	296-86A-060	REP-P	02-09-095
296-52-71040	AMD-X	02-23-076	296-62-14171	AMD	02-12-098	296-86A-060	REP	02-12-022
296-52-71045	NEW	02-03-125	296-62-410	REP	02-11-141	296-86A-065	REP-P	02-09-095
296-52-71045	AMD-X	02-15-165	296-62-41001	REP	02-11-141	296-86A-065	REP	02-12-022
296-52-71045	AMD-W	02-22-006	296-62-41003	REP	02-11-141	296-86A-070	REP-P	02-09-095
296-52-71045	AMD-X	02-23-076	296-62-41010	REP	02-11-141	296-86A-070	REP	02-12-022
296-52-71050	NEW-W	02-06-102	296-62-41011	REP	02-11-141	296-86A-073	REP-P	02-09-095
296-52-71055	NEW	02-03-125	296-62-41013	REP	02-11-141	296-86A-073	REP	02-12-022
296-52-71060	NEW	02-03-125	296-62-41015	REP	02-11-141	296-86A-074	REP-P	02-09-095
296-52-71065	NEW	02-03-125	296-62-41017	REP	02-11-141	296-86A-074	REP	02-12-022
296-52-71070	NEW-W	02-06-102	296-62-41019	REP	02-11-141	296-86A-075	REP-P	02-09-095
296-52-71075	NEW	02-03-125	296-62-41020	REP	02-11-141	296-86A-075	REP	02-12-022
296-52-71080	NEW	02-03-125	296-62-41021	REP	02-11-141	296-86A-080	REP-P	02-09-095
296-52-71085	NEW-W	02-06-102	296-62-41023	REP	02-11-141	296-86A-080	REP	02-12-022
296-52-71090	NEW	02-03-125	296-62-41025	REP	02-11-141	296-96	PREP	02-04-106
296-52-71095	NEW	02-03-125	296-62-41030	REP	02-11-141	296-96	PREP	02-09-090
296-52-71100	NEW	02-03-125	296-62-41031	REP	02-11-141	296-96-01010	AMD-P	02-09-095
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296-52-720	NEW	02-03-125	296-62-41035	REP	02-11-141	296-96-01012	NEW-P	02-09-095
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296-96-01015	REP	02-12-022	296-104-260	DECOD-P	02-17-120	296-130-100	NEW-P	02-21-106
296-96-01025	AMD-P	02-09-095	296-104-260	RECOD-P	02-17-120	296-130-500	REP-P	02-21-106
296-96-01025	AMD	02-12-022	296-104-260	AMD	02-23-036	296-150C-0800	AMD-P	02-09-095
296-96-01027	AMD-P	02-09-095	296-104-260	DECOD	02-23-036	296-150C-0800	AMD	02-12-022
296-96-01027	AMD	02-12-022	296-104-260	RECOD	02-23-036	296-150C-3000	AMD-P	02-09-095
296-96-01030	AMD-P	02-09-095	296-104-265	DECOD-P	02-17-120	296-150C-3000	AMD	02-12-022
296-96-01030	AMD	02-12-022	296-104-265	RECOD-P	02-17-120	296-150F-3000	AMD-E	02-14-073
296-96-01035	AMD-P	02-09-095	296-104-265	DECOD	02-23-036	296-150F-3000	AMD-E	02-21-109
296-96-01035	AMD	02-12-022	296-104-265	RECOD	02-23-036	296-150M-0020	AMD	02-03-048
296-96-01040	AMD-P	02-09-095	296-104-270	AMD-P	02-17-120	296-150M-0020	AMD-E	02-14-073
296-96-01040	AMD	02-12-022	296-104-270	DECOD-P	02-17-120	296-150M-0020	AMD-E	02-21-109
296-96-01045	AMD-P	02-09-095	296-104-270	RECOD-P	02-17-120	296-150M-0049	NEW	02-03-048
296-96-01045	AMD	02-12-022	296-104-270	DECOD	02-23-036	296-150M-0049	AMD-E	02-14-073
296-96-01050	AMD-P	02-09-095	296-104-271	NEW	02-23-036	296-150M-0049	AMD-E	02-21-109
296-96-01050	AMD	02-12-022	296-104-273	AMD-P	02-17-120	296-150M-0050	AMD-E	02-14-073
296-96-01055	AMD-P	02-09-095	296-104-273	DECOD-P	02-17-120	296-150M-0050	AMD-E	02-21-109
296-96-01055	AMD	02-12-022	296-104-273	RECOD-P	02-17-120	296-150M-0051	NEW-E	02-14-073
296-96-01060	AMD-P	02-09-095	296-104-273	AMD	02-23-036	296-150M-0051	NEW-E	02-21-109
296-96-01060	AMD	02-12-022	296-104-273	DECOD	02-23-036	296-150M-0140	AMD	02-03-048
296-96-01065	AMD-P	02-09-095	296-104-273	RECOD	02-23-036	296-150M-0302	NEW	02-03-048
296-96-01065	AMD	02-12-022	296-104-295	RECOD	02-23-036	296-150M-0304	NEW-W	02-09-070
296-104	PREP	02-04-105	296-104-300	DECOD-P	02-17-120	296-150M-0320	AMD-E	02-14-073
296-104	PREP	02-08-090	296-104-300	RECOD-P	02-17-120	296-150M-0320	AMD-E	02-21-109
296-104-010	AMD-P	02-17-120	296-104-300	DECOD	02-23-036	296-150M-0322	NEW-E	02-14-073
296-104-010	AMD	02-23-036	296-104-300	RECOD	02-23-036	296-150M-0322	NEW-E	02-21-109
296-104-020	AMD-P	02-17-120	296-104-305	DECOD-P	02-17-120	296-150M-3000	AMD-E	02-14-073
296-104-020	AMD	02-23-036	296-104-305	RECOD-P	02-17-120	296-150M-3000	AMD-E	02-21-109
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296-104-050	AMD	02-23-036	296-104-307	DECOD	02-23-036	296-150R-3000	AMD	02-12-022
296-104-055	AMD-P	02-09-094	296-104-307	RECOD	02-23-036	296-150T-3000	AMD-P	02-09-095
296-104-055	AMD	02-12-021	296-104-310	DECOD-P	02-17-120	296-150T-3000	AMD	02-12-022
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296-104-060	AMD	02-12-021	296-104-310	DECOD	02-23-036	296-150V-0800	AMD	02-12-022
296-104-060	AMD-P	02-17-120	296-104-310	RECOD	02-23-036	296-150V-3000	AMD-P	02-09-095
296-104-060	AMD	02-23-036	296-104-316	RECOD-P	02-17-120	296-150V-3000	AMD	02-12-022
296-104-125	AMD-P	02-17-120	296-104-316	RECOD	02-23-036	296-155	PREP	02-09-091
296-104-125	AMD	02-23-036	296-104-320	DECOD-P	02-17-120	296-155	AMD-S	02-10-025
296-104-140	AMD-P	02-17-120	296-104-320	RECOD-P	02-17-120	296-155	AMD-W	02-15-132
296-104-140	AMD	02-23-036	296-104-320	DECOD	02-23-036	296-155-110	AMD-P	02-05-080
296-104-145	AMD-P	02-17-120	296-104-320	RECOD	02-23-036	296-155-110	AMD-W	02-15-132
296-104-145	AMD	02-23-036	296-104-502	AMD-P	02-17-120	296-155-165	AMD-P	02-05-080
296-104-150	AMD-P	02-17-120	296-104-502	AMD	02-23-036	296-155-165	AMD-W	02-15-132
296-104-150	AMD	02-23-036	296-104-700	AMD-P	02-09-094	296-155-200	AMD-P	02-05-080
296-104-151	AMD-P	02-17-120	296-104-700	AMD	02-12-021	296-155-200	AMD-W	02-15-132
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296-104-155	AMD-P	02-17-120	296-104-700	AMD	02-23-036	296-155-24525	AMD	02-12-098
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296-104-256	RECOD-P	02-17-120	296-130-060	AMD-P	02-21-106	296-155-601	NEW-P	02-05-080
296-104-256	DECOD	02-23-036	296-130-065	AMD-P	02-21-106	296-155-601	NEW-W	02-15-132
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296-155-603	NEW-W	02-15-132	296-155-72401	NEW-W	02-13-115	296-307-45400	NEW	02-11-141
296-155-604	NEW-P	02-05-080	296-155-72402	NEW-P	02-06-114	296-307-45410	NEW	02-11-141
296-155-604	NEW-W	02-15-132	296-155-72402	NEW-W	02-13-115	296-307-45420	NEW	02-11-141
296-155-605	AMD-P	02-05-080	296-155-72403	NEW-P	02-06-114	296-307-45430	NEW	02-11-141
296-155-605	AMD-W	02-15-132	296-155-72403	NEW-W	02-13-115	296-307-45440	NEW	02-11-141
296-155-606	NEW-P	02-05-080	296-155-72404	NEW-P	02-06-114	296-307-45450	NEW	02-11-141
296-155-606	NEW-W	02-15-132	296-155-72404	NEW-W	02-13-115	296-307-45600	NEW	02-11-141
296-155-607	NEW-P	02-05-080	296-155-72405	NEW-P	02-06-114	296-307-45610	NEW	02-11-141
296-155-607	NEW-W	02-15-132	296-155-72405	NEW-W	02-13-115	296-307-45620	NEW	02-11-141
296-155-608	NEW-P	02-05-080	296-155-72406	NEW-P	02-06-114	296-307-45800	NEW	02-11-141
296-155-608	NEW-W	02-15-132	296-155-72406	NEW-W	02-13-115	296-307-46000	NEW	02-11-141
296-155-609	NEW-P	02-05-080	296-155-960	AMD-X	02-05-077	296-400A	PREP	02-09-089
296-155-609	NEW-W	02-15-132	296-155-960	AMD	02-12-098	296-400A	AMD-P	02-09-096
296-155-610	AMD-P	02-05-080	296-200A-080	AMD-P	02-09-095	296-400A	AMD	02-14-074
296-155-610	AMD-W	02-15-132	296-200A-080	AMD	02-12-022	296-400A-005	AMD-P	02-09-096
296-155-611	NEW-P	02-05-080	296-200A-900	AMD-P	02-09-095	296-400A-005	AMD	02-14-074
296-155-611	NEW-W	02-15-132	296-200A-900	AMD	02-12-022	296-400A-020	AMD-P	02-09-096
296-155-612	NEW-P	02-05-080	296-304-01001	AMD-X	02-21-107	296-400A-020	AMD	02-14-074
296-155-612	NEW-W	02-15-132	296-304-01003	AMD-X	02-21-107	296-400A-025	AMD-P	02-09-096
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296-155-615	AMD-W	02-15-132	296-304-02009	AMD-X	02-21-107	296-400A-026	AMD-P	02-09-096
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296-155-655	AMD-W	02-15-132	296-304-04001	AMD-X	02-21-107	296-400A-030	AMD-P	02-09-096
296-155-66405	AMD-X	02-05-077	296-304-05001	AMD-X	02-21-107	296-400A-030	AMD	02-14-074
296-155-66405	AMD	02-12-098	296-304-05003	AMD-X	02-21-107	296-400A-031	AMD-P	02-09-096
296-155-66411	AMD-X	02-05-077	296-304-05005	AMD-X	02-21-107	296-400A-031	AMD	02-14-074
296-155-66411	AMD	02-12-098	296-304-05009	AMD-X	02-21-107	296-400A-035	AMD-P	02-09-096
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296-155-700	REP	02-13-115	296-304-06003	AMD-X	02-21-107	296-400A-045	AMD-P	02-09-096
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296-155-701	NEW	02-13-115	296-304-07011	AMD-X	02-21-107	296-400A-070	AMD-P	02-09-096
296-155-702	NEW-P	02-06-114	296-304-07013	AMD-X	02-21-107	296-400A-070	AMD	02-14-074
296-155-702	NEW	02-13-115	296-304-08001	AMD-X	02-21-107	296-400A-100	AMD-P	02-09-096
296-155-703	NEW-P	02-06-114	296-304-09017	AMD-X	02-21-107	296-400A-100	AMD	02-14-074
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296-155-704	NEW-P	02-06-114	296-304-09023	AMD-X	02-21-107	296-400A-120	AMD	02-14-074
296-155-704	NEW	02-13-115	296-304-10003	AMD-X	02-21-107	296-400A-121	AMD-P	02-09-096
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296-155-707	NEW-P	02-06-114	296-305-04001	AMD	02-12-098	296-400A-130	AMD	02-14-074
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296-155-708	NEW-P	02-06-114	296-305-05003	AMD	02-12-098	296-400A-140	AMD	02-14-074
296-155-708	NEW	02-13-115	296-305-05011	AMD-X	02-15-166	296-400A-430	NEW-P	02-09-096
296-155-709	NEW-P	02-06-114	296-305-05011	AMD	02-20-034	296-400A-430	NEW	02-14-074
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296-155-717	NEW	02-13-115	296-307-45210	NEW	02-11-141	296-403-020	REP-P	02-09-097
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296-403-040	REP-P	02-09-097	296-800-11040	NEW-P	02-09-092	296-800-35040	AMD-P	02-09-092
296-403-040	REP	02-21-103	296-800-11040	NEW	02-16-047	296-800-35040	AMD	02-16-047
296-403-050	REP-P	02-09-097	296-800-11045	NEW-P	02-09-092	296-800-35056	AMD-P	02-09-092
296-403-050	REP	02-21-103	296-800-11045	NEW	02-16-047	296-800-35056	AMD	02-16-047
296-403-060	REP-P	02-09-097	296-800-130	AMD-P	02-09-092	296-800-35076	AMD-P	02-09-092
296-403-060	REP	02-21-103	296-800-130	AMD	02-16-047	296-800-35076	AMD	02-16-047
296-403-070	REP-P	02-09-097	296-800-13005	REP-P	02-09-092	296-800-370	AMD-P	02-09-092
296-403-070	REP	02-21-103	296-800-13005	REP	02-16-047	296-800-370	AMD	02-16-047
