

Washington State Register

May 5, 2004

OLYMPIA, WASHINGTON

ISSUE 04-09



IN THIS ISSUE

Aging and Disability Services Administration
Agriculture, Department of
Asian Pacific American Affairs, Commission on
Basic Health
Central Washington University
Community, Trade and Economic Development,
Department of
Conservation Commission
Criminal Justice Training Commission
Drinking Water, Division of
Eastern Washington University
Ecology, Department of
Economic Services Administration
Education, State Board of
Financial Institutions, Department of
Fish and Wildlife, Department of
Gambling Commission
Health Care Authority
Health, Department of
Health, State Board of
Hispanic Affairs, Commission on
Horse Racing Commission
Interagency Committee, Office of the
Labor and Industries, Department of
Licensing, Department of
Liquor Control Board
Lottery Commission
Medical Assistance Administration
Natural Resources, Department of
Nursing Care Quality Assurance Commission
Outdoor Recreation, Interagency Committee
for
Public Works Board
Puget Sound Clean Air Agency
Retirement Systems, Department of
Skagit Valley College
Social and Health Services, Department of
Tacoma Community College
Transportation, Department of
University of Washington
Utilities and Transportation Commission
Western Washington University
Wine Commission

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

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of May 2004 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.

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$211.38 per year, sales tax included, postpaid to points in the United States. Periodical postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
P.O. Box 40552
Olympia, WA 98504-0552

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

John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **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].

2003-2004

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

WSR 04-09-008**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Basic Health)

[Order 04-03—Filed April 8, 2004, 8:12 a.m.]

Subject of Possible Rule Making: Revising rules in order to implement health coverage tax credit (HCTC) enrollment as required by chapter 192, Laws of 2004.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.050 and chapter 192, Laws of 2004.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2004 legislature passed ESHB 2797, authorizing the enrollment of health coverage tax credit enrollees through basic health. Revisions to basic health rules are required in order to implement this program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health coverage tax credit eligibility is established under the federal Trade Adjustment Assistance Reform Act of 2003, P.L. 107-210, and is administered by the federal Department of Treasury and the Internal Revenue Service. The Office of the Insurance Commissioner (OIC) is responsible for approving qualified plans for the HCTC program. Representatives from the OIC and the HCTC program will be included in development and review of these rules.

Process for Developing New Rule: Meetings with OIC and HCTC to ensure that rules comply with the requirements of the HCTC program, stakeholder mailings, and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information on proposed rule making can be obtained from Rosanne Reynolds, P.O. Box 42686, Olympia, WA 98504, e-mail Rrey107@hca.wa.gov. Information on proposed rule making will also be available on the Health Care Authority website at <http://www.hca.wa.gov/laws/index.shtml>.

April 6, 2004

Melodie Bankers
Rules Coordinator**WSR 04-09-009****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed April 8, 2004, 4:28 p.m.]

Subject of Possible Rule Making: Chapter 36-12 WAC, Professional boxing; chapter 36-13 WAC, Professional wrestling; and chapter 36-14 WAC, Professional martial arts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.08.017 and 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend, retain or repeal current rules. To further clarify laws that passed during the 2004 legislative session (SB 6103, chapter 149, Laws of 2004). Chapter 149, Laws of 2004 further defines amateur sports and makes certain types of extreme fighting illegal.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Randy Renfrow, Business and Professions Division, Professional Athletics Section, P.O. Box 9026, Olympia, WA 98507-9026, phone (360) 664-6644, fax (360) 570-4956, e-mail plssunit@dol.wa.gov. Interested parties may send in their comments by mail, phone, facsimile, or e-mail. Additional information will be posted on the professional athletic internet website at <http://www.dol.wa.gov/plss/pafront.htm>.

April 8, 2004

Randy Renfrow
Program Manager**WSR 04-09-010****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed April 8, 2004, 4:33 p.m.]

Subject of Possible Rule Making: Conversion to offenses to infractions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.15.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has been working with the legislature to decriminalize certain offenses. Certain rules that are currently classified as crimes will be proposed to become infractions.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bjork, Enforcement Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2373. Contact by June 3, 2004. Expected filing June 4, 2004.

April 8, 2004

Evan Jacoby
Rules Coordinator**WSR 04-09-025****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed April 12, 2004, 4:17 p.m.]

Subject of Possible Rule Making: The Department of Transportation is reinstating motorist information sign (MIS) program fees in order to resume operation of the program.

The department is also considering other small changes to the rules governing the MIS program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 218 of ESHB 2474, the Transportation Supplemental Budget Bill; chapter 229, Laws of 2004, P.V. and RCW 47.36.310 and 47.36.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The MIS program has been operating in a limited manner since May of 2002. Few businesses have been able to join the program and little day-to-day maintenance of the logos signs and back panels has occurred. Recent legislation directs the department to raise fees, resume the program, and recover all costs associated [with] the program. By instituting the new fees the department can resume the MIS program and begin servicing businesses prior to in time for the busy summer travel season.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mike Dornfeld, Washington State Department of Transportation, P.O. Box 47344, Olympia, WA 98504-7344, phone (360) 705-7288, fax (206) 705-6826.

April 12, 2004

John F. Conrad
Assistant Secretary

WSR 04-09-029

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed April 13, 2004, 1:40 p.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to a new rule WAC 308-96A-076.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.316.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of SSB 6148 of the 58th legislation 2004 regular session, to establish the conditions and terms for the law enforcement memorial plates.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957,

or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

April 12, 2004

Robert Smith
for Steve Boruchowitz, Manager
Policy and Projects Office

WSR 04-09-030

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed April 13, 2004, 1:41 p.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to a new rule WAC 308-96A-078.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.316.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of HB 2910 of the 58th legislation 2004 regular session, to establish terms and conditions for the use of firefighter and paramedics plates.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

April 12, 2004

Robert Smith
for Steve Boruchowitz, Manager
Policy and Projects Office

WSR 04-09-031

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed April 13, 2004, 1:42 p.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to a new rule WAC 308-96A-077.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.316.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of SSB 6688 and SSB 6148 of the 58th legislation 2004 regular session, to establish terms and conditions for the use of special license plates.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

April 12, 2004

Robert Smith

for Steve Boruchowitz, Manager
Policy and Projects Office

WSR 04-09-032

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed April 13, 2004, 1:44 p.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to specifically WAC 308-96A-070 Amateur radio operator special license plates, 308-96A-071 Military affiliate radio system special license, and 308-96A-175 Ride-share vehicles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, amended RCW 46.16.316 of 58th legislation 2004 regular session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Law change allowing \$10.00 license plate transfer fee.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

April 12, 2004

Robert Smith

for Steve Boruchowitz, Manager
Policy and Projects Office

WSR 04-09-035

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

[Filed April 13, 2004, 4:21 p.m.]

Subject of Possible Rule Making: Amending WAC 388-530-1050 Pharmacy definitions, 388-530-1125 Drug rebate program, 388-530-1200 Prior authorization program, 388-530-1250 Prior authorization process, 388-530-1260 Therapeutic consultation service, and possible other related rules. In addition, the department may establish new sections within the pharmacy services chapter relating to a preferred drug list and the therapeutic interchange program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 70.14.050, 69.41.150, chapter 41.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2003 legislature directed state agencies to implement SB 6088 (chapter 29, Laws of 2003) which directs the establishment of an evidence-based prescription drug program that identifies preferred drugs, develop programs to provide prescription drugs at a reasonable price to those in need, and increase public awareness regarding their safe and cost-effective use.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state Health Care Authority and the Department of Labor and Industries are working with the department to implement the legislative mandate.

Process for Developing New Rule: The department invites the interested public to review and comment on draft material. For information about how to participate, contact the person listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Myers, MAA Rules and Publications Section, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1345, fax (360) 586-9727, e-mail myerseas@dshs.wa.gov.

April 14 [13], 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-09-036

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Economic Services Administration)

[Filed April 13, 2004, 4:23 p.m.]

Subject of Possible Rule Making: The Division of Child Support (DCS) is amending WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement?, 388-14A-3140 What can happen at a hearing on a support establishment notice?, 388-14A-3370 What legal defenses are available to a noncustodial parent when DCS seeks to enforce a support obligation?, 388-14A-3600 The

parties may resolve any child support case by entering a consent order or an agreed settlement, 388-14A-3810 Once a child support order is entered how long does the support obligation last?, and 388-14A-6300 Duty of the administrative law judge in a hearing to determine the amount of a support obligation. Also new rules and amendments to other related sections may be adopted as necessary.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DCS seeks to establish rules to deal with situations when a court-ordered parenting plan sets a child's residential schedule so that the child spends an equal amount of time with each parent (a "50-50 custody split").

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support (DCS) headquarters as soon as possible. DCS will post information regarding this rule development project and others on its website, which can be found at www.wa.gov/dshs/dcs, or on the DSHS Economic Services Administration's policy review website, which can be found at <http://www1.dshs.wa.gov/esa/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making, and will send the proposal to everyone currently on the mailing list and to anyone else who requests a copy.

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

April 13, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-09-040

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed April 14, 2004, 8:43 a.m.]

Subject of Possible Rule Making: Chapter 415-104 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), 41.26.470.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Retirement Systems (DRS) is planning to adopt rules to implement chapter 4, Laws of 2004 (HB 2418). This bill provides additional benefits for certain law enforcement officers' and fire

fighters' retirement system (LEOFF) members who are disabled in the line of duty.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DRS will work with the Washington State Department of Labor and Industries as needed.

Process for Developing New Rule: DRS will develop the draft rule(s) with the assistance of the Attorney General's Office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Leslie Saeger, Rules and Contracts Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail leslies@drs.wa.gov.

April 12, 2004

Leslie Saeger
Rules and Contracts Coordinator

WSR 04-09-041

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed April 14, 2004, 8:44 a.m.]

Subject of Possible Rule Making: The Department of Retirement Systems (DRS) is planning to adopt rules to implement chapter 85, Laws of 2004 (HB 2538). This law establishes a \$1,000 minimum monthly benefit for eligible PERS Plan 1 and TRS Plan 1 members who have at least twenty-five years of service and who have been retired at least twenty years.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement and clarify the provisions in chapter 85, Laws of 2004.