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296-403-080	REP	02-21-103	296-800-13010	REP	02-16-047	296-824	PREP	02-20-099
296-403-090	REP-P	02-09-097	296-800-13015	REP-P	02-09-092	296-824-100	NEW	02-11-141
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296-403-100	REP	02-21-103	296-800-13020	NEW	02-16-047	296-824-110	NEW	02-11-141
296-403-110	REP-P	02-09-097	296-800-13025	NEW-P	02-09-092	296-824-110	AMD-X	02-15-166
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296-403-120	REP	02-21-103	296-800-13030	NEW-W	02-22-034	296-824-11010	AMD-X	02-15-166
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296-403-130	REP	02-21-103	296-800-13035	NEW-W	02-22-034	296-824-11020	NEW	02-11-141
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296-403-150	REP	02-21-103	296-800-150	AMD	02-16-047	296-824-11050	AMD-X	02-15-166
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296-403-160	REP	02-21-103	296-800-15030	NEW	02-16-047	296-824-11060	NEW	02-11-141
296-403A-100	NEW-P	02-09-097	296-800-15035	NEW-P	02-09-092	296-824-11060	AMD-X	02-15-166
296-403A-100	NEW	02-21-103	296-800-15035	NEW	02-16-047	296-824-11060	AMD	02-20-034
296-403A-110	NEW-P	02-09-097	296-800-15040	NEW-P	02-09-092	296-824-12010	NEW	02-11-141
296-403A-110	NEW	02-21-103	296-800-15040	NEW	02-16-047	296-824-12010	AMD-X	02-15-166
296-403A-120	NEW-P	02-09-097	296-800-16050	AMD-P	02-09-092	296-824-12010	AMD	02-20-034
296-403A-120	NEW	02-21-103	296-800-16050	AMD	02-16-047	296-824-12020	NEW	02-11-141
296-403A-130	NEW-P	02-09-097	296-800-16070	AMD-P	02-09-092	296-824-12020	AMD-X	02-15-166
296-403A-130	NEW	02-21-103	296-800-16070	AMD	02-16-047	296-824-12020	AMD	02-20-034
296-403A-140	NEW-P	02-09-097	296-800-170	AMD-P	02-09-092	296-824-12030	NEW	02-11-141
296-403A-140	NEW	02-21-103	296-800-170	AMD	02-16-047	296-824-12030	AMD-X	02-15-166
296-403A-150	NEW-P	02-09-097	296-800-17020	AMD-P	02-09-092	296-824-12030	AMD	02-20-034
296-403A-150	NEW	02-21-103	296-800-17020	AMD	02-16-047	296-824-12040	NEW	02-11-141
296-403A-160	NEW-P	02-09-097	296-800-17025	AMD-P	02-09-092	296-824-12040	AMD-X	02-15-166
296-403A-160	NEW	02-21-103	296-800-17025	AMD	02-16-047	296-824-12040	AMD	02-20-034
296-403A-170	NEW-P	02-09-097	296-800-17030	AMD-P	02-09-092	296-824-12050	NEW	02-11-141
296-403A-170	NEW	02-21-103	296-800-17030	AMD	02-16-047	296-824-12050	AMD-X	02-15-166
296-403A-180	NEW-P	02-09-097	296-800-18010	AMD-P	02-09-092	296-824-12050	AMD	02-20-034
296-403A-180	NEW	02-21-103	296-800-18010	AMD	02-16-047	296-824-12060	NEW	02-11-141
296-403A-190	NEW-P	02-09-097	296-800-18015	AMD-P	02-09-092	296-824-12060	AMD-X	02-15-166
296-403A-190	NEW	02-21-103	296-800-18015	AMD	02-16-047	296-824-12060	AMD	02-20-034
296-403A-195	NEW-P	02-09-097	296-800-20005	AMD-P	02-09-092	296-824-13010	NEW	02-11-141
296-403A-195	NEW	02-21-103	296-800-20005	AMD	02-16-047	296-824-13010	AMD-X	02-15-166
296-403A-200	NEW-P	02-09-097	296-800-23010	AMD-P	02-09-092	296-824-13010	AMD	02-20-034
296-403A-200	NEW	02-21-103	296-800-23010	AMD	02-16-047	296-824-13020	NEW	02-11-141
296-403A-210	NEW-P	02-09-097	296-800-23020	AMD-P	02-09-092	296-824-13020	AMD-X	02-15-166
296-403A-210	NEW	02-21-103	296-800-23020	AMD	02-16-047	296-824-13020	AMD	02-20-034
296-403A-220	NEW-P	02-09-097	296-800-25015	AMD-P	02-09-092	296-824-13030	NEW	02-11-141
296-403A-220	NEW	02-21-103	296-800-25015	AMD	02-16-047	296-824-13030	AMD-X	02-15-166
296-403A-230	NEW-P	02-09-097	296-800-28040	AMD-P	02-09-092	296-824-13030	AMD	02-20-034
296-403A-230	NEW	02-21-103	296-800-28040	AMD	02-16-047	296-824-14010	NEW	02-11-141
296-403A-240	NEW-P	02-09-097	296-800-28045	AMD-P	02-09-092	296-824-14010	AMD-X	02-15-166
296-403A-240	NEW	02-21-103	296-800-28045	AMD	02-16-047	296-824-14010	AMD	02-20-034
296-800	PREP	02-04-107	296-800-32025	AMD-P	02-09-092	296-824-15010	NEW	02-11-141
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296-824-200	NEW-X	02-15-166	296-833-100	NEW-X	02-17-107	296-835-120	NEW-P	02-07-100
296-824-200	NEW	02-20-034	296-833-100	NEW	02-23-073	296-835-120	NEW	02-15-102
296-824-20005	NEW-X	02-15-166	296-833-10010	NEW-X	02-17-107	296-835-12005	NEW-P	02-07-100
296-824-20005	NEW	02-20-034	296-833-10010	NEW	02-23-073	296-835-12005	NEW	02-15-102
296-824-300	NEW-X	02-15-166	296-833-200	NEW-X	02-17-107	296-835-12010	NEW-P	02-07-100
296-824-300	NEW	02-20-034	296-833-200	NEW	02-23-073	296-835-12010	NEW	02-15-102
296-824-30005	NEW-X	02-15-166	296-833-20005	NEW-X	02-17-107	296-835-12015	NEW-P	02-07-100
296-824-30005	NEW	02-20-034	296-833-20005	NEW	02-23-073	296-835-12015	NEW	02-15-102
296-824-400	NEW-X	02-15-166	296-833-20010	NEW-X	02-17-107	296-835-12020	NEW-P	02-07-100
296-824-400	NEW	02-20-034	296-833-20010	NEW	02-23-073	296-835-12020	NEW	02-15-102
296-824-40005	NEW-X	02-15-166	296-833-300	NEW-X	02-17-107	296-835-12025	NEW-P	02-07-100
296-824-40005	NEW	02-20-034	296-833-300	NEW	02-23-073	296-835-12025	NEW	02-15-102
296-824-40010	NEW-X	02-15-166	296-833-30005	NEW-X	02-17-107	296-835-12030	NEW-P	02-07-100
296-824-40010	NEW	02-20-034	296-833-30005	NEW	02-23-073	296-835-12030	NEW-W	02-20-091
296-824-500	NEW-X	02-15-166	296-833-30010	NEW-X	02-17-107	296-835-12035	NEW-P	02-07-100
296-824-500	NEW	02-20-034	296-833-30010	NEW	02-23-073	296-835-12035	NEW	02-15-102
296-824-50005	NEW-X	02-15-166	296-833-30015	NEW-X	02-17-107	296-835-12040	NEW-P	02-07-100
296-824-50005	NEW	02-20-034	296-833-30015	NEW	02-23-073	296-835-12040	NEW	02-15-102
296-824-50010	NEW-X	02-15-166	296-833-30020	NEW-X	02-17-107	296-835-12045	NEW-P	02-07-100
296-824-50010	NEW	02-20-034	296-833-30020	NEW	02-23-073	296-835-12045	NEW	02-15-102
296-824-50015	NEW-X	02-15-166	296-833-400	NEW-X	02-17-107	296-835-12050	NEW-P	02-07-100
296-824-50015	NEW	02-20-034	296-833-400	NEW	02-23-073	296-835-12050	NEW	02-15-102
296-824-50020	NEW-X	02-15-166	296-833-40005	NEW-X	02-17-107	296-835-12055	NEW-P	02-07-100
296-824-50020	NEW	02-20-034	296-833-40005	NEW	02-23-073	296-835-12055	NEW	02-15-102
296-824-50025	NEW-X	02-15-166	296-833-40010	NEW-X	02-17-107	296-835-12060	NEW-P	02-07-100
296-824-50025	NEW	02-20-034	296-833-40010	NEW	02-23-073	296-835-12060	NEW	02-15-102
296-824-50030	NEW-X	02-15-166	296-833-500	NEW-X	02-17-107	296-835-12065	NEW-P	02-07-100
296-824-50030	NEW	02-20-034	296-833-500	NEW	02-23-073	296-835-12065	NEW	02-15-102
296-824-600	NEW-X	02-15-166	296-833-50005	NEW-X	02-17-107	296-835-130	NEW-P	02-07-100
296-824-600	NEW	02-20-034	296-833-50005	NEW	02-23-073	296-835-130	NEW	02-15-102
296-824-60005	NEW-X	02-15-166	296-833-50010	NEW-X	02-17-107	296-835-13005	NEW-P	02-07-100
296-824-60005	NEW	02-20-034	296-833-50010	NEW	02-23-073	296-835-13005	NEW	02-15-102
296-824-60010	NEW-X	02-15-166	296-833-600	NEW-X	02-17-107	296-835-13010	NEW-P	02-07-100
296-824-60010	NEW	02-20-034	296-833-600	NEW	02-23-073	296-835-13010	NEW	02-15-102
296-824-60015	NEW-X	02-15-166	296-833-60005	NEW-X	02-17-107	296-835-13015	NEW-P	02-07-100
296-824-60015	NEW	02-20-034	296-833-60005	NEW	02-23-073	296-835-13015	NEW	02-15-102
296-824-700	NEW-X	02-15-166	296-833-60010	NEW-X	02-17-107	296-835-13020	NEW-P	02-07-100
296-824-700	NEW	02-20-034	296-833-60010	NEW	02-23-073	296-835-13020	NEW	02-15-102
296-824-70005	NEW-X	02-15-166	296-835-100	NEW-P	02-07-100	296-835-13025	NEW-P	02-07-100
296-824-70005	NEW	02-20-034	296-835-100	NEW	02-15-102	296-835-13025	NEW	02-15-102
296-824-800	NEW-X	02-15-166	296-835-110	NEW-P	02-07-100	296-835-13030	NEW-P	02-07-100
296-824-800	NEW	02-20-034	296-835-110	NEW	02-15-102	296-835-13030	NEW	02-15-102
296-832-100	NEW	02-16-087	296-835-11005	NEW-P	02-07-100	296-835-140	NEW-P	02-07-100
296-832-10000	NEW-X	02-08-080	296-835-11005	NEW	02-15-102	296-835-140	NEW	02-15-102
296-832-10000	NEW-W	02-21-053	296-835-11010	NEW-P	02-07-100	296-839-100	NEW-P	02-18-094
296-832-10005	NEW-X	02-08-080	296-835-11010	NEW	02-15-102	296-839-200	NEW-P	02-18-094
296-832-10005	NEW-W	02-21-053	296-835-11015	NEW-P	02-07-100	296-839-20005	NEW-P	02-18-094
296-832-10010	NEW-X	02-08-080	296-835-11015	NEW	02-15-102	296-839-20010	NEW-P	02-18-094
296-832-10010	NEW-W	02-21-053	296-835-11020	NEW-P	02-07-100	296-839-300	NEW-P	02-18-094
296-832-10015	NEW-X	02-08-080	296-835-11020	NEW	02-15-102	296-839-30005	NEW-P	02-18-094
296-832-10015	NEW-W	02-21-053	296-835-11025	NEW-P	02-07-100	296-839-30010	NEW-P	02-18-094
296-832-10020	NEW-X	02-08-080	296-835-11025	NEW	02-15-102	296-839-30015	NEW-P	02-18-094
296-832-10020	NEW-W	02-21-053	296-835-11030	NEW-P	02-07-100	296-839-400	NEW-P	02-18-094
296-832-10025	NEW-X	02-08-080	296-835-11030	NEW	02-15-102	296-839-40005	NEW-P	02-18-094
296-832-10025	NEW-W	02-21-053	296-835-11035	NEW-P	02-07-100	296-839-500	NEW-P	02-18-094
296-832-200	NEW	02-16-087	296-835-11035	NEW	02-15-102	296-860-100	NEW-P	02-07-101
296-832-20005	NEW	02-16-087	296-835-11040	NEW-P	02-07-100	296-860-100	NEW	02-17-106
296-832-20010	NEW	02-16-087	296-835-11040	NEW	02-15-102	296-860-10005	NEW-P	02-07-101
296-832-300	NEW	02-16-087	296-835-11045	NEW-P	02-07-100	296-860-10010	NEW-P	02-07-101
296-832-30005	NEW	02-16-087	296-835-11045	NEW	02-15-102	296-860-10020	NEW-P	02-07-101
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296-860-10040	NEW-P	02-07-101	296-878-18015	NEW-P	02-13-118	308-12-330	NEW	02-11-082
296-860-10050	NEW-P	02-07-101	296-878-18015	NEW	02-22-027	308-13-005	AMD-P	02-04-113
296-860-10060	NEW-P	02-07-101	296-878-18020	NEW-P	02-13-118	308-13-005	AMD	02-07-047
296-860-10070	NEW-P	02-07-101	296-878-18020	NEW	02-22-027	308-13-020	AMD-P	02-04-113
296-860-10100	NEW-P	02-07-101	296-878-190	NEW-P	02-13-118	308-13-020	AMD	02-07-047
296-860-200	NEW	02-17-106	296-878-190	NEW	02-22-027	308-13-024	AMD-P	02-04-113
296-860-20010	NEW	02-17-106	296-878-19005	NEW-P	02-13-118	308-13-024	AMD	02-07-047
296-860-20020	NEW	02-17-106	296-878-19005	NEW	02-22-027	308-13-036	NEW-P	02-04-113
296-860-20030	NEW	02-17-106	296-878-19010	NEW-P	02-13-118	308-13-036	NEW	02-07-047
296-860-20040	NEW	02-17-106	296-878-19010	NEW	02-22-027	308-13-050	AMD-P	02-04-113