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

Process for Developing New Rule: DRS will develop the draft rule(s) with the assistance of the Attorney General's Office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will

file a copy with the Office of the Code Reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Leslie Saeger, Rules and Contracts Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail leslies@drs.wa.gov.

April 12, 2004
Leslie Saeger
Rules and Contracts Coordinator

WSR 04-09-054

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed April 16, 2004, 11:31 a.m.]

Subject of Possible Rule Making: WAC 246-335-990
In-home services fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.250, 70.127.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 43.70.250 authorizes the department to charge fees to cover the full cost of program operations. In-home services fees are insufficient to cover the costs. The 2004 legislative budget authorized an exemption to I-601 to increase fees to fully cover program costs.

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

Process for Developing New Rule: Agency study; and collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Yvette Fox, Department of Health, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2928, fax (360) 236-2901, e-mail yvette.fox@doh.wa.gov.

April 13, 2004
M. C. Selecky
Secretary

WSR 04-09-055

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed April 16, 2004, 11:32 a.m.]

Subject of Possible Rule Making: WAC 246-817-560
Supervision for the placement of antimicrobials.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.29.210, 18.29.050(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As required by legislation, chapter 257, Laws of 2003 (RCW 18.29.050), dentist supervision of dental hygienists will be changed to specify supervision of dental hygienists who place antimicrobials for periodontal care.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Anderson, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4863, or fax (360) 664-9077.

April 13, 2004
Kirby Putscher
for Gail Zimmerman
Executive Director

WSR 04-09-059

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed April 19, 2004, 8:34 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to [new] WAC 308-96A-307 Emblems for special license plates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.316.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of SSB 6325 of the 58th legislative 2004 regular session, to establish terms and conditions for the use of disabled parking emblem versions of special license plates.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

April 15, 2004
Katherine Vasquez
for Steve Boruchowitz, Manager
Policy and Projects Office

WSR 04-09-060**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed April 19, 2004, 8:35 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to new WAC 308-96A-079 Helping kids speak license plate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.316.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of SSB 6688 of the 58th legislative 2004 regular session, to establish terms and conditions for the use of helping kids speak special license plates.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

April 15, 2004

Katherine Vasquez

for Steve Boruchowiz, Manager
Policy and Projects Office**WSR 04-09-061****PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed April 19, 2004, 8:40 a.m.]

Subject of Possible Rule Making: Chapter 180-57 WAC, Secondary education—Standardized high school transcript.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 3ESHB 2195, chapter 19, Laws of 2004.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA

98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

April 14, 2004

Larry Davis

Executive Director

WSR 04-09-062**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed April 19, 2004, 8:42 a.m.]

Subject of Possible Rule Making: Chapter 180-51 WAC, High school graduation requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

April 14, 2004

Larry Davis

Executive Director

WSR 04-09-063**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed April 19, 2004, 8:44 a.m.]

Subject of Possible Rule Making: Chapter 180-72 WAC, Adult education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.305 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules,

and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

April 14, 2004

Larry Davis
Executive Director

WSR 04-09-064

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed April 19, 2004, 8:46 a.m.]

Subject of Possible Rule Making: New chapter 180-88 WAC, Classified staff—Acts of unprofessional conduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.400 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

April 14, 2004

Larry Davis
Executive Director

WSR 04-09-065

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed April 19, 2004, 8:47 a.m.]

Subject of Possible Rule Making: Chapter 180-46 WAC, Library media centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.320.240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording,

repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

April 14, 2004

Larry Davis
Executive Director

WSR 04-09-066

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed April 19, 2004, 8:49 a.m.]

Subject of Possible Rule Making: WAC 180-16-220 Supplemental basic education program approval requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.15.220(4), 28A.305.140, 28A.305.130 (6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

April 14, 2004

Larry Davis
Executive Director

WSR 04-09-067**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed April 19, 2004, 11:45 a.m.]

Subject of Possible Rule Making: Tow trucks—Permitting for oversize and overweight tows, this rule making will amend WAC 468-38-265.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090 and 46.44.0941 (as amended in the 58th legislature 2004 regular session).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Permitting a vehicle(s) to tow or haul another vehicle that creates an overweight and/or oversize load can have a significant impact on the safety and operation of surrounding traffic and the infrastructure. Rules, as provided for in RCW, are necessary to reduce the impacts to surrounding traffic and the infrastructure. In addition, the current rules will no longer be consistent with the amended RCW, requiring rule changes to meet the amended RCW and a title modification for greater accuracy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Enforcement of the rule is the responsibility of the Washington State Patrol (WSP). Department representatives will meet with the Commercial Vehicle Division of the WSP in order to get concurrence on the new rules.

Process for Developing New Rule: Negotiated rule making, this will be a negotiated rule making between the department, the tow truck industry, and the WSP.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barry Diseth, Motor Carrier Services, Department of Transportation, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 705-7805, fax (360) 705-6836, e-mail disethb@wsdot.wa.gov.

April 15, 2004

John F. Conrad

Assistant Secretary

Engineering and Operations

WSR 04-09-071**PREPROPOSAL STATEMENT OF INQUIRY
CENTRAL WASHINGTON UNIVERSITY**

[Filed April 19, 2004, 2:37 p.m.]