296-860-20050	NEW	02-17-106	296-878-200	NEW-P	02-13-118	308-13-050	AMD	02-07-047
296-860-20060	NEW	02-17-106	296-878-200	NEW	02-22-027	308-13-100	AMD-P	02-04-113
296-860-20070	NEW	02-17-106	296-878-20005	NEW-P	02-13-118	308-13-100	AMD	02-07-047
296-860-20080	NEW	02-17-106	296-878-20005	NEW	02-22-027	308-13-150	PREP	02-08-033
296-860-300	NEW	02-17-106	296-878-20010	NEW-P	02-13-118	308-13-150	AMD-P	02-12-077
296-878-100	NEW-P	02-13-118	296-878-20010	NEW	02-22-027	308-13-150	AMD	02-16-018
296-878-100	NEW	02-22-027	296-878-20015	NEW-P	02-13-118	308-14-085	AMD-P	02-08-074
296-878-10005	NEW-P	02-13-118	296-878-20015	NEW	02-22-027	308-14-085	AMD-W	02-11-057
296-878-10005	NEW	02-22-027	296-878-210	NEW-P	02-13-118	308-14-090	REP-P	02-08-074
296-878-110	NEW-P	02-13-118	296-878-210	NEW	02-22-027	308-14-090	REP-W	02-11-057
296-878-110	NEW	02-22-027	296-878-21005	NEW-P	02-13-118	308-14-100	AMD-P	02-08-074
296-878-11005	NEW-P	02-13-118	296-878-21005	NEW	02-22-027	308-14-100	AMD-W	02-11-057
296-878-11005	NEW	02-22-027	296-878-220	NEW-P	02-13-118	308-14-120	AMD-P	02-08-074
296-878-120	NEW-P	02-13-118	296-878-220	NEW	02-22-027	308-14-120	AMD-W	02-11-057
296-878-120	NEW	02-22-027	308-08-085	AMD-X	02-14-001	308-14-130	AMD-P	02-08-074
296-878-12005	NEW-P	02-13-118	308-08-085	AMD	02-19-035	308-14-130	AMD-W	02-11-057
296-878-12005	NEW	02-22-027	308-08-600	AMD	02-11-011	308-14-135	AMD-P	02-08-074
296-878-130	NEW-P	02-13-118	308-12-010	AMD-P	02-04-114	308-14-135	AMD-W	02-11-057
296-878-130	NEW	02-22-027	308-12-010	AMD	02-11-082	308-14-210	AMD-P	02-08-074
296-878-13005	NEW-P	02-13-118	308-12-031	AMD-P	02-04-114	308-14-210	AMD-W	02-11-057
296-878-13005	NEW	02-22-027	308-12-031	AMD	02-11-082	308-15-040	PREP	02-05-079
296-878-13010	NEW-P	02-13-118	308-12-050	AMD-P	02-04-114	308-15-040	AMD-P	02-09-011
296-878-13010	NEW	02-22-027	308-12-050	AMD	02-11-082	308-15-040	AMD-W	02-16-095
296-878-140	NEW-P	02-13-118	308-12-081	AMD-P	02-04-114	308-15-140	PREP	02-05-079
296-878-140	NEW	02-22-027	308-12-081	AMD	02-11-082	308-15-140	NEW-P	02-09-011
296-878-14005	NEW-P	02-13-118	308-12-085	AMD-P	02-04-114	308-15-140	NEW-S	02-16-096
296-878-14005	NEW	02-22-027	308-12-085	AMD	02-11-082	308-15-140	NEW	02-20-072
296-878-150	NEW-P	02-13-118	308-12-115	AMD-P	02-04-114	308-17-120	AMD-P	02-23-059
296-878-150	NEW	02-22-027	308-12-115	AMD	02-11-082	308-17-150	AMD-P	02-03-130
296-878-15005	NEW-P	02-13-118	308-12-150	AMD-P	02-04-114	308-17-150	AMD	02-11-098
296-878-15005	NEW	02-22-027	308-12-150	AMD	02-11-082	308-17-240	AMD-P	02-23-059
296-878-15010	NEW-P	02-13-118	308-12-210	AMD-P	02-04-114	308-17-310	PREP	02-07-069
296-878-15015	NEW-P	02-13-118	308-12-210	AMD	02-11-082	308-17-310	AMD-P	02-20-085
296-878-15015	NEW	02-22-027	308-12-220	AMD-P	02-04-114	308-17-310	AMD	02-23-060
296-878-15020	NEW-P	02-13-118	308-12-220	AMD	02-11-082	308-17-320	PREP	02-07-069
296-878-15020	NEW	02-22-027	308-12-230	AMD-P	02-04-114	308-17-320	AMD-P	02-20-085
296-878-15025	NEW-P	02-13-118	308-12-230	AMD	02-11-082	308-17-320	AMD	02-23-060
296-878-15025	NEW	02-22-027	308-12-240	AMD-P	02-04-114	308-18-120	AMD-P	02-21-090
296-878-160	NEW-P	02-13-118	308-12-240	AMD	02-11-082	308-18-150	AMD-P	02-02-096
296-878-160	NEW	02-22-027	308-12-320	AMD-P	02-04-114	308-18-150	AMD	02-07-068
296-878-16005	NEW-P	02-13-118	308-12-320	AMD	02-11-082	308-18-240	AMD-P	02-21-090
296-878-16005	NEW	02-22-027	308-12-321	REP-P	02-04-114	308-19-130	AMD-P	02-02-095
296-878-170	NEW-P	02-13-118	308-12-321	REP	02-11-082	308-19-130	AMD	02-07-067
296-878-170	NEW	02-22-027	308-12-322	REP-P	02-04-114	308-19-240	AMD-P	02-02-095
296-878-17005	NEW-P	02-13-118	308-12-322	REP	02-11-082	308-19-240	AMD	02-07-067
296-878-17005	NEW	02-22-027	308-12-323	REP-P	02-04-114	308-20-010	AMD	02-04-012
296-878-180	NEW-P	02-13-118	308-12-323	REP	02-11-082	308-20-030	REP	02-04-012
296-878-180	NEW	02-22-027	308-12-324	REP-P	02-04-114	308-20-040	AMD	02-04-012
296-878-18005	NEW-P	02-13-118	308-12-324	REP	02-11-082	308-20-045	REP	02-04-012
296-878-18005	NEW	02-22-027	308-12-325	REP-P	02-04-114	308-20-080	AMD	02-04-012
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308-20-107	AMD	02-04-012	308-48-700	REP	02-19-019	308-56A-530	NEW-P	02-07-035
308-20-110	AMD	02-04-012	308-48-710	REP-P	02-14-059	308-56A-530	NEW-E	02-13-005
308-20-120	AMD	02-04-012	308-48-710	REP	02-19-019	308-56A-530	NEW-W	02-13-025
308-20-122	NEW	02-04-012	308-48-720	REP-P	02-14-059	308-56A-530	NEW-P	02-15-034
308-20-130	REP	02-04-012	308-48-720	REP	02-19-019	308-56A-530	NEW	02-19-016
308-20-150	REP	02-04-012	308-48-730	REP-P	02-14-059	308-56A-640	PREP	02-05-013
308-20-155	REP	02-04-012	308-48-730	REP	02-19-019	308-56A-640	PREP	02-05-017
308-20-171	REP	02-04-012	308-48-740	REP-P	02-14-059	308-61	PREP	02-12-095
308-20-172	REP	02-04-012	308-48-740	REP	02-19-019	308-61-026	AMD-P	02-16-067
308-20-210	AMD-P	02-04-088	308-48-750	REP-P	02-14-059	308-61-026	AMD	02-20-035
308-20-210	AMD	02-09-040	308-48-750	REP	02-19-019	308-61-105	AMD-P	02-16-067
308-20-310	REP	02-04-012	308-48-760	REP-P	02-14-059	308-61-105	AMD	02-20-035
308-20-590	REP	02-04-012	308-48-760	REP	02-19-019	308-61-108	AMD-P	02-16-067
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308-47-010	NEW	02-19-019	308-48-770	REP	02-19-019	308-61-115	AMD-P	02-16-067
308-47-020	NEW-P	02-14-059	308-49-150	AMD-P	02-14-059	308-61-115	AMD	02-20-035
308-47-020	NEW	02-19-019	308-49-150	AMD	02-19-019	308-61-125	AMD-P	02-16-067
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308-47-030	NEW	02-19-019	308-49-164	AMD	02-19-019	308-61-135	AMD-P	02-16-067
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308-47-040	NEW	02-19-019	308-49-170	AMD	02-19-019	308-61-145	AMD-P	02-16-067
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308-48-060	AMD	02-19-019	308-56A-215	PREP	02-05-018	308-66-120	AMD-P	02-09-057
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308-48-185	REP	02-19-019	308-56A-330	PREP	02-05-014	308-91-030	PREP	02-12-124
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308-93	PREP	02-15-117	308-96A-074	AMD	02-16-071	308-103-060	NEW	02-11-011
308-93-230	AMD	02-04-001	308-96A-080	PREP	02-05-020	308-103-070	NEW	02-11-011
308-93-230	PREP	02-11-097	308-96A-080	AMD-P	02-18-034	308-103-080	NEW	02-11-011
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308-93-242	PREP	02-08-006	308-96A-085	AMD	02-21-118	308-103-120	NEW	02-11-011
308-93-242	AMD-P	02-18-012	308-96A-090	PREP	02-05-020	308-103-130	NEW	02-11-011
308-93-242	AMD	02-22-004	308-96A-090	AMD-P	02-18-034	308-103-140	NEW	02-11-011
308-93-243	PREP	02-08-006	308-96A-090	AMD	02-21-118	308-103-150	NEW	02-11-011
308-93-243	AMD-P	02-18-012	308-96A-095	PREP	02-05-020	308-103-160	NEW	02-11-011
308-93-243	AMD	02-22-004	308-96A-095	AMD-P	02-18-034	308-103-170	NEW	02-11-011
308-93-244	PREP	02-08-006	308-96A-095	AMD	02-21-118	308-103-180	NEW	02-11-011
308-93-244	AMD-P	02-18-012	308-96A-098	AMD-P	02-07-014	308-103-190	NEW	02-11-011
308-93-244	AMD	02-22-004	308-96A-098	AMD	02-11-079	308-104-018	AMD-W	02-11-024
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308-93-270	AMD	02-04-001	308-96A-101	AMD-P	02-08-036	308-124A-110	AMD	02-07-060
308-93-275	NEW	02-04-001	308-96A-101	AMD	02-11-096	308-124A-460	AMD	02-03-057
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308-93-276	NEW-P	02-18-014	308-96A-110	AMD-P	02-08-036	308-124A-605	NEW	02-03-080
308-93-280	AMD	02-04-001	308-96A-110	AMD	02-11-096	308-124B-150	AMD	02-03-054
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308-93-770	AMD	02-05-058	308-96A-206	AMD	02-11-095	308-125-200	AMD	02-03-012
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314-02-050	REP-P	02-04-115	315-37-060	NEW-P	02-03-109	316-02-300	AMD-X	02-08-029
314-02-050	REP-W	02-17-086	315-37-060	NEW	02-07-073	316-02-300	AMD	02-14-013
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314-02-055	AMD-W	02-17-086	315-37-070	NEW	02-07-073	316-02-310	REP	02-14-013
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314-02-115	AMD-W	02-17-086	315-37-080	NEW	02-07-073	316-02-340	REP	02-14-013
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314-02-125	AMD-W	02-17-086	315-37-090	NEW	02-07-073	316-02-350	REP	02-14-013
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314-02-130	AMD-W	02-17-086	315-37-100	NEW	02-07-073	316-02-360	REP	02-14-013
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314-11-015	AMD	02-11-054	315-37-110	NEW	02-07-073	316-02-370	REP	02-14-013
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388-14A-2107	NEW	02-07-091	388-15-001	NEW	02-17-045	388-15-081	NEW	02-15-098
388-14A-2110	AMD	02-07-091	388-15-005	NEW-P	02-03-118	388-15-081	NEW	02-17-045
388-14A-2112	NEW	02-07-091	388-15-005	NEW	02-15-098	388-15-085	NEW-P	02-03-118
388-14A-2114	NEW	02-07-091	388-15-005	NEW	02-17-045	388-15-085	NEW	02-15-098
388-14A-2115	AMD	02-07-091	388-15-009	NEW-P	02-03-118	388-15-085	NEW	02-17-045
388-14A-2116	NEW	02-07-091	388-15-009	NEW	02-15-098	388-15-089	NEW-P	02-03-118
388-14A-2120	AMD	02-07-091	388-15-009	NEW	02-17-045	388-15-089	NEW	02-15-098
388-14A-2125	AMD	02-07-091	388-15-011	NEW-P	02-03-118	388-15-089	NEW	02-17-045
388-14A-2130	NEW	02-07-091	388-15-011	NEW	02-15-098	388-15-093	NEW-P	02-03-118
388-14A-2135	NEW	02-07-091	388-15-011	NEW	02-17-045	388-15-093	NEW	02-15-098
388-14A-2140	NEW	02-07-091	388-15-013	NEW-P	02-03-118	388-15-093	NEW	02-17-045
388-14A-3100	PREP	02-13-042	388-15-013	NEW	02-15-098	388-15-097	NEW-P	02-03-118
388-14A-3100	AMD-E	02-13-043	388-15-013	NEW	02-17-045	388-15-097	NEW	02-15-098
388-14A-3100	AMD-E	02-21-020	388-15-017	NEW-P	02-03-118	388-15-097	NEW	02-17-045
388-14A-3102	PREP	02-13-042	388-15-017	NEW	02-15-098	388-15-101	NEW-P	02-03-118
388-14A-3102	AMD-E	02-13-043	388-15-017	NEW	02-17-045	388-15-101	NEW	02-15-098
388-14A-3102	AMD-E	02-21-020	388-15-021	NEW-P	02-03-118	388-15-101	NEW	02-17-045
388-14A-3110	PREP	02-13-042	388-15-021	NEW	02-15-098	388-15-105	NEW-P	02-03-118
388-14A-3110	AMD-E	02-13-043	388-15-021	NEW	02-17-045	388-15-105	NEW	02-15-098
388-14A-3110	AMD-E	02-21-020	388-15-025	NEW-P	02-03-118	388-15-105	NEW	02-17-045
388-14A-3115	PREP	02-13-042	388-15-025	NEW	02-15-098	388-15-109	NEW-P	02-03-118
388-14A-3115	AMD-E	02-13-043	388-15-025	NEW	02-17-045	388-15-109	NEW	02-15-098
388-14A-3115	AMD-E	02-21-020	388-15-029	NEW-P	02-03-118	388-15-109	NEW	02-17-045
388-14A-3120	PREP	02-13-042	388-15-029	NEW	02-15-098	388-15-113	NEW-P	02-03-118
388-14A-3120	AMD-E	02-13-043	388-15-029	NEW	02-17-045	388-15-113	NEW	02-15-098
388-14A-3120	AMD-E	02-21-020	388-15-033	NEW-P	02-03-118	388-15-113	NEW	02-17-045
388-14A-3122	NEW-E	02-13-043	388-15-033	NEW	02-15-098	388-15-117	NEW-P	02-03-118
388-14A-3122	NEW-E	02-21-020	388-15-033	NEW	02-17-045	388-15-117	NEW	02-15-098
388-14A-3130	AMD-P	02-03-096	388-15-037	NEW-P	02-03-118	388-15-117	NEW	02-17-045
388-14A-3130	AMD	02-06-098	388-15-037	NEW	02-15-098	388-15-121	NEW-P	02-03-118
388-14A-3370	PREP	02-13-042	388-15-037	NEW	02-17-045	388-15-121	NEW	02-15-098
388-14A-3370	AMD-E	02-13-043	388-15-041	NEW-P	02-03-118	388-15-121	NEW	02-17-045

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388- 15-125	NEW	02-15-098	388- 15-653	PREP-W	02-15-058	388- 71-0445	AMD-P	02-16-080
388- 15-125	NEW	02-17-045	388- 15-654	PREP	02-15-056	388- 71-0445	PREP	02-20-017
388- 15-129	NEW-P	02-03-118	388- 15-654	PREP-W	02-15-058	388- 71-0445	AMD	02-21-098
388- 15-129	NEW	02-15-098	388- 15-655	PREP	02-15-056	388- 71-0450	PREP	02-04-096
388- 15-129	NEW	02-17-045	388- 15-655	PREP-W	02-15-058	388- 71-0450	AMD-P	02-16-080
388- 15-130	REP-P	02-03-118	388- 15-656	PREP	02-15-056	388- 71-0450	PREP	02-20-017
388- 15-130	REP	02-15-098	388- 15-656	PREP-W	02-15-058	388- 71-0450	AMD	02-21-098
388- 15-130	REP	02-17-045	388- 15-657	PREP	02-15-056	388- 71-0455	PREP	02-20-017
388- 15-131	REP-P	02-03-118	388- 15-657	PREP-W	02-15-058	388- 71-0460	PREP	02-20-017
388- 15-131	REP	02-15-098	388- 15-658	PREP	02-15-056	388- 71-0465	PREP	02-20-017
388- 15-131	REP	02-17-045	388- 15-658	PREP-W	02-15-058	388- 71-0470	PREP	02-20-017
388- 15-132	REP-P	02-03-118	388- 15-659	PREP	02-15-056	388- 71-0475	PREP	02-20-017
388- 15-132	REP	02-15-098	388- 15-659	PREP-W	02-15-058	388- 71-0480	PREP	02-20-017
388- 15-132	REP	02-17-045	388- 15-660	PREP	02-15-056	388- 71-0500	PREP	02-04-096
388- 15-133	NEW-P	02-03-118	388- 15-660	PREP-W	02-15-058	388- 71-0500	AMD	02-10-117
388- 15-133	NEW	02-15-098	388- 15-661	PREP	02-15-056	388- 71-0500	AMD-P	02-16-080
388- 15-133	NEW	02-17-045	388- 15-661	PREP-W	02-15-058	388- 71-0500	AMD	02-21-098
388- 15-134	REP-P	02-03-118	388- 15-662	PREP	02-15-056	388- 71-0515	PREP	02-04-096
388- 15-134	REP	02-15-098	388- 15-662	PREP-W	02-15-058	388- 71-0515	AMD-P	02-16-080
388- 15-134	REP	02-17-045	388- 15-880	PREP-W	02-05-064	388- 71-0515	AMD	02-21-098
388- 15-135	NEW-P	02-03-118	388- 15-890	PREP-W	02-05-064	388- 71-0520	AMD	02-10-117
388- 15-135	NEW	02-15-098	388- 27-0225	AMD-P	02-15-136	388- 71-0525	REP	02-10-117
388- 15-135	NEW	02-17-045	388- 27-0375	AMD-P	02-15-136	388- 71-0530	REP	02-10-117
388- 15-141	NEW-P	02-03-118	388- 71	PREP	02-11-064	388- 71-0535	REP	02-10-117
388- 15-141	NEW	02-15-098	388- 71	PREP	02-15-056	388- 71-0540	AMD	02-10-117
388- 15-141	NEW	02-17-045	388- 71	PREP-W	02-15-058	388- 71-05910	NEW	02-10-117
388- 15-194	PREP-W	02-05-066	388- 71	AMD-P	02-16-080	388- 71-05911	NEW	02-10-117
388- 15-194	REP-P	02-16-080	388- 71	PREP	02-21-012	388- 71-05912	NEW	02-10-117
388- 15-194	REP	02-21-098	388- 71	AMD	02-21-098	388- 71-05913	NEW	02-10-117
388- 15-202	PREP	02-04-096	388- 71-0194	NEW-P	02-16-080	388- 71-05914	NEW	02-10-117
388- 15-202	PREP-W	02-05-064	388- 71-0194	NEW	02-21-098	388- 71-05915	NEW	02-10-117
388- 15-202	PREP-W	02-05-065	388- 71-0202	NEW-P	02-16-080	388- 71-05916	NEW	02-10-117
388- 15-202	PREP-W	02-05-066	388- 71-0202	NEW	02-21-098	388- 71-05917	NEW	02-10-117
388- 15-202	REP-P	02-16-080	388- 71-0203	NEW-P	02-16-080	388- 71-05918	NEW	02-10-117
388- 15-202	REP	02-21-098	388- 71-0203	NEW	02-21-098	388- 71-05919	NEW	02-10-117
388- 15-203	PREP	02-04-096	388- 71-0205	NEW-P	02-16-080	388- 71-05920	NEW	02-10-117
388- 15-203	PREP-W	02-05-065	388- 71-0205	NEW	02-21-098	388- 71-05921	NEW	02-10-117
388- 15-203	PREP-W	02-05-066	388- 71-0400	PREP	02-20-017	388- 71-05922	NEW	02-10-117
388- 15-203	REP-P	02-16-080	388- 71-0405	PREP	02-20-017	388- 71-05923	NEW	02-10-117
388- 15-203	REP	02-21-098	388- 71-0410	PREP	02-04-096	388- 71-05924	NEW	02-10-117
388- 15-204	PREP	02-04-096	388- 71-0410	PREP-W	02-05-066	388- 71-05925	NEW	02-10-117
388- 15-204	PREP-W	02-05-066	388- 71-0410	AMD-P	02-16-080	388- 71-05926	NEW	02-10-117
388- 15-204	REP-P	02-16-080	388- 71-0410	PREP	02-20-017	388- 71-05927	NEW	02-10-117
388- 15-204	REP	02-21-098	388- 71-0410	AMD	02-21-098	388- 71-05928	NEW	02-10-117
388- 15-205	PREP-W	02-05-065	388- 71-0415	PREP	02-20-017	388- 71-05929	NEW	02-10-117
388- 15-205	PREP-W	02-05-066	388- 71-0425	PREP	02-20-017	388- 71-05930	NEW	02-10-117
388- 15-205	REP-P	02-16-080	388- 71-0425	PREP	02-20-017	388- 71-05931	NEW	02-10-117
388- 15-205	REP	02-21-098	388- 71-0430	PREP	02-04-096	388- 71-05932	NEW	02-10-117
388- 15-207	PREP-W	02-05-064	388- 71-0430	AMD-P	02-16-080	388- 71-05933	NEW	02-10-117
388- 15-214	PREP-W	02-05-064	388- 71-0430	PREP	02-20-017	388- 71-05934	NEW	02-10-117
388- 15-215	PREP-W	02-05-064	388- 71-0430	AMD	02-21-098	388- 71-05935	NEW	02-10-117
388- 15-219	PREP-W	02-05-064	388- 71-0435	PREP	02-04-096	388- 71-05936	NEW	02-10-117
388- 15-600	PREP-W	02-05-064	388- 71-0435	AMD-P	02-16-080	388- 71-05937	NEW	02-10-117
388- 15-620	PREP-W	02-05-064	388- 71-0435	PREP	02-20-017	388- 71-05938	NEW	02-10-117
388- 15-630	PREP-W	02-05-064	388- 71-0435	AMD	02-21-098	388- 71-05939	NEW	02-10-117
388- 15-650	PREP	02-15-056	388- 71-0440	PREP	02-04-096	388- 71-05940	NEW	02-10-117
388- 15-650	PREP-W	02-15-058	388- 71-0440	PREP-W	02-05-066	388- 71-05941	NEW	02-10-117
388- 15-651	PREP	02-15-056	388- 71-0440	AMD-P	02-19-024	388- 71-05942	NEW	02-10-117
388- 15-651	PREP-W	02-15-058	388- 71-0440	PREP	02-20-017	388- 71-05943	NEW	02-10-117
388- 15-652	PREP	02-15-056	388- 71-0440	AMD	02-23-063	388- 71-05944	NEW	02-10-117
388- 15-652	PREP-W	02-15-058	388- 71-0445	PREP	02-04-096	388- 71-05945	NEW	02-10-117

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388-71-05946	NEW	02-10-117	388-76-64040	NEW-S	02-14-161	388-97-180	AMD	02-14-063
388-71-05947	NEW	02-10-117	388-76-64040	NEW	02-20-005	388-97-202	AMD-P	02-07-116
388-71-05948	NEW	02-10-117	388-76-64045	NEW-S	02-14-161	388-97-202	AMD	02-14-063
388-71-05949	NEW-S	02-11-129	388-76-64045	NEW	02-20-005	388-97-203	NEW-P	02-07-116
388-71-05949	NEW	02-15-064	388-76-64050	NEW-S	02-14-161	388-97-203	NEW	02-14-063
388-71-05950	NEW	02-10-117	388-76-64050	NEW	02-20-005	388-97-204	NEW-P	02-07-116
388-71-05951	NEW	02-10-117	388-76-64055	NEW-S	02-14-161	388-97-204	NEW	02-14-063
388-71-05952	NEW	02-10-117	388-76-64055	NEW	02-20-005	388-97-205	AMD-P	02-07-116
388-71-05953	NEW-W	02-10-036	388-76-650	PREP	02-21-013	388-97-205	AMD	02-14-063
388-71-0600	PREP	02-04-096	388-76-655	AMD-S	02-11-032	388-97-260	AMD-P	02-07-116
388-71-0600	AMD-P	02-16-080	388-76-655	AMD	02-15-065	388-97-260	AMD	02-14-063
388-71-0600	AMD	02-21-098	388-76-655	PREP	02-21-013	388-97-285	AMD-P	02-07-116
388-71-0805	PREP	02-18-082	388-76-660	AMD-S	02-11-032	388-97-285	AMD	02-14-063
388-71-0810	PREP	02-18-082	388-76-660	AMD	02-15-065	388-97-35040	AMD-P	02-07-116
388-71-0815	PREP	02-18-082	388-76-680	PREP	02-21-013	388-97-35040	AMD	02-14-063
388-71-0820	PREP	02-04-096	388-76-685	PREP	02-21-013	388-97-550	PREP	02-11-126
388-71-0820	AMD-P	02-12-067	388-76-695	PREP	02-21-013	388-97-550	AMD-E	02-14-082
388-71-0820	AMD	02-15-138	388-76-710	AMD-P	02-03-117	388-97-550	AMD-P	02-17-094
388-71-0820	PREP	02-18-082	388-76-710	AMD	02-15-081	388-97-550	AMD	02-20-058
388-71-0840	PREP	02-18-082	388-76-715	PREP	02-21-013	388-97-550	AMD-E	02-21-052
388-76-535	AMD-P	02-03-117	388-76-765	REP-P	02-15-135	388-97-555	PREP	02-11-126
388-76-535	AMD	02-15-081	388-76-765	REP	02-20-004	388-97-555	AMD-E	02-14-082
388-76-540	PREP	02-04-096	388-76-76505	NEW-P	02-15-135	388-97-555	AMD-P	02-17-094
388-76-540	AMD-P	02-16-080	388-76-76505	NEW	02-20-004	388-97-555	AMD	02-20-058
388-76-540	AMD	02-21-098	388-76-76510	NEW-P	02-15-135	388-97-555	AMD-E	02-21-052
388-76-550	PREP	02-21-013	388-76-76510	NEW	02-20-004	388-97-565	AMD-P	02-07-116
388-76-560	PREP	02-21-013	388-76-76515	NEW-P	02-15-135	388-97-565	AMD	02-14-063
388-76-565	PREP	02-21-013	388-76-76515	NEW	02-20-004	388-97-570	AMD-P	02-07-116
388-76-570	AMD-S	02-11-032	388-76-76520	NEW-P	02-15-135	388-97-570	PREP	02-11-066
388-76-570	AMD	02-15-065	388-76-76520	NEW	02-20-004	388-97-570	AMD	02-14-063
388-76-59100	REP-S	02-11-032	388-78A-050	AMD-S	02-11-031	388-97-570	AMD-P	02-20-103
388-76-59100	REP	02-15-065	388-78A-050	AMD	02-15-066	388-97-570	AMD	02-23-030
388-76-59110	REP-S	02-11-032	388-78A-060	AMD-W	02-11-059	388-97-575	AMD-P	02-07-116
388-76-59110	REP	02-15-065	388-78A-265	PREP	02-09-047	388-97-575	AMD	02-14-063
388-76-59120	REP-S	02-11-032	388-78A-265	AMD-P	02-14-062	388-97-580	AMD-P	02-07-116
388-76-59120	REP	02-15-065	388-78A-265	AMD	02-17-027	388-97-580	AMD	02-14-063
388-76-61510	AMD-P	02-03-117	388-79-010	AMD-P	02-11-067	388-97-585	AMD-P	02-07-116
388-76-61510	AMD	02-15-081	388-79-020	AMD-P	02-11-067	388-97-585	AMD	02-14-063
388-76-640	REP-P	02-03-117	388-79-030	AMD-P	02-11-067	388-97-595	AMD-P	02-07-116
388-76-640	REP-S	02-14-161	388-79-040	AMD-P	02-11-067	388-97-595	AMD	02-14-063
388-76-640	REP	02-20-005	388-96-713	AMD-E	02-04-011	388-97-605	NEW-P	02-07-116
388-76-64005	NEW-P	02-03-117	388-96-901	AMD-E	02-04-011	388-97-605	NEW	02-14-063
388-76-64005	NEW-S	02-14-161	388-97	PREP	02-11-066	388-97-610	NEW-P	02-07-116
388-76-64005	NEW	02-20-005	388-97-005	AMD-P	02-07-116	388-97-610	NEW	02-14-063