Subject of Possible Rule Making: Changes to parking regulations including monetary fee schedule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.528 and 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Address safety concerns, respond to administrative changes, and incorporate editorial adjustments.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judy B. Miller, President's Office, 400

East University Way, Ellensburg, WA 98926-7501, (509) 963-2156, fax (509) 963-3206.

April 15, 2004

Jerilyn S. McIntyre

President

WSR 04-09-077**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed April 20, 2004, 10:39 a.m.]

Subject of Possible Rule Making: Rules pertaining to the commercial sea urchin and sea cucumber fisheries and reporting of the landed product.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes include two house-keeping corrections: One is a phone contact correction and the other is a better definition of a management boundary line. An additional change is to improve reporting requirements to record live or processed product for sea cucumbers so that adjustments to landed weights, consistent with the management standards, can be made by the managers.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Morris Barker, Marine Resource Manager, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826.

April 20, 2004

Evan Jacoby

Rules Coordinator

WSR 04-09-078**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed April 20, 2004, 10:44 a.m.]

Subject of Possible Rule Making: Chapter 16-481 WAC, Grape phylloxera, the department may propose to add an additional insect pest, the vine mealy bug, to the current quarantine. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.13, 17.24, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The vine mealy bug is a very serious vineyard pest. Introduction of the pest into the state of Washington through infested grape plants, rootstock, and plant cuttings or on contaminated grape cultivation or harvesting equipment could have a severe economic impact on the Washington grape industry.

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 will discuss proposed fee increases with affected stakeholders and comply with the filing, publication and public hearing requirements of chapter 34.05 RCW. Affected stakeholders will have an opportunity to submit written comments on the proposal during the public comment period and present oral testimony at the public hearing.

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, e-mail mtoohey@agr.wa.gov; or Tom Wessels, Program Manager, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

April 16, 2004
Mary A. Martin Toohey
Assistant Director

WSR 04-09-079

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed April 20, 2004, 10:45 a.m.]

Subject of Possible Rule Making: Chapter 16-401 WAC, Nursery inspection fees, the department is reviewing its fees for nursery inspection services performed by the plant services program and may propose to raise them. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.13, 15.14, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current inspection fee income is not adequate to cover costs associated with providing program services.

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 will discuss proposed fee increases with affected stakeholders and comply with the filing, publication and public hearing requirements of chapter 34.05 RCW. Affected stakeholders will have an opportunity to submit written comments on the proposal during the public comment period and present oral testimony at the public hearing.

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, e-mail mtoohey@agr.wa.gov; or Tom Wessels, Program Manager, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

April 16, 2004
Mary A. Martin Toohey
Assistant Director

WSR 04-09-080

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed April 20, 2004, 10:46 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests (WAC 16-470-900 through 16-470-921), the department is reviewing its fees for plant pathology services performed by the plant services and pest programs and may propose to raise them. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 17.24 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current plant pathology fee income is not adequate to cover costs associated with providing program services.

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 will discuss proposed fee increases with affected stakeholders and comply with the filing, publication and public hearing requirements of chapter 34.05 RCW. Affected stakeholders will have an opportunity to submit written comments on the proposal during the public comment period and present oral testimony at the public hearing.

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, e-mail mtoohey@agr.wa.gov; or Tom Wessels, Program Manager, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

April 16, 2004
Mary A. Martin Toohey
Assistant Director

WSR 04-09-081**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed April 20, 2004, 10:48 a.m.]

Subject of Possible Rule Making: Chapter 16-333 WAC, Certification of caneberry planting stock, the department is reviewing its fees for caneberry plant certification services performed by the plant services program and may propose to raise them. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.14, 15.13, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current certification fee income is not adequate to cover costs associated with providing program services.

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 will discuss proposed fee increases with affected stakeholders and comply with the filing, publication and public hearing requirements of chapter 34.05 RCW. Affected stakeholders will have an opportunity to submit written comments on the proposal during the public comment period and present oral testimony at the public hearing.

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, e-mail mtoohey@agr.wa.gov; or Tom Wessels, Program Manager, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

April 16, 2004

Mary A. Martin Toohey
Assistant Director**WSR 04-09-082****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed April 20, 2004, 10:49 a.m.]

Subject of Possible Rule Making: Chapter 16-328 WAC, Certification of strawberry planting stock, the department is reviewing its fees for strawberry plant certification services performed by the plant services program and may propose to raise them. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.14, 15.13, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current certification fee income is not adequate to cover costs associated with providing program services.

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 will discuss proposed fee increases with affected stakeholders and comply with the filing, publication and public hearing requirements of chapter 34.05 RCW. Affected stakeholders will have an opportunity to submit written comments on the proposal during the public comment period and present oral testimony at the public hearing.

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, e-mail mtoohey@agr.wa.gov; or Tom Wessels, Program Manager, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

April 16, 2004

Mary A. Martin Toohey
Assistant Director**WSR 04-09-083****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed April 20, 2004, 10:50 a.m.]