388-76-64010	NEW-P	02-03-117	388-97-005	AMD	02-14-063	388-97-615	NEW-P	02-07-116
388-76-64010	NEW-S	02-14-161	388-97-043	AMD-P	02-07-116	388-97-615	NEW	02-14-063
388-76-64010	NEW	02-20-005	388-97-043	AMD	02-14-063	388-97-620	NEW-P	02-07-116
388-76-64015	NEW-P	02-03-117	388-97-07005	AMD-P	02-07-116	388-97-620	NEW	02-14-063
388-76-64015	NEW-S	02-14-161	388-97-07005	AMD	02-14-063	388-97-625	NEW-P	02-07-116
388-76-64015	NEW	02-20-005	388-97-07040	AMD-P	02-07-116	388-97-625	NEW	02-14-063
388-76-64020	NEW-P	02-03-117	388-97-07040	AMD	02-14-063	388-97-630	NEW-P	02-07-116
388-76-64020	NEW-S	02-14-161	388-97-07050	AMD-P	02-07-116	388-97-630	NEW	02-14-063
388-76-64020	NEW	02-20-005	388-97-07050	AMD	02-14-063	388-97-635	NEW-P	02-07-116
388-76-64025	NEW-P	02-03-117	388-97-076	AMD-P	02-07-116	388-97-635	NEW	02-14-063
388-76-64025	NEW-S	02-14-161	388-97-076	AMD	02-14-063	388-97-640	NEW-P	02-07-116
388-76-64025	NEW	02-20-005	388-97-143	NEW-P	02-20-103	388-97-640	NEW	02-14-063
388-76-64030	NEW-P	02-03-117	388-97-143	NEW	02-23-030	388-97-645	NEW-P	02-07-116
388-76-64030	NEW-S	02-14-161	388-97-160	AMD-P	02-07-116	388-97-645	NEW	02-14-063
388-76-64030	NEW	02-20-005	388-97-160	AMD	02-14-063	388-97-650	NEW-P	02-07-116
388-76-64035	NEW-P	02-03-117	388-97-162	AMD-P	02-07-116	388-97-650	NEW	02-14-063
388-76-64035	NEW-S	02-14-161	388-97-162	AMD	02-14-063	388-97-650	AMD-P	02-20-103
388-76-64035	NEW	02-20-005	388-97-180	AMD-P	02-07-116	388-97-650	AMD	02-23-030

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388-97-655	NEW	02-14-063	388-105-0035	NEW-P	02-18-099	388-112-0105	NEW-S	02-11-032
388-97-660	NEW-P	02-07-116	388-105-0035	NEW-E	02-21-051	388-112-0105	NEW	02-15-065
388-97-660	NEW	02-14-063	388-105-0035	NEW	02-22-058	388-112-0110	NEW-S	02-11-032
388-97-665	NEW-P	02-07-116	388-105-0040	NEW-E	02-14-081	388-112-0110	NEW	02-15-065
388-97-665	NEW	02-14-063	388-105-0040	NEW-P	02-18-099	388-112-0115	NEW-S	02-11-032
388-97-670	NEW-P	02-07-116	388-105-0040	NEW-E	02-21-051	388-112-0115	NEW	02-15-065
388-97-670	NEW	02-14-063	388-105-0040	NEW	02-22-058	388-112-0120	NEW-S	02-11-032
388-97-675	NEW-P	02-07-116	388-110-020	PREP	02-04-096	388-112-0120	NEW	02-15-065
388-97-675	NEW	02-14-063	388-110-020	AMD-P	02-16-080	388-112-0125	NEW-S	02-11-032
388-97-680	NEW-P	02-07-116	388-110-020	AMD	02-21-098	388-112-0125	NEW	02-15-065
388-97-680	NEW	02-14-063	388-110-110	REP-S	02-11-032	388-112-0130	NEW-S	02-11-032
388-97-685	NEW-P	02-07-116	388-110-110	REP	02-15-065	388-112-0130	NEW	02-15-065
388-97-685	NEW	02-14-063	388-110-210	PREP	02-04-096	388-112-0135	NEW-S	02-11-032
388-97-690	NEW-P	02-07-116	388-110-210	REP-P	02-16-080	388-112-0135	NEW	02-15-065
388-97-690	NEW	02-14-063	388-110-210	REP	02-21-098	388-112-0140	NEW-S	02-11-032
388-97-695	NEW-P	02-07-116	388-110-230	PREP	02-04-096	388-112-0140	NEW	02-15-065
388-97-695	NEW	02-14-063	388-110-230	REP-P	02-16-080	388-112-0145	NEW-S	02-11-032
388-98-001	REP-P	02-07-116	388-110-230	REP	02-21-098	388-112-0145	NEW	02-15-065
388-98-001	REP	02-14-063	388-110-250	REP-P	02-16-080	388-112-0150	NEW-S	02-11-032
388-98-003	REP-P	02-07-116	388-110-250	REP	02-21-098	388-112-0150	NEW	02-15-065
388-98-003	REP	02-14-063	388-112-0001	NEW-S	02-11-032	388-112-0155	NEW-S	02-11-032
388-98-010	REP-P	02-07-116	388-112-0001	NEW	02-15-065	388-112-0155	NEW	02-15-065
388-98-010	REP	02-14-063	388-112-0005	NEW-S	02-11-032	388-112-0160	NEW-S	02-11-032
388-98-015	REP-P	02-07-116	388-112-0005	NEW	02-15-065	388-112-0160	NEW	02-15-065
388-98-015	REP	02-14-063	388-112-0010	NEW-S	02-11-032	388-112-0165	NEW-S	02-11-032
388-98-020	REP-P	02-07-116	388-112-0010	NEW	02-15-065	388-112-0165	NEW	02-15-065
388-98-020	REP	02-14-063	388-112-0015	NEW-S	02-11-032	388-112-0170	NEW-S	02-11-032
388-98-300	REP-P	02-07-116	388-112-0015	NEW	02-15-065	388-112-0170	NEW	02-15-065
388-98-300	REP	02-14-063	388-112-0020	NEW-S	02-11-032	388-112-0175	NEW-S	02-11-032
388-98-320	REP-P	02-07-116	388-112-0020	NEW	02-15-065	388-112-0175	NEW	02-15-065
388-98-320	REP	02-14-063	388-112-0025	NEW-S	02-11-032	388-112-0180	NEW-S	02-11-032
388-98-330	REP-P	02-07-116	388-112-0025	NEW	02-15-065	388-112-0180	NEW	02-15-065
388-98-330	REP	02-14-063	388-112-0030	NEW-S	02-11-032	388-112-0185	NEW-S	02-11-032
388-98-340	REP-P	02-07-116	388-112-0030	NEW	02-15-065	388-112-0185	NEW	02-15-065
388-98-340	REP	02-14-063	388-112-0035	NEW-S	02-11-032	388-112-0190	NEW-S	02-11-032
388-98-700	REP-P	02-07-116	388-112-0035	NEW	02-15-065	388-112-0190	NEW	02-15-065
388-98-700	REP	02-14-063	388-112-0040	NEW-S	02-11-032	388-112-0195	NEW-S	02-11-032
388-98-750	REP-P	02-07-116	388-112-0040	NEW	02-15-065	388-112-0195	NEW	02-15-065
388-98-750	REP	02-14-063	388-112-0045	NEW-S	02-11-032	388-112-0200	NEW-S	02-11-031
388-98-810	REP-P	02-07-116	388-112-0045	NEW	02-15-065	388-112-0200	NEW	02-15-066
388-98-810	REP	02-14-063	388-112-0050	NEW-S	02-11-032	388-112-0205	NEW-S	02-11-031
388-98-830	REP-P	02-07-116	388-112-0050	NEW	02-15-065	388-112-0205	NEW	02-15-066
388-98-830	REP	02-14-063	388-112-0055	NEW-S	02-11-032	388-112-0210	NEW-S	02-11-031
388-98-870	REP-P	02-07-116	388-112-0055	NEW	02-15-065	388-112-0210	NEW	02-15-066
388-98-870	REP	02-14-063	388-112-0060	NEW-S	02-11-032	388-112-0215	NEW-S	02-11-031
388-98-890	REP-P	02-07-116	388-112-0060	NEW	02-15-065	388-112-0215	NEW	02-15-066
388-98-890	REP	02-14-063	388-112-0065	NEW-S	02-11-032	388-112-0220	NEW-S	02-11-031
388-105	AMD-E	02-14-081	388-112-0065	NEW	02-15-065	388-112-0220	NEW	02-15-066
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388-105	AMD-P	02-18-099	388-112-0070	NEW	02-15-065	388-112-0225	NEW	02-15-066
388-105	PREP	02-21-012	388-112-0075	NEW-S	02-11-032	388-112-0230	NEW-S	02-11-031
388-105	AMD-E	02-21-051	388-112-0075	NEW	02-15-065	388-112-0230	NEW	02-15-066
388-105	AMD	02-22-058	388-112-0080	NEW-S	02-11-032	388-112-0235	NEW-S	02-11-031
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388-105-0005	AMD-P	02-18-099	388-112-0085	NEW-S	02-11-032	388-112-0240	NEW-S	02-11-031
388-105-0005	AMD-E	02-21-051	388-112-0085	NEW	02-15-065	388-112-0240	NEW	02-15-066
388-105-0005	AMD	02-22-058	388-112-0090	NEW-S	02-11-032	388-112-0245	NEW-S	02-11-031
388-105-0030	NEW-E	02-14-081	388-112-0090	NEW	02-15-065	388-112-0245	NEW	02-15-066
388-105-0030	NEW-P	02-18-099	388-112-0095	NEW-S	02-11-032	388-112-0250	NEW-S	02-11-031
388-105-0030	NEW-E	02-21-051	388-112-0095	NEW	02-15-065	388-112-0250	NEW	02-15-066
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388-148-0040	AMD-E	02-14-042	388-148-0630	AMD-E	02-14-042	388-148-1165	NEW-E	02-14-042
388-148-0040	AMD-E	02-22-002	388-148-0630	AMD-E	02-22-002	388-148-1165	NEW-E	02-22-002
388-148-0045	PREP	02-06-083	388-148-0700	PREP	02-06-083	388-148-1170	NEW-E	02-14-042
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388-148-0050	AMD-E	02-14-042	388-148-0720	AMD-E	02-14-042	388-148-1180	NEW-E	02-14-042
388-148-0050	AMD-E	02-22-002	388-148-0720	AMD-E	02-22-002	388-148-1180	NEW-E	02-22-002
388-148-0058	NEW-E	02-14-042	388-148-0722	PREP	02-06-083	388-148-1185	NEW-E	02-14-042
388-148-0058	NEW-E	02-22-002	388-148-0722	NEW-E	02-14-042	388-148-1185	NEW-E	02-22-002
388-148-0060	PREP	02-06-083	388-148-0722	NEW-E	02-22-002	388-148-1190	NEW-E	02-14-042
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388-148-0065	PREP	02-06-083	388-148-0725	AMD-E	02-22-002	388-148-1205	NEW-E	02-15-137
388-148-0065	AMD-E	02-14-042	388-148-0785	PREP	02-06-083	388-148-1205	NEW-E	02-23-064
388-148-0065	AMD-E	02-22-002	388-148-0785	AMD-E	02-14-042	388-148-1210	NEW-E	02-08-031
388-148-0120	PREP	02-06-083	388-148-0785	AMD-E	02-22-002	388-148-1210	NEW-E	02-15-137
388-148-0120	AMD-E	02-14-042	388-148-0785	AMD-E	02-22-002	388-148-1210	NEW-E	02-23-064
388-148-0120	AMD-E	02-22-002	388-148-0880	PREP	02-06-083	388-148-1210	NEW-E	02-23-064
388-148-0125	PREP	02-06-083	388-148-0880	AMD-E	02-14-042	388-148-1215	NEW-E	02-08-031
388-148-0125	AMD-E	02-14-042	388-148-0880	AMD-E	02-22-002	388-148-1215	NEW-E	02-15-137
388-148-0125	AMD-E	02-22-002	388-148-0892	PREP	02-06-083	388-148-1215	NEW-E	02-23-064
388-148-0140	AMD-E	02-14-042	388-148-0892	NEW-E	02-14-042	388-148-1220	NEW-E	02-08-031
388-148-0140	AMD-E	02-22-002	388-148-0892	NEW-E	02-22-002	388-148-1220	NEW-E	02-15-137
388-148-0140	AMD-E	02-22-002	388-148-0915	AMD-E	02-14-042	388-148-1220	NEW-E	02-23-064
388-148-0220	PREP	02-06-083	388-148-0915	AMD-E	02-22-002	388-148-1225	NEW-E	02-08-031
388-148-0220	AMD-E	02-14-042	388-148-0995	PREP	02-06-083	388-148-1225	NEW-E	02-15-137
388-148-0220	AMD-E	02-22-002	388-148-0995	AMD-E	02-14-042	388-148-1225	NEW-E	02-23-064
388-148-0260	PREP	02-06-083	388-148-0995	AMD-E	02-22-002	388-148-1230	NEW-E	02-08-031
388-148-0260	AMD-E	02-14-042	388-148-1020	PREP	02-06-083	388-148-1230	NEW-E	02-15-137
388-148-0260	AMD-E	02-22-002	388-148-1060	AMD-E	02-14-042	388-148-1230	NEW-E	02-23-064
388-148-0270	AMD-E	02-14-042	388-148-1060	AMD-E	02-22-002	388-148-1235	NEW-E	02-08-031
388-148-0270	AMD-E	02-22-002	388-148-1070	PREP	02-06-083	388-148-1235	NEW-E	02-15-137
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388-148-0335	AMD-E	02-22-002	388-148-1070	AMD-E	02-22-002	388-148-1240	NEW-E	02-08-031
388-148-0345	PREP	02-06-083	388-148-1076	PREP	02-06-083	388-148-1240	NEW-E	02-15-137
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388-148-0345	AMD-E	02-22-002	388-148-1076	NEW-E	02-22-002	388-148-1245	NEW-E	02-08-031
388-148-0350	PREP	02-06-083	388-148-1077	PREP	02-06-083	388-148-1245	NEW-E	02-15-137
388-148-0350	AMD-E	02-14-042	388-148-1077	NEW-E	02-14-042	388-148-1245	NEW-E	02-23-064
388-148-0350	AMD-E	02-22-002	388-148-1077	NEW-E	02-22-002	388-148-1250	NEW-E	02-08-031
388-148-0395	AMD-E	02-14-042	388-148-1078	PREP	02-06-083	388-148-1250	NEW-E	02-15-137
388-148-0395	AMD-E	02-22-002	388-148-1078	NEW-E	02-14-042	388-148-1250	NEW-E	02-23-064
388-148-0427	NEW-E	02-14-042	388-148-1078	NEW-E	02-22-002	388-148-1255	NEW-E	02-08-031
388-148-0427	NEW-E	02-22-002	388-148-1079	PREP	02-06-083	388-148-1255	NEW-E	02-15-137
388-148-0460	AMD-E	02-14-042	388-148-1079	NEW-E	02-14-042	388-148-1255	NEW-E	02-23-064
388-148-0460	AMD-E	02-22-002	388-148-1079	NEW-E	02-22-002	388-148-1260	NEW-E	02-08-031
388-148-0462	PREP	02-06-083	388-148-1115	PREP	02-06-083	388-148-1260	NEW-E	02-15-137
388-148-0462	NEW-E	02-14-042	388-148-1115	AMD-E	02-14-042	388-148-1260	NEW-E	02-23-064
388-148-0462	NEW-E	02-22-002	388-148-1115	AMD-E	02-22-002	388-148-1265	NEW-E	02-08-031
388-148-0520	PREP	02-06-083	388-148-1120	PREP	02-06-083	388-148-1265	NEW-E	02-15-137
388-148-0520	AMD-E	02-14-042	388-148-1120	AMD-E	02-14-042	388-148-1265	NEW-E	02-23-064
388-148-0520	AMD-E	02-22-002	388-148-1120	AMD-E	02-22-002	388-148-1270	NEW-E	02-08-031
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388-148-0542	NEW-E	02-14-042	388-148-1140	NEW-E	02-22-002	388-148-1270	NEW-E	02-23-064
388-148-0542	NEW-E	02-22-002	388-148-1145	NEW-E	02-14-042	388-148-1275	NEW-E	02-08-031
388-148-0560	PREP	02-06-083	388-148-1145	NEW-E	02-22-002	388-148-1275	NEW-E	02-15-137
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388-148-1280	NEW-E	02-15-137	388-265-1200	REP	02-14-083	388-290-0095	AMD	02-12-069
388-148-1280	NEW-E	02-23-064	388-265-1250	REP-P	02-11-131	388-290-0105	PREP	02-04-097
388-148-1285	NEW-E	02-08-031	388-265-1250	REP	02-14-083	388-290-0105	AMD-P	02-08-060
388-148-1285	NEW-E	02-15-137	388-265-1275	REP-P	02-11-131	388-290-0105	AMD	02-12-069
388-148-1285	NEW-E	02-23-064	388-265-1275	REP	02-14-083	388-290-0120	PREP	02-04-097
388-148-1290	NEW-E	02-08-031	388-265-1300	REP-P	02-11-131	388-290-0120	AMD-P	02-08-060
388-148-1290	NEW-E	02-15-137	388-265-1300	REP	02-14-083	388-290-0120	AMD	02-12-069
388-148-1290	NEW-E	02-23-064	388-265-1375	REP-P	02-11-131	388-290-0125	PREP	02-04-097
388-148-1295	NEW-E	02-08-031	388-265-1375	REP	02-14-083	388-290-0125	AMD-P	02-08-060
388-148-1295	NEW-E	02-15-137	388-265-1450	REP-P	02-11-131	388-290-0125	AMD	02-12-069
388-148-1295	NEW-E	02-23-064	388-265-1450	REP	02-14-083	388-290-0130	PREP	02-04-097
388-148-1300	NEW-E	02-08-031	388-265-1500	REP-P	02-11-131	388-290-0130	AMD-P	02-08-060
388-148-1300	NEW-E	02-15-137	388-265-1500	REP	02-14-083	388-290-0130	AMD	02-12-069
388-148-1300	NEW-E	02-23-064	388-265-1600	REP-P	02-11-131	388-290-0135	PREP	02-04-097
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388-151-090	AMD-P	02-10-092	388-273-0025	AMD	02-18-106	388-290-0155	AMD-P	02-09-064
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388-180-0120	NEW-P	02-23-057	388-290-0045	AMD-P	02-08-060	388-290-0205	AMD-P	02-08-060
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388-550-2596	AMD-P	02-22-043	388-805-030	AMD-E	02-15-015	388-818-0210	NEW-P	02-23-083
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388-551-2010	AMD	02-15-082	388-805-300	AMD-E	02-15-015	388-818-0380	NEW-P	02-23-083
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388-551-2120	AMD	02-15-082	388-805-730	AMD-E	02-22-064	388-818-130	REP-P	02-23-083
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392-140-625	AMD	02-05-036	392-140-965	AMD-W	02-13-083	415-103-215	AMD	02-23-037
392-140-625	PREP	02-17-112	392-140-965	AMD-S	02-15-149	415-103-225	NEW-P	02-18-074
392-140-625	REP-P	02-22-086	392-140-965	AMD	02-20-063	415-103-225	NEW	02-23-037
392-140-626	PREP	02-17-112	392-140-967	AMD-S	02-15-149	415-103-300	NEW-P	02-15-154
392-140-626	AMD-P	02-22-086	392-140-967	AMD	02-20-063	415-103-300	NEW	02-18-048
392-140-630	AMD	02-05-036	392-140-970	NEW-S	02-10-007	415-104-011	PREP	02-05-025
392-140-630	PREP	02-17-112	392-140-970	NEW	02-15-023	415-104-011	PREP	02-06-041
392-140-640	PREP	02-17-112	392-140-971	NEW-S	02-10-007	415-104-011	AMD-P	02-15-153
392-140-643	PREP	02-17-112	392-140-971	NEW	02-15-023	415-104-011	AMD	02-18-046
392-140-643	AMD-P	02-22-086	392-140-972	NEW-S	02-10-007	415-104-0111	PREP	02-05-025
392-140-646	PREP	02-17-112	392-140-972	NEW	02-15-023	415-104-0111	PREP	02-06-041
392-140-650	AMD	02-05-036	392-140-973	NEW-S	02-10-007	415-104-0111	REP-P	02-15-153
392-140-650	PREP	02-17-112	392-140-973	NEW	02-15-023	415-104-0111	REP	02-18-046
392-140-653	PREP	02-17-112	392-140-974	NEW-S	02-10-007	415-104-0112	PREP	02-05-025
392-140-656	PREP	02-17-112	392-140-974	NEW	02-15-023	415-104-0112	PREP	02-06-041
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415-104-0113	PREP	02-06-041	415-108-340	AMD	02-18-048	415-110-0109	PREP	02-06-041
415-104-0113	REP-P	02-15-153	415-108-425	NEW	02-03-120	415-110-0109	REP-P	02-15-153
415-104-0113	REP	02-18-046	415-108-441	AMD	02-03-120	415-110-0109	REP	02-18-046
415-104-0114	PREP	02-05-025	415-108-443	AMD	02-03-120	415-110-0110	PREP	02-05-025
415-104-0114	PREP	02-06-041	415-108-445	AMD	02-03-120	415-110-0110	PREP	02-06-041
415-104-0114	REP-P	02-15-153	415-108-445	AMD-P	02-15-073	415-110-0110	REP-P	02-15-153
415-104-0114	REP	02-18-046	415-108-445	AMD	02-18-045	415-110-0110	REP	02-18-046
415-104-0115	PREP	02-05-025	415-108-456	AMD	02-03-120	415-110-0111	PREP	02-05-025
415-104-0115	PREP	02-06-041	415-108-458	AMD	02-03-120	415-110-0111	PREP	02-06-041
415-104-0115	REP-P	02-15-153	415-108-464	AMD	02-03-120	415-110-0111	REP-P	02-15-153
415-104-0115	REP	02-18-046	415-108-465	AMD	02-03-120	415-110-0111	REP	02-18-046
415-104-0117	PREP	02-05-025	415-108-466	AMD	02-03-120	415-110-050	NEW-P	02-10-098
415-104-0117	PREP	02-06-041	415-108-480	AMD	02-03-120	415-110-050	NEW	02-14-009
415-104-0117	REP-P	02-15-153	415-108-491	AMD	02-03-120	415-110-060	NEW-P	02-10-098
415-104-0117	REP	02-18-046	415-108-550	PREP	02-22-061	415-110-060	NEW	02-14-009
415-104-0118	PREP	02-05-025	415-108-560	PREP	02-22-061	415-110-070	NEW-P	02-10-098
415-104-0118	PREP	02-06-041	415-108-570	AMD	02-03-120	415-110-070	NEW	02-14-009
415-104-0118	REP-P	02-15-153	415-108-640	AMD	02-03-120	415-110-340	PREP	02-11-078
415-104-0118	REP	02-18-046	415-108-679	AMD	02-03-120	415-110-340	AMD-P	02-15-154
415-104-0120	PREP	02-05-025	415-108-680	AMD-P	02-15-153	415-110-340	AMD	02-18-048
415-104-0120	PREP	02-06-041	415-108-680	AMD	02-18-046	415-110-680	AMD-P	02-15-153
415-104-0120	REP-P	02-15-153	415-108-690	AMD	02-03-120	415-110-680	AMD	02-18-046
415-104-0120	REP	02-18-046	415-108-700	AMD-P	02-15-153	415-110-690	AMD-P	02-15-153
415-104-0121	PREP	02-05-025	415-108-700	AMD	02-18-046	415-110-690	AMD	02-18-046
415-104-0121	PREP	02-06-041	415-108-710	AMD-P	02-15-153	415-110-700	AMD-P	02-15-153
415-104-0121	REP-P	02-15-153	415-108-710	AMD	02-18-046	415-110-700	AMD	02-18-046
415-104-0121	REP	02-18-046	415-108-720	AMD	02-03-120	415-110-725	AMD-P	02-15-153
415-104-0122	PREP	02-05-025	415-108-725	AMD-P	02-15-153	415-110-725	AMD	02-18-046
415-104-0122	PREP	02-06-041	415-108-725	AMD	02-18-046	415-110-728	AMD-P	02-15-153
415-104-0122	REP-P	02-15-153	415-108-726	AMD-P	02-15-153	415-110-728	AMD	02-18-046
415-104-0122	REP	02-18-046	415-108-726	AMD	02-18-046	415-110-815	NEW	02-03-120
415-104-0125	PREP	02-05-025	415-108-727	NEW	02-03-120	415-110-910	AMD	02-03-120
415-104-0125	PREP	02-06-041	415-108-727	AMD-P	02-18-074	415-111-100	AMD	02-03-120
415-104-0125	REP-P	02-15-153	415-108-727	AMD	02-23-037	415-111-110	AMD	02-03-120
415-104-0125	REP	02-18-046	415-108-728	AMD-P	02-15-153	415-111-220	PREP	02-08-063
415-104-108	PREP	02-11-078	415-108-728	AMD	02-18-046	415-111-310	AMD	02-03-120
415-104-108	AMD-P	02-15-154	415-108-815	NEW	02-03-120	415-111-400	NEW	02-03-120
415-104-108	AMD	02-18-048	415-108-830	AMD	02-03-120	415-111-410	NEW	02-03-120
415-104-111	AMD-P	02-10-099	415-108-980	NEW	02-03-120	415-111-440	NEW	02-03-120
415-104-111	AMD	02-14-072	415-108-980	AMD-P	02-09-056	415-111-450	NEW	02-03-120
415-104-225	AMD-P	02-15-153	415-108-980	AMD	02-12-085	415-111-450	AMD-P	02-09-055
415-104-225	AMD	02-18-046	415-110-010	PREP	02-05-025	415-111-450	AMD	02-12-084
415-104-235	AMD-P	02-15-153	415-110-010	PREP	02-06-041	415-112-015	PREP	02-05-025
415-104-235	AMD	02-18-046	415-110-010	AMD-P	02-15-153	415-112-015	PREP	02-06-041
415-104-374	NEW-P	02-15-152	415-110-010	AMD	02-18-046	415-112-015	AMD-P	02-15-153
415-104-374	NEW	02-18-047	415-110-0102	PREP	02-05-025	415-112-015	AMD	02-18-046
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415-108-010	AMD-P	02-15-153	415-110-0102	REP-P	02-15-153	415-112-0151	PREP	02-06-041
415-108-010	AMD	02-18-046	415-110-0102	REP	02-18-046	415-112-0151	REP-P	02-15-153
415-108-040	REP-P	02-09-055	415-110-0103	PREP	02-05-025	415-112-0151	REP	02-18-046
415-108-040	REP	02-12-084	415-110-0103	PREP	02-06-041	415-112-0154	PREP	02-05-025
415-108-181	NEW-P	02-10-098	415-110-0103	REP-P	02-15-153	415-112-0154	PREP	02-06-041
415-108-181	NEW	02-14-009	415-110-0103	REP	02-18-046	415-112-0154	REP-P	02-15-153
415-108-182	NEW-P	02-10-098	415-110-0104	PREP	02-05-025	415-112-0154	REP	02-18-046
415-108-182	NEW	02-14-009	415-110-0104	PREP	02-06-041	415-112-0156	PREP	02-05-025
415-108-183	NEW-P	02-10-098	415-110-0104	REP-P	02-15-153	415-112-0156	PREP	02-06-041
415-108-183	NEW	02-14-009	415-110-0104	REP	02-18-046	415-112-0156	REP-P	02-15-153
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415-112-0157	REP	02-18-046	415-113-030	AMD	02-18-046	415-501-495	AMD-P	02-09-055
415-112-0158	PREP	02-05-025	415-113-0301	PREP	02-06-041	415-501-495	AMD	02-12-084
415-112-0158	PREP	02-06-041	415-113-0301	REP-P	02-15-153	420-12-060	AMD	02-05-050
415-112-0158	REP-P	02-15-153	415-113-0301	REP	02-18-046	434-208-060	AMD-P	02-11-133
415-112-0158	REP	02-18-046	415-113-0302	PREP	02-06-041	434-208-060	AMD-E	02-14-088
415-112-0159	PREP	02-05-025	415-113-0302	REP-P	02-15-153	434-208-060	AMD	02-15-156
415-112-0159	PREP	02-06-041	415-113-0302	REP	02-18-046	434-215-005	RECOD	02-09-007
415-112-0159	REP-P	02-15-153	415-113-0303	AMD	02-03-120	434-215-012	RECOD	02-09-007
415-112-0159	REP	02-18-046	415-113-0303	PREP	02-06-041	434-215-012	AMD-P	02-11-133
415-112-0160	PREP	02-05-025	415-113-0303	REP-P	02-15-153	434-215-012	AMD-E	02-14-088
415-112-0160	PREP	02-06-041	415-113-0303	REP	02-18-046	434-215-012	AMD	02-15-156