Subject of Possible Rule Making: Chapter 16-675 WAC, Calibration services, special inspection and testing fees, the department is reviewing its fees for inspection, tolerance testing and calibration services performed by the weights and measures program and may propose to raise them. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 19.94 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current inspection, testing, and calibration fee income is not adequate to cover costs associated with providing program services.

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 will discuss proposed fee increases with affected stakeholders and comply

with the filing, publication and public hearing requirements of chapter 34.05 RCW. Affected stakeholders will have an opportunity to submit written comments on the proposal during the public comment period and present oral testimony at the public hearing.

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, e-mail mtoohey@agr.wa.gov; or Jerry Buendel, Program Manager, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1856, fax (360) 902-2094, e-mail jbuendel@agr.wa.gov.

April 16, 2004

Mary A. Martin Toohey
Assistant Director

WSR 04-09-089

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed April 20, 2004, 4:12 p.m.]

Subject of Possible Rule Making: Revising chapter 388-72A WAC, Comprehensive assessment reporting evaluation (CARE) tool; and other sections as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing amendments to chapter 388-72A WAC to include the CARE algorithm component in rule and amend other sections as needed to update program rules.

Process for Developing New Rule: At a later date, the department will file a proposed rule and proposed rule-making notice for publication in the State Register, invite public comments and hold a public hearing. The proposal will be sent to everyone on the mailing list to receive rule-making notices on this subject, and to anyone who requests the proposal.

If you want to be added to the mailing list, or want information about the development of this rule, please contact the person listed below.

This notice and all DSHS rule-making notices, proposed rules and adopted rules are available on the internet at <http://www1.dshs.wa.gov/msa/rpau/>.

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

April 16, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-09-097

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed April 20, 2004, 4:40 p.m.]

Subject of Possible Rule Making: Chapter 296-307 WAC, Safety standards for agriculture and chapter 296-62 WAC, General occupational health standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to incorporate rules from the general occupational health standard, chapter 296-62 WAC, into the safety standards for agriculture, chapter 296-307 WAC. Once these rules are in chapter 296-307 WAC they will be repealed from chapter 296-62 WAC. The rules are written using plain language and there is no increase in requirements. Also, several references will be updated throughout the agriculture standard.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies, other than the Occupational Safety and Health Administration (OSHA) are known that regulate this subject. The Washington Industrial Safety and Health Act's (WISHA) rules are required to be at-least-as-effective-as OSHA's rules.

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

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

April 20, 2004

Paul Trause
Director

WSR 04-09-098

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed April 20, 2004, 4:42 p.m.]

Subject of Possible Rule Making: Workers' compensation plan, chapter 296-17 WAC, General reporting rules, classifications, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required by law to establish and maintain a workers' compensation

insurance classification plan that classifies all occupations or industries within the state, and sets basic rates of premium for these classifications that are distributed fairly (RCW 51.16.035). The department has conducted a review of various classification and reporting rules and determined that certain rules are in need of revision, such as, the home healthcare industry and general housekeeping changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: Labor and industries will solicit input from the business community by way of direct mailings, the internet, focus meetings, and/or informal public meetings. Labor and industries will use this input to formulate proposed changes to the existing rules and advise customers of future rule making by direct mailing and/or the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries will mail letters with ideas on possible rule changes to affected employers. Employers will be encouraged to participate in the process to share ideas and/or meetings. Employers can obtain information on our process at the employer services website, www.lni.wa.gov/claimsinsurance, and can submit comments electronically to t235@lni.wa.gov or by mail to Labor and Industries, Attention Classification Services, P.O. Box 44148, Olympia, WA 98504-4148 or by calling (360) 602-4776 or by fax (360) 902-4729.

April 20, 2004

Paul Trause

Director

WSR 04-09-101

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed April 20, 2004, 4:46 p.m.]

Subject of Possible Rule Making: Housekeeping changes to common names and updating species names for classified shellfish.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Some current classified shellfish species have common names that are vague and not in popular usage. In addition, there may be periodic changes to scientific names that may need to be updated to current scientific usage as well as some species that are not necessary to be on the list.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Morris Barker, State Marine Resource

Manager, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826.

April 20, 2004

Evan Jacoby

Rules Coordinator

WSR 04-09-111

PREPROPOSAL STATEMENT OF INQUIRY

LIQUOR CONTROL BOARD

[Filed April 21, 2004, 11:51 a.m.]

Subject of Possible Rule Making: WAC 314-02-105 Sampling in beer/wine specialty shops.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.371.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is at the request of a petition for rule making. The petitioner would like the Liquor Control Board to amend WAC 314-02-105(4), which states that specialty shops can only offer samples if their gross retail sales of beer and/or wine are over 50% of their total gross sales. The petitioner would like the agency to amend the rule to allow beer/wine specialty shop licensees who offer bona fide cooking courses to be able to sample beer and/or wine during these classes.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail teb@liq.wa.gov.

April 21, 2004

Merritt D. Long

Chairman

WSR 04-07-134
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed March 22, 2004, 4:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-23-015.

Title of Rule: Child care business regulations for family home child care proposed chapter 388-296 WAC; and repealing existing sections in chapter 388-155 WAC.