415-112-0160	REP-P	02-15-153	415-113-0304	PREP	02-06-041	434-215-020	RECOD	02-09-007
415-112-0160	REP	02-18-046	415-113-0304	REP-P	02-15-153	434-215-050	RECOD	02-09-007
415-112-0161	PREP	02-05-025	415-113-0304	REP	02-18-046	434-215-060	RECOD	02-09-007
415-112-0161	PREP	02-06-041	415-113-0305	PREP	02-06-041	434-215-070	NEW-P	02-11-133
415-112-0161	REP-P	02-15-153	415-113-0305	REP-P	02-15-153	434-215-070	NEW-E	02-14-088
415-112-0161	REP	02-18-046	415-113-0305	REP	02-18-046	434-215-070	NEW	02-15-156
415-112-0162	PREP	02-05-025	415-113-0306	PREP	02-06-041	434-215-080	NEW-P	02-11-133
415-112-0162	PREP	02-06-041	415-113-0306	REP-P	02-15-153	434-215-080	NEW-E	02-14-088
415-112-0162	REP-P	02-15-153	415-113-0306	REP	02-18-046	434-215-080	NEW	02-15-156
415-112-0162	REP	02-18-046	415-113-0307	PREP	02-06-041	434-215-090	NEW-P	02-11-133
415-112-0163	PREP	02-05-025	415-113-0307	REP-P	02-15-153	434-215-090	NEW-E	02-14-088
415-112-0163	PREP	02-06-041	415-113-0307	REP	02-18-046	434-215-090	NEW	02-15-156
415-112-0163	REP-P	02-15-153	415-113-0308	PREP	02-06-041	434-215-110	NEW-P	02-11-133
415-112-0163	REP	02-18-046	415-113-0308	REP-P	02-15-153	434-215-110	NEW-E	02-14-088
415-112-0165	PREP	02-05-025	415-113-0308	REP	02-18-046	434-215-110	NEW	02-15-156
415-112-0165	PREP	02-06-041	415-113-0309	PREP	02-06-041	434-228-005	DECOD	02-09-007
415-112-0165	REP-P	02-15-153	415-113-0309	REP-P	02-15-153	434-228-012	DECOD	02-09-007
415-112-0165	REP	02-18-046	415-113-0309	REP	02-18-046	434-228-020	DECOD	02-09-007
415-112-0167	PREP	02-05-025	415-113-0310	REP	02-03-120	434-228-050	DECOD	02-09-007
415-112-0167	PREP	02-06-041	415-113-041	AMD	02-03-120	434-228-060	DECOD	02-09-007
415-112-0167	REP-P	02-15-153	415-113-041	AMD-P	02-15-153	434-230-140	NEW-P	02-03-134
415-112-0167	REP	02-18-046	415-113-041	AMD	02-18-046	434-230-140	NEW	02-07-029
415-112-040	PREP	02-11-078	415-113-042	AMD	02-03-120	434-236-010	DECOD	02-09-007
415-112-040	AMD-P	02-15-154	415-113-042	AMD-P	02-15-153	434-236-020	DECOD	02-09-007
415-112-040	AMD	02-18-048	415-113-042	AMD	02-18-046	434-236-025	NEW-P	02-03-133
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415-112-050	NEW	02-14-009	415-113-045	AMD	02-18-046	434-236-025	DECOD	02-09-007
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415-112-125	AMD-P	02-15-153	415-113-065	AMD	02-03-120	434-236-040	REP	02-07-028
415-112-125	AMD	02-18-046	415-113-065	AMD-P	02-15-153	434-236-050	REP-P	02-03-133
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415-112-135	AMD	02-18-046	415-113-070	AMD	02-18-046	434-236-055	DECOD	02-09-007
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415-112-155	AMD	02-18-046	415-113-080	AMD	02-18-046	434-236-060	AMD	02-07-028
415-112-156	AMD-P	02-15-153	415-113-082	AMD-P	02-15-153	434-236-060	DECOD	02-09-007
415-112-156	AMD	02-18-046	415-113-082	AMD	02-18-046	434-236-070	AMD-P	02-03-133
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415-112-400	AMD	02-03-120	415-113-090	AMD	02-03-120	434-236-080	AMD-P	02-03-133
415-112-412	AMD	02-03-120	415-113-090	AMD-P	02-15-153	434-236-080	AMD	02-07-028
415-112-413	AMD	02-03-120	415-113-090	AMD	02-18-046	434-236-080	DECOD	02-09-007
415-112-541	AMD-P	02-15-153	415-113-100	AMD-P	02-15-153	434-236-090	AMD-P	02-03-134
415-112-541	AMD	02-18-046	415-113-100	AMD	02-18-046	434-236-090	AMD	02-07-029
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434-236-100	DECOD	02-09-007	434-240-205	AMD-P	02-03-133	434-333-145	RECOD	02-09-007
434-236-110	AMD-P	02-03-133	434-240-205	AMD	02-07-028	434-333-150	RECOD	02-09-007
434-236-110	AMD	02-07-028	434-240-230	AMD-P	02-03-133	434-333-155	RECOD	02-09-007
434-236-110	DECOD	02-09-007	434-240-230	AMD	02-07-028	434-333-160	RECOD	02-09-007
434-236-120	DECOD	02-09-007	434-240-235	AMD-P	02-03-133	434-333-165	RECOD	02-09-007
434-236-140	AMD-P	02-03-133	434-240-235	AMD	02-07-028	434-333-170	RECOD	02-09-007
434-236-140	AMD	02-07-028	434-240-240	AMD-P	02-03-134	434-333-175	RECOD	02-09-007
434-236-140	DECOD	02-09-007	434-240-240	AMD	02-07-029	434-334-010	DECOD	02-09-007
434-236-160	DECOD	02-09-007	434-240-250	AMD-P	02-03-133	434-334-015	DECOD	02-09-007
434-236-170	DECOD	02-09-007	434-240-250	AMD	02-07-028	434-334-020	DECOD	02-09-007
434-236-180	AMD-P	02-03-133	434-240-320	AMD-P	02-03-133	434-334-025	DECOD	02-09-007
434-236-180	AMD	02-07-028	434-240-320	AMD	02-07-028	434-334-030	DECOD	02-09-007
434-236-180	DECOD	02-09-007	434-253-043	NEW-P	02-03-134	434-334-035	DECOD	02-09-007
434-236-200	DECOD	02-09-007	434-253-043	NEW	02-07-029	434-334-040	DECOD	02-09-007
434-236-210	REP-P	02-03-133	434-253-045	NEW-P	02-03-134	434-334-045	DECOD	02-09-007
434-236-210	REP	02-07-028	434-253-045	NEW	02-07-029	434-334-050	DECOD	02-09-007
434-238-010	RECOD	02-09-007	434-253-047	NEW-P	02-03-134	434-334-055	DECOD	02-09-007
434-238-020	RECOD	02-09-007	434-253-047	NEW	02-07-029	434-334-060	DECOD	02-09-007
434-238-025	RECOD	02-09-007	434-253-049	NEW-P	02-03-134	434-334-063	DECOD	02-09-007
434-238-030	RECOD	02-09-007	434-253-049	NEW	02-07-029	434-334-065	DECOD	02-09-007
434-238-055	RECOD	02-09-007	434-261-005	AMD-P	02-03-134	434-334-070	DECOD	02-09-007
434-238-060	RECOD	02-09-007	434-261-005	AMD	02-07-029	434-334-075	DECOD	02-09-007
434-238-070	RECOD	02-09-007	434-261-070	AMD-P	02-03-134	434-334-082	DECOD	02-09-007
434-238-080	RECOD	02-09-007	434-261-070	AMD	02-07-029	434-334-085	DECOD	02-09-007
434-238-090	RECOD	02-09-007	434-261-075	NEW-P	02-03-134	434-334-090	DECOD	02-09-007
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434-240-080	NEW	02-07-028	434-333-065	RECOD	02-09-007	434-670-050	NEW-X	02-17-009
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465- 10-060	NEW	02-20-024	478-108-010	AMD-P	02-03-085	478-117-240	NEW	02-08-023
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478-118-100	NEW-E	02-06-042	480- 14-999	AMD	02-18-033	480- 75-370	NEW	02-18-032
478-118-100	NEW-P	02-08-066	480- 15	PREP	02-20-105	480- 75-380	NEW-P	02-12-132
478-118-100	NEW	02-15-174	480- 15-999	AMD-X	02-12-131	480- 75-380	NEW	02-18-032
478-118-200	NEW-E	02-06-042	480- 15-999	AMD	02-18-033	480- 75-390	NEW-P	02-12-132
478-118-200	NEW-P	02-08-066	480- 30-999	AMD-X	02-12-131	480- 75-400	NEW-P	02-12-132
478-118-200	NEW	02-15-174	480- 30-999	AMD	02-18-033	480- 75-400	NEW	02-18-032
478-118-210	NEW-E	02-06-042	480- 31-999	AMD-X	02-12-131	480- 75-410	NEW-P	02-12-132
478-118-210	NEW-P	02-08-066	480- 31-999	AMD	02-18-033	480- 75-410	NEW	02-18-032
478-118-210	NEW	02-15-174	480- 40-999	AMD-X	02-12-131	480- 75-420	NEW-P	02-12-132
478-118-220	NEW-E	02-06-042	480- 40-999	AMD	02-18-033	480- 75-420	NEW	02-18-032
478-118-220	NEW-P	02-08-066	480- 51	PREP	02-20-105	480- 75-430	NEW-P	02-12-132
478-118-220	NEW	02-15-174	480- 62-240	AMD-X	02-12-131	480- 75-430	NEW	02-18-032
478-118-230	NEW-E	02-06-042	480- 62-240	AMD	02-18-033	480- 75-430	NEW	02-20-015
478-118-230	NEW-P	02-08-066	480- 62-999	AMD-X	02-12-131	480- 75-440	NEW-P	02-12-132
478-118-230	NEW	02-15-174	480- 62-999	AMD	02-18-033	480- 75-440	NEW	02-18-032
478-118-240	NEW-E	02-06-042	480- 70	PREP	02-10-055	480- 75-450	NEW-P	02-12-132
478-118-240	NEW-P	02-08-066	480- 70	PREP	02-20-105	480- 75-450	NEW	02-18-032
478-118-240	NEW	02-15-174	480- 70-411	AMD-P	02-17-088	480- 75-460	NEW-P	02-12-132
478-118-250	NEW-E	02-06-042	480- 70-411	AMD	02-21-066	480- 75-460	NEW	02-18-032
478-118-250	NEW-P	02-08-066	480- 70-999	AMD-X	02-12-131	480- 75-500	NEW-P	02-12-132
478-118-250	NEW	02-15-174	480- 70-999	AMD	02-18-033	480- 75-500	NEW	02-18-032
478-118-260	NEW-E	02-06-042	480- 75	AMD-P	02-12-132	480- 75-510	NEW-P	02-12-132
478-118-260	NEW-P	02-08-066	480- 75	AMD	02-18-032	480- 75-510	NEW	02-18-032
478-118-260	NEW	02-15-174	480- 75	PREP	02-20-105	480- 75-520	NEW-P	02-12-132
478-118-270	NEW-E	02-06-042	480- 75-002	REP-P	02-12-132	480- 75-520	NEW	02-18-032
478-118-270	NEW-P	02-08-066	480- 75-002	REP	02-18-032	480- 75-530	NEW-P	02-12-132
478-118-270	NEW	02-15-174	480- 75-005	REP-P	02-12-132	480- 75-530	NEW	02-18-032
478-118-280	NEW-E	02-06-042	480- 75-005	REP	02-18-032	480- 75-540	NEW-P	02-12-132
478-118-280	NEW-P	02-08-066	480- 75-010	REP-P	02-12-132	480- 75-540	NEW	02-18-032
478-118-280	NEW	02-15-174	480- 75-010	REP	02-18-032	480- 75-550	NEW-P	02-12-132
478-118-400	NEW-E	02-06-042	480- 75-100	NEW-P	02-12-132	480- 75-550	NEW	02-18-032
478-118-400	NEW-P	02-08-066	480- 75-100	NEW	02-18-032	480- 75-600	NEW-P	02-12-132
478-118-400	NEW	02-15-174	480- 75-200	NEW-P	02-12-132	480- 75-600	NEW	02-18-032
478-118-410	NEW-E	02-06-042	480- 75-200	NEW	02-18-032	480- 75-610	NEW-P	02-12-132
478-118-410	NEW-P	02-08-066	480- 75-210	NEW-P	02-12-132	480- 75-610	NEW	02-18-032
478-118-410	NEW	02-15-174	480- 75-210	NEW	02-18-032	480- 75-620	NEW-P	02-12-132
478-118-420	NEW-E	02-06-042	480- 75-220	NEW-P	02-12-132	480- 75-620	NEW	02-18-032
478-118-420	NEW-P	02-08-066	480- 75-220	NEW	02-18-032	480- 75-630	NEW-P	02-12-132
478-118-420	NEW	02-15-174	480- 75-223	REP-P	02-12-132	480- 75-630	NEW	02-18-032
478-118-500	NEW-E	02-06-042	480- 75-223	REP	02-18-032	480- 75-640	NEW-P	02-12-132
478-118-500	NEW-P	02-08-066	480- 75-230	REP-P	02-12-132	480- 75-640	NEW	02-18-032
478-118-500	NEW	02-15-174	480- 75-230	REP	02-18-032	480- 75-650	NEW-P	02-12-132
478-118-510	NEW-E	02-06-042	480- 75-240	NEW	02-03-016	480- 75-650	NEW	02-18-032
478-118-510	NEW-P	02-08-066	480- 75-250	NEW-P	02-12-132	480- 75-660	NEW-P	02-12-132
478-118-510	NEW	02-15-174	480- 75-250	NEW	02-18-032	480- 75-660	NEW	02-18-032
478-132-030	PREP	02-22-036	480- 75-260	NEW-P	02-12-132	480- 75-999	AMD-P	02-12-132
478-136-012	AMD	02-06-020	480- 75-260	NEW	02-18-032	480- 75-999	AMD	02-18-032
478-136-015	AMD	02-06-020	480- 75-300	NEW-P	02-12-132	480- 80-010	AMD	02-11-081
478-136-030	AMD-E	02-03-102	480- 75-300	NEW	02-18-032	480- 80-015	NEW	02-11-081
478-136-030	AMD	02-06-020	480- 75-310	NEW-P	02-12-132	480- 80-020	AMD	02-11-081
478-160-125	AMD	02-06-021	480- 75-310	NEW	02-18-032	480- 80-025	NEW	02-11-081
478-160-130	AMD	02-06-021	480- 75-320	NEW-P	02-12-132	480- 80-030	AMD	02-11-081
478-160-140	AMD	02-06-021	480- 75-320	NEW	02-18-032	480- 80-031	NEW	02-11-081
478-160-163	NEW	02-06-021	480- 75-330	NEW-P	02-12-132	480- 80-035	REP	02-11-081
478-160-175	AMD	02-06-021	480- 75-330	NEW	02-18-032	480- 80-040	REP	02-11-081

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-80-041	REP	02-11-081	480-80-360	REP	02-11-081	480-120-029	REP-P	02-12-055
480-80-045	REP	02-11-081	480-80-370	REP	02-11-081	480-120-031	REP-P	02-12-055
480-80-050	REP	02-11-081	480-80-380	REP	02-11-081	480-120-032	REP-P	02-12-055
480-80-060	REP	02-11-081	480-90	PREP	02-10-055	480-120-033	REP-P	02-12-055
480-80-070	REP	02-11-081	480-90	PREP	02-20-105	480-120-041	REP-P	02-12-055
480-80-080	REP	02-11-081	480-90-113	AMD-P	02-17-088	480-120-042	REP-P	02-12-055
480-80-090	REP	02-11-081	480-90-113	AMD	02-21-066	480-120-043	REP	02-11-081
480-80-100	REP	02-11-081	480-90-118	AMD-P	02-17-088	480-120-043	REP-P	02-12-055
480-80-101	NEW	02-11-081	480-90-118	AMD	02-21-066	480-120-045	REP-P	02-12-055
480-80-102	NEW	02-11-081	480-90-193	AMD	02-11-081	480-120-046	REP-P	02-12-055
480-80-103	NEW	02-11-081	480-90-194	NEW	02-11-081	480-120-051	REP-P	02-12-055
480-80-104	NEW	02-11-081	480-90-195	NEW	02-11-081	480-120-052	REP	02-11-080
480-80-105	NEW	02-11-081	480-90-197	NEW	02-11-081	480-120-056	REP-P	02-12-055
480-80-110	REP	02-11-081	480-90-198	NEW	02-11-081	480-120-057	REP-P	02-12-055
480-80-111	NEW	02-11-081	480-90-199	NEW	02-11-081	480-120-057	REP	02-21-067
480-80-112	NEW	02-11-081	480-90-203	AMD-X	02-12-131	480-120-058	REP	02-11-080
480-80-121	NEW	02-11-081	480-90-203	AMD	02-18-033	480-120-061	AMD-P	02-12-055
480-80-122	NEW	02-11-081	480-90-208	AMD-X	02-12-131	480-120-081	REP-P	02-12-055
480-80-123	NEW	02-11-081	480-90-208	AMD	02-18-033	480-120-087	REP-P	02-12-055
480-80-124	NEW	02-11-081	480-90-999	AMD-X	02-12-131	480-120-088	REP-P	02-12-055
480-80-125	REP	02-11-081	480-90-999	AMD	02-18-033	480-120-089	REP-P	02-12-055
480-80-130	REP	02-11-081	480-92	PREP	02-20-105	480-120-089	REP-P	02-12-055
480-80-131	NEW	02-11-081	480-93-240	NEW	02-03-016	480-120-101	REP-P	02-12-055
480-80-132	NEW	02-11-081	480-100	PREP	02-10-055	480-120-102	NEW-P	02-12-055
480-80-133	NEW	02-11-081	480-100	PREP	02-20-105	480-120-103	NEW-P	02-12-055
480-80-134	NEW	02-11-081	480-100-113	AMD-P	02-17-088	480-120-104	NEW-P	02-12-055
480-80-140	REP	02-11-081	480-100-113	AMD	02-21-066	480-120-105	NEW-P	02-12-055
480-80-141	NEW	02-11-081	480-100-118	AMD-P	02-17-088	480-120-106	REP-P	02-12-055
480-80-142	NEW	02-11-081	480-100-118	AMD	02-21-066	480-120-107	NEW-P	02-12-055
480-80-143	NEW	02-11-081	480-100-148	PREP	02-10-055	480-120-108	NEW-P	02-12-055
480-80-150	REP	02-11-081	480-100-148	AMD-P	02-17-088	480-120-112	NEW-P	02-12-055
480-80-160	REP	02-11-081	480-100-148	AMD	02-21-066	480-120-116	REP-P	02-12-055
480-80-170	REP	02-11-081	480-100-163	AMD-X	02-12-131	480-120-121	REP-P	02-12-055
480-80-180	REP	02-11-081	480-100-163	AMD	02-18-033	480-120-122	NEW-P	02-12-055
480-80-190	REP	02-11-081	480-100-193	AMD	02-11-081	480-120-123	NEW-P	02-12-055
480-80-200	REP	02-11-081	480-100-194	NEW	02-11-081	480-120-124	NEW-P	02-12-055
480-80-201	NEW	02-11-081	480-100-195	NEW	02-11-081	480-120-125	NEW-P	02-12-055
480-80-202	NEW	02-11-081	480-100-197	NEW	02-11-081	480-120-125	NEW	02-21-067
480-80-203	NEW	02-11-081	480-100-198	NEW	02-11-081	480-120-126	REP-P	02-12-055
480-80-204	NEW	02-11-081	480-100-198	NEW	02-11-081	480-120-127	NEW	02-11-080
480-80-205	NEW	02-11-081	480-100-199	NEW	02-11-081	480-120-127	NEW-P	02-12-055
480-80-206	NEW	02-11-081	480-100-203	AMD-X	02-12-131	480-120-128	NEW-P	02-12-055
480-80-210	REP	02-11-081	480-100-203	AMD	02-18-033	480-120-131	REP-P	02-12-055
480-80-220	REP	02-11-081	480-100-203	AMD	02-18-033	480-120-132	NEW-P	02-12-055
480-80-230	REP	02-11-081	480-100-208	AMD-X	02-12-131	480-120-132	NEW-P	02-12-055
480-80-230	REP	02-11-081	480-100-208	AMD	02-18-033	480-120-133	NEW-P	02-12-055
480-80-240	REP	02-11-081	480-100-208	AMD	02-18-033	480-120-136	REP-P	02-12-055
480-80-241	NEW	02-11-081	480-100-999	AMD-X	02-12-131	480-120-136	REP-P	02-12-055
480-80-242	NEW	02-11-081	480-100-999	AMD	02-18-033	480-120-138	REP-P	02-12-055
480-80-250	REP	02-11-081	480-110	PREP	02-10-055	480-120-139	REP-P	02-12-055
480-80-260	REP	02-11-081	480-110	PREP	02-20-105	480-120-139	REP-P	02-12-055
480-80-270	REP	02-11-081	480-110-275	AMD-X	02-12-131	480-120-141	REP-P	02-12-055
480-80-280	REP	02-11-081	480-110-275	AMD	02-18-033	480-120-144	REP-P	02-08-081
480-80-290	REP	02-11-081	480-110-335	AMD-P	02-17-088	480-120-144	REP	02-23-004
480-80-300	REP	02-11-081	480-110-335	AMD	02-21-066	480-120-146	NEW-P	02-12-055
480-80-310	REP	02-11-081	480-110-485	AMD-X	02-12-131	480-120-147	NEW-P	02-12-055
480-80-320	REP	02-11-081	480-110-485	AMD	02-18-033	480-120-148	NEW-P	02-12-055
480-80-325	REP	02-11-081	480-110-999	NEW-X	02-12-131	480-120-148	NEW-P	02-12-055
480-80-326	REP	02-11-081	480-110-999	NEW	02-18-033	480-120-151	REP-P	02-08-081
480-80-330	REP	02-11-081	480-120	PREP	02-20-105	480-120-151	REP	02-23-004
480-80-335	REP	02-11-081	480-120-011	AMD-P	02-12-055	480-120-152	REP-P	02-08-081
480-80-340	REP	02-11-081	480-120-015	AMD-P	02-12-055	480-120-152	REP	02-23-004
480-80-350	REP	02-11-081	480-120-017	NEW-P	02-12-055	480-120-153	REP-P	02-08-081
			480-120-019	NEW-P	02-12-055	480-120-153	REP	02-23-004
			480-120-021	AMD-P	02-12-055	480-120-154	REP-P	02-08-081
						480-120-154	REP	02-23-004
						480-120-161	NEW-P	02-12-055
						480-120-162	NEW-P	02-12-055

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-120-163	NEW-P	02-12-055	480-120-302	NEW-P	02-12-055	480-122-030	REP	02-03-017
480-120-164	NEW-P	02-12-055	480-120-303	NEW-P	02-12-055	480-122-040	REP	02-03-017
480-120-165	NEW-P	02-12-055	480-120-304	NEW-P	02-12-055	480-122-060	AMD	02-03-017
480-120-166	NEW-P	02-12-055	480-120-305	NEW-P	02-12-055	480-122-070	REP	02-03-017
480-120-167	NEW-P	02-12-055	480-120-311	NEW-P	02-12-055	480-122-080	AMD	02-03-017
480-120-171	NEW-P	02-12-055	480-120-312	NEW-P	02-12-055	480-122-090	REP	02-03-017
480-120-172	NEW-P	02-12-055	480-120-321	NEW-P	02-12-055	480-140	PREP	02-20-105
480-120-173	NEW-P	02-12-055	480-120-322	NEW-P	02-12-055	480-146	PREP	02-20-105
480-120-174	NEW-P	02-12-055	480-120-323	NEW-P	02-12-055	495C-120-040	AMD	02-04-022
480-120-193	NEW	02-11-081	480-120-340	REP-P	02-12-055	495C-120-041	AMD	02-04-022
480-120-194	NEW	02-11-081	480-120-350	REP-P	02-12-055	495D-325-010	AMD-X	02-20-014
480-120-195	NEW	02-11-081	480-120-401	NEW-P	02-12-055	504- 15-060	REP-P	02-11-092
480-120-196	NEW	02-11-081	480-120-402	NEW-P	02-12-055	504- 15-060	REP	02-14-071
480-120-197	NEW	02-11-081	480-120-411	NEW-P	02-12-055	504- 15-100	AMD-P	02-11-092
480-120-198	NEW	02-11-081	480-120-412	NEW-P	02-12-055	504- 15-100	AMD	02-14-071
480-120-199	NEW	02-11-081	480-120-414	NEW-P	02-12-055	504- 15-200	AMD-P	02-11-092
480-120-201	NEW-P	02-08-081	480-120-436	NEW-P	02-12-055	504- 15-200	AMD	02-14-071
480-120-201	NEW	02-23-004	480-120-437	NEW-P	02-12-055	504- 15-210	AMD-P	02-11-092
480-120-202	NEW-P	02-08-081	480-120-438	NEW-P	02-12-055	504- 15-210	AMD	02-14-071
480-120-202	NEW-W	02-23-021	480-120-439	NEW-P	02-12-055	504- 15-460	AMD-P	02-11-092
480-120-203	NEW-P	02-08-081	480-120-440	NEW-P	02-12-055	504- 15-460	AMD	02-14-071
480-120-203	NEW	02-23-004	480-120-450	NEW-P	02-12-055	504- 15-540	AMD-P	02-11-092
480-120-204	NEW-P	02-08-081	480-120-451	NEW-P	02-12-055	504- 15-540	AMD	02-14-071
480-120-204	NEW	02-23-004	480-120-452	NEW-P	02-12-055	504- 15-580	AMD-P	02-11-092
480-120-205	NEW-P	02-08-081	480-120-500	REP-P	02-12-055	504- 15-580	AMD	02-14-071
480-120-205	NEW	02-23-004	480-120-505	REP-P	02-12-055	504- 15-600	AMD-P	02-11-092
480-120-206	NEW-P	02-08-081	480-120-510	REP-P	02-12-055	504- 15-600	AMD	02-14-071
480-120-206	NEW	02-23-004	480-120-515	REP-P	02-12-055	504- 15-650	AMD-P	02-11-092
480-120-207	NEW-P	02-08-081	480-120-520	REP-P	02-12-055	504- 15-650	AMD	02-14-071
480-120-207	NEW	02-23-004	480-120-525	REP-P	02-12-055	504- 15-810	AMD-P	02-11-092
480-120-208	NEW-P	02-08-081	480-120-530	REP-P	02-12-055	504- 15-810	AMD	02-14-071
480-120-208	NEW	02-23-004	480-120-531	REP-P	02-12-055	504- 15-830	AMD-P	02-11-092
480-120-209	NEW-P	02-08-081	480-120-535	REP-P	02-12-055	504- 15-830	AMD	02-14-071
480-120-209	NEW	02-23-004	480-120-541	REP-P	02-12-055	504- 25-001	NEW-P	02-11-093
480-120-211	NEW-P	02-08-081	480-120-542	REP-P	02-12-055	504- 25-001	NEW	02-15-075
480-120-211	NEW	02-23-004	480-120-543	REP-P	02-12-055	504- 25-002	NEW-P	02-11-093
480-120-212	NEW-P	02-08-081	480-120-544	REP-P	02-12-055	504- 25-002	NEW	02-15-075
480-120-212	NEW	02-23-004	480-120-545	REP-P	02-12-055	504- 25-002	NEW	02-15-075
480-120-213	NEW-P	02-08-081	480-120-999	NEW-P	02-12-055	504- 25-003	NEW-P	02-11-093
480-120-213	NEW	02-23-004	480-121-010	REP	02-11-080	504- 25-003	NEW	02-15-075
480-120-214	NEW-P	02-08-081	480-121-011	NEW	02-11-080	504- 25-004	NEW-P	02-11-093
480-120-214	NEW	02-23-004	480-121-015	AMD	02-11-080	504- 25-004	NEW	02-15-075
480-120-215	NEW-P	02-08-081	480-121-016	NEW	02-11-080	504- 25-005	REP-P	02-11-093
480-120-215	NEW	02-23-004	480-121-017	NEW	02-11-080	504- 25-005	REP	02-15-075
480-120-216	NEW-P	02-08-081	480-121-018	NEW	02-11-080	504- 25-010	REP-P	02-11-093
480-120-216	NEW	02-23-004	480-121-018	NEW	02-11-080	504- 25-010	REP	02-15-075
480-120-217	NEW	02-23-004	480-121-020	AMD-S	02-07-041	504- 25-011	NEW-P	02-11-093
480-120-218	NEW	02-23-004	480-121-020	AMD	02-11-080	504- 25-011	NEW	02-15-075
480-120-219	NEW	02-23-004	480-121-023	REP	02-11-080	504- 25-012	NEW-P	02-11-093
480-120-251	NEW-P	02-12-055	480-121-026	AMD	02-11-080	504- 25-012	NEW	02-15-075
480-120-252	NEW-P	02-12-055	480-121-030	REP	02-11-080	504- 25-013	NEW-P	02-11-093
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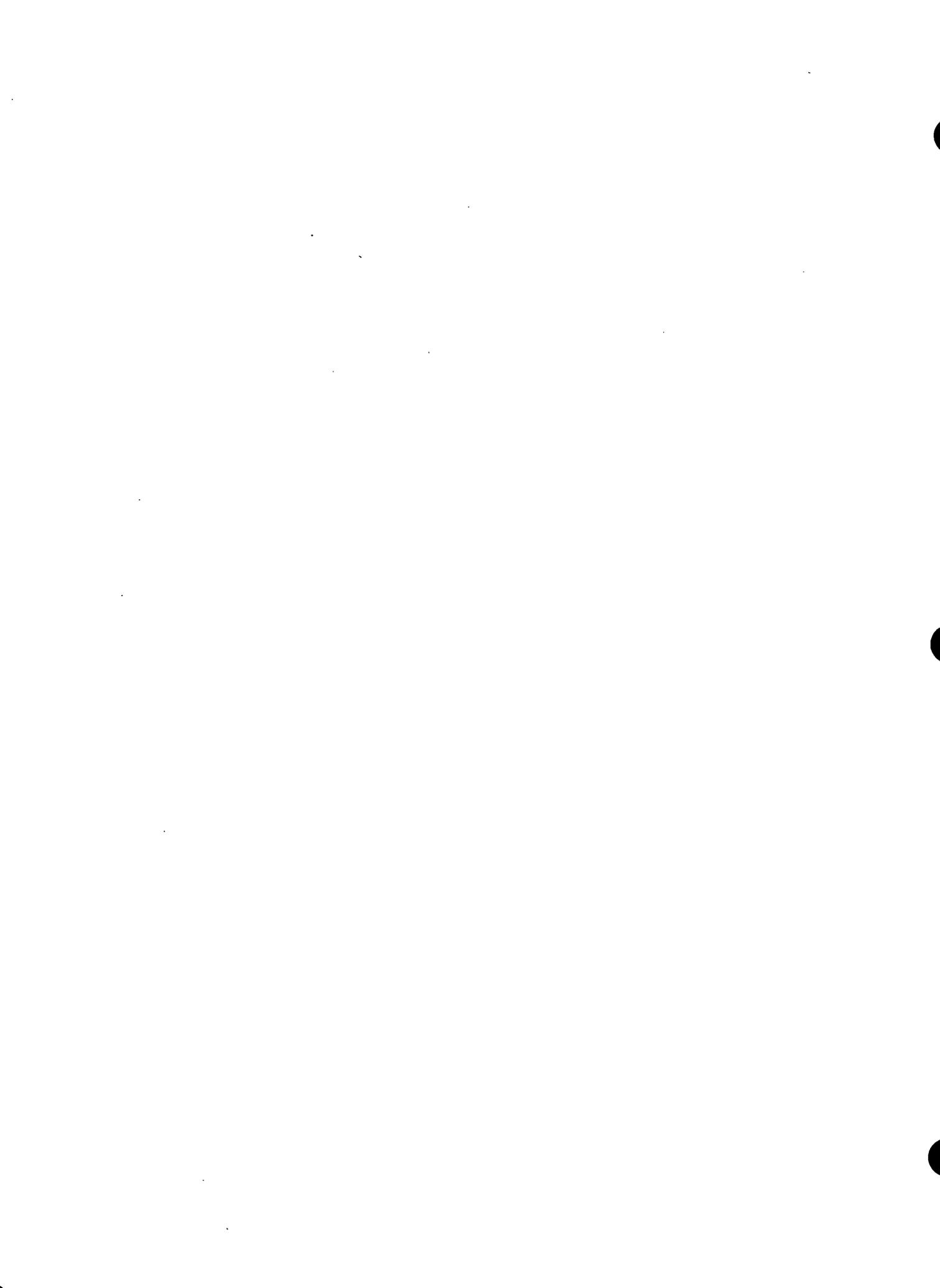
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