Purpose: The Department of Social and Health Services' Economic Services Administration (ESA) is proposing to repeal all sections of chapter 388-155 WAC, Minimum licensing requirements for family home child care, and replace those with new chapter 388-296 WAC, Child care business regulations for family home child care.

Statutory Authority for Adoption: RCW 74.08.090 and 74.15.030; chapters 74.12 and 74.15 RCW.

Statute Being Implemented: Chapters 74.12 and 74.15 RCW.

Summary: The Department of Social and Health Services, Economic Services Administration is rewriting the WACs for the licensing requirements for family home child care under new chapter 388-296 WAC. The family home child care rules explain DSHS' responsibilities in licensing child care homes, as well as the minimum standards that those entities must comply with in order to become and remain licensed to provide child care. This chapter has been rewritten in clear rule-writing style, with a question and answer format, to make it more understandable to ESA's customers. In addition, rules pertaining to the health aspect of child care requirements have been included in this chapter.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Oakden, Licensing Policy Program Manager, 1009 College S.E., Lacey, WA 98504, (360) 413-3286.

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: Rule: The Department of Social and Health Services' Economic Services Administration (ESA) is proposing to repeal all sections [of] chapter 388-155 WAC, Minimum licensing requirements for family home child care, and replace those with new chapter 388-296 WAC, Child care business rules for family home child care.

Proposal Changes the Following Existing Rules: The sections of chapter 388-155 WAC have been reorganized and rewritten in clear rule-writing language and components of each section clarified. The intent of moving these rules to a new chapter is to make it easier for child care providers to follow the rules and for licensing field staff to enforce the rules uniformly across the state, and to consolidate all child care rules in a common area of Title 388 WAC, chapters 388-290 through 388-297 WAC. In addition, rules pertaining to the health aspect of child care requirements have been included in this chapter.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not have an economic impact on small businesses. This rule revision does not contain any requirements that would result in an increase in more than minimal costs to the licensed child care providers that are not already in the rules that are currently in effect.

RCW 34.05.328 applies to this rule adoption. This proposed rule meets the definition of a significant legislative rule as described in RCW 34.05.328. The department has determined this rule proposal does not impose any more costs that are more than minimal, and the benefits will exceed any probable costs. A copy of the "Evaluation of Probable Costs and Benefits" may be obtained by contacting the person listed above.

Hearing Location: Lacey Government Center, 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on June 3, 2004, at 6:30 p.m.; and at Rock Point East, 1313 North Atlantic Street, Suite 2000, Spokane, WA 99201, on June 8, 2004, at 6:30 p.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 26, 2004, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., June 8, 2004.

Date of Intended Adoption: Not sooner than June 9, 2004.

March 19, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-296 WAC

**CHILD CARE BUSINESS REGULATIONS
FOR FAMILY HOME CHILD CARE**

PURPOSE AND DEFINITIONS

NEW SECTION

WAC 388-296-0010 What is the purpose of this chapter? For the purpose of this chapter "we," "us" or "our" means the state department of social and health services (DSHS), including but not limited to the division of child care and early learning (DCCEL). This chapter defines general and specific licensing requirements for family home child care. Unless noted otherwise, these requirements apply to people who want to be licensed or relicensed to provide family home-based child care (chapter 74.15 RCW). We issue or deny a license based on your ability to meet and follow the licensing requirements.

We are committed to ensuring that children who receive family home child care experience health, safety, and well-being. We want these children's experiences to benefit them

not only in the short term, but also in the long term. Our licensing requirements reflect our commitment to children.

NEW SECTION

WAC 388-296-0020 What definitions do I need to know to understand this chapter? For the purpose of this chapter:

"Accessible to children" means areas of the facility and materials that children can easily get to on their own.

"Age appropriate" means the developing stages of growth typical of children within a given age group.

"American Indian child" means any unmarried person under the age of eighteen who is:

(1) A member of or eligible for membership in a federally recognized Indian tribe, or who is Eskimo, Aleut or other Alaska Native and a member of an Alaskan native regional Corporation or Alaska Native Village;

(2) Determined or eligible to be found to be Indian by the Secretary of the Interior, including through issuance of a certificate of degree of Indian blood;

(3) Considered to be Indian by a federally recognized Indian tribe; or

(4) A member or entitled to be a member of a Canadian tribe or band, Metis community, or nonstatus Indian community from Canada.

"Anti-bias" is an approach that recognizes when others are treated unfairly or oppressively based on race, color, national origin, marital status, sexual orientation, gender, class, religion, creed, disability, or age.

"Assistant" means a person fourteen years or older (whether a volunteer or an employee) who assists a licensed home provider in the operation of the family home child care and is not solely responsible for the supervision of children.

"Capacity" means the highest number of children you can care for at any time, as written on your license.

"Character, competence, and suitability assessment" means a determination of whether an applicant with a conviction record, pending charges and/or a dependency record should be allowed access to vulnerable people.

"Child" means a person who has not yet reached the age of twelve years.

"Child care" means the developmentally appropriate care, protection and supervision of children that is designed to ensure positive growth and educational experiences for children outside of their home for periods of less than twenty-four-hours a day.

"Child abuse and neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child by any person indicating that the child's health, welfare, and safety is harmed.

"Communicable disease" means an illness that can be spread from one person to another by either direct or indirect contact.

"Conditions of the license" means what you must do to keep a license.

"Confidentiality" means the protection of personal information from persons who are not authorized to see or hear it.

"Corporal punishment" means the infliction of pain by any means for the purpose of punishment, correction, discipline, instruction or any other reason.

"Cultural relevancy" means an environment in which the learning experiences, play materials and activities are meaningful, inclusive and respectful for the participating children, their families and the community at large.

"Department," "we," "us," or "our" refers to and means the state department of social and health services (DSHS), including but not limited to the division of child care and early learning (DCCEL).

"Department of health" means the state department of health.

"Developmentally appropriate" means activities and interactions that recognize and address how children learn and what they can do at each stage of development - socially, emotionally, cognitively, and physically.

"Discipline" means a process of guiding children to develop internal, positive social behaviors through methods that include consistent use of the following: Modeling appropriate behavior, positive reinforcement, active listening, limit setting, redirecting and modifying the environment.

"Division" or "DCCEL" means the division of child care and early learning within the department of social and health services (DSHS).

"Facility licensing compliance agreement" means a written notice of rule violations and the intention to initiate enforcement, including a corrective action plan.

"Family home child care provider" means a person who provides direct care, supervision and early learning opportunities for twelve or fewer children in their family home living quarters for periods of less than twenty-four hours.

"I," "you," and "your" refer to and mean the licensee or applicant for a child care license.

"Inaccessible to children" means areas kept or items stored in a manner that makes it impossible for children to reach, enter, or use potentially hazardous items or areas. Examples of how this can be accomplished are through the use of locks, gates, or other means that are effective to prevent access by the children in your care.

"License" means an official document that certifies you have been granted permission by the department to operate a family home child care in compliance with the rules.

"Licensed family home child care" means a facility licensed to provide direct care, supervision and early learning opportunities for twelve or fewer children, in the home of the licensee where the licensee resides and is the primary provider.

"Licensed space," means the indoor and outdoor space approved by the department as useable space where children in care may be present.

"Licensee" means the person or persons named on the license as having been issued the license and who are responsible for maintaining compliance with the regulations.

"Parent" means a child's parent or legal guardian.

"Premises" means the buildings where the home is located and the adjoining grounds over which the licensee has control.

"Primary staff person" means a person who has been approved by the department, age eighteen years or older, who has responsibilities for the operation of the program and the direct supervision, behavior management and care of children.

"Provider" means the same as licensee.

"Repeatedly" means a violation of a licensing regulation that is written on a facility licensing compliance agreement that occurs more than once during a twelve-month time frame.

"Reportable communicable disease" means an illness that can be spread from one person to another by either direct or indirect contact, and is of the type that is required by law to be reported to the department of health. Examples include Hepatitis, measles, smallpox, and tuberculosis.

"Revocation" means the formal act of closing your child care business and taking your license from you due to your failure to follow the rules.

"Sanitize" means a surface must be clean and the number of germs reduced to a level where disease transmissions by that surface are unlikely.

"STARS" (Washington state training and registry system) means the entity approved by the department to determine the classes, courses, and workshops that licensees and staff may take to satisfy training requirements.

"Summary suspension" means the formal act of immediately stopping your license for a certain time because the health, safety or well being of a child is at risk.

"Supervision of children," means the knowledge of and responsibility for the activity and whereabouts of each child in care and assuring immediate intervention of staff to safeguard a child from harm.

"Terms of the license" means the location, number and ages of children, and the beginning and ending dates listed on the license issued by the department.

"Unsupervised access" refers to the act of having contact with child care children without the direct supervision of the licensed provider. (Anyone sixteen years or older who lives at the same address as the provider must pass a complete criminal history background check.)

"Useable space" means the space described by the applicant on the application, that has been inspected and approved by the department for providing child care.

"Weapons" means an instrument or device of any kind that is designed to be used to inflict harm on another person. For example, BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, shotguns, knives.

GENERAL QUALIFICATIONS AND LICENSING PROCESS

NEW SECTION

WAC 388-296-0110 Who needs to become licensed?

(1) Individuals, entities and agencies that provide care for children must be licensed, unless specifically exempt under RCW 74.15.020(2).

(2) The person claiming an exemption must provide the department proof of the right to the exemption if we request it.

(3) We must not license a home that is legally exempt from licensing. However, at the applicant's request, we must investigate and may certify the home as meeting licensing and other requirements. We must apply the same requirements and procedures for licensure and certification.

(4) We may certify a family home child care for payment without further investigation if the home is:

(a) Licensed by an Indian tribe; or

(b) Certified by the Federal Department of Defense. The home must be licensed or certified in accordance with national or state standards or standards approved by us and be operated on the premises over which the entity licensing or certifying the home has jurisdiction.

(5) The person or organization wanting to serve state-paid children must:

(a) Be licensed or certified;

(b) Follow billing policies and procedures in *Child Care Subsidies, A Booklet for Providers*, DSHS 22-877(X); and

(c) Bill the department at the person's or organization's customary rate or the DSHS rate, whichever is less.

NEW SECTION

WAC 388-296-0120 When does the department establish an overpayment for payment I receive through the child care subsidy program? We establish child care subsidy overpayments for payments you received when:

(1) You receive payment for services you did not provide;

(2) You do not have attendance records that support the billing. Only attendance records meeting WAC requirements will be accepted for attendance verification;

(3) We pay you more than you are eligible to bill;

(4) You receive payment from us and you are not eligible based on WAC 388-290-0125; or

(5) You are caring for children outside your licensed allowable age range and you do not have a waiver for that purpose.

NEW SECTION

WAC 388-295-0125 Must I comply with local ordinances and codes? Family home child cares must comply with any city and county ordinances and codes for their locality and meet the minimum construction, fire and safety requirements for one and two family dwellings. Local officials are responsible for enforcing city ordinances and county codes, such as zoning and building regulations.

Reviser's note: The above new section was filed by the agency as WAC 388-295-0125. This section is placed among sections forming new chapter 388-296 WAC, and therefore should be numbered WAC 388-296-0125. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

NEW SECTION

WAC 388-296-0130 How old do I have to be to apply for a license? You must be at least eighteen years old to apply for a license to provide child care.

NEW SECTION

WAC 388-296-0140 What personal characteristics do I need to provide care to children? (1) We are looking for specific personal characteristics if you want a:

- (a) License;
 - (b) Certification;
 - (c) Primary staff position; or
 - (d) Assistant and volunteer position.
- (2) These characteristics are:

(a) An understanding of how children develop socially, emotionally, physically, and intellectually;

(b) The ability to plan and provide care for children that is based on an understanding of each child's interests, life experiences, strengths, and needs;

(c) The physical ability to respond immediately to the health, safety and emotional well being of a child;

(d) Reliability and dependability;

(e) Truthfulness;

(f) A disposition that is respectful of a child's need for caring attention from a care giver; and

(g) Ethical business practices with clients, staff, the department and the community.

NEW SECTION

WAC 388-296-0150 What personal information may I be required to provide to be licensed? (1) If we determine that you, any staff, assistants or members of your household may be unable to meet the requirements in chapter 388-296 WAC, we may require any of the following evaluations:

(a) Substance and alcohol abuse evaluations and documentation of treatment;

(b) Psychiatric and psychological evaluations;

(c) Psycho-sexual evaluations; and

(d) Medical evaluations.

(2) If any evaluations we require have a cost, you are responsible to pay for it.

(3) You must sign a release of information prior to having the evaluation, to allow us to speak to the person doing the evaluation.

(4) If you refuse to follow any of these rules, we may deny the application or revoke the license.

NEW SECTION

WAC 388-296-0160 How do I apply for a license? (1) To apply for a license, you must:

(a) Attend an orientation provided by DCCEL;

(b) Complete and submit a signed application form to DCCEL, including the following attachments:

(i) A copy of your picture identification issued by a government entity (could include but is not limited to: driver's license, passport, state identification);

(ii) A copy of your social security card or verification of your employer identification number (EIN);

(iii) An employment and education resume for you, primary staff, assistants and volunteers; and

(iv) Three references for you from people unrelated to you.

(2) You must submit to DCCEL these additional documents either with your application or within sixty days of submitting your application:

(a) Written proof of current infant, child and adult CPR and standard first aid training for you and any primary staff, assistant or volunteer who will care for children;

(b) Documentation of a current TB exam by the Mantoux method for you, any primary staff, assistants, volunteers and members of the household sixteen years or older;

(c) Documentation of HIV/AIDS training and the availability of blood borne pathogens information for you, any primary staff, assistants and volunteers who have child care responsibility;

(d) Documentation of the local health authority or state department of health approval of your private water supply and independent sewage system, if applicable;

(e) A copy of your policies and procedures that you give to parents; and

(f) Any additional reports or information regarding you, any staff, assistants, volunteers, members of your household or any other person having access to the child in care if your licensor requests it.

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 388-296-0170 Am I required to pay a fee when applying for a family home child care license? You must submit to the financial services administration a nonrefundable yearly license fee of twenty-four dollars, in the form of a check or money order. The license fee may be paid for one, two or three years.

NEW SECTION

WAC 388-296-0180 Am I required to go through a criminal history background check? (1) At the time you apply for a license you must submit a completed background check form and finger print card if required to the background check central unit (BCCU) for each person who will have unsupervised access to children in your care. This includes:

(a) You;

(b) Members of your household sixteen years and older;

(c) Primary staff;

(d) Assistants and volunteers (fourteen years and older); and;

(e) Other persons living at the same address as you.

(2) When you plan to have new primary workers, assistants or volunteers, you must require each person to complete and submit to you by the date of hire a criminal history and background check form:

(a) You must submit this form to the BCCU for the employee and volunteer, within seven calendar days of the staff's or volunteer's first day of employment, permitting a criminal and background history check.

(b) The employee and volunteer must not have unsupervised access to the children in care until they have been cleared by a full background check.

(c) We must discuss the result of the criminal history and background check information with you, when applicable.

NEW SECTION

WAC 388-296-0190 What happens after we receive the background information? After we receive the background information we:

(1) Compare the background information with convictions posted on the DSHS secretary's list of disqualifying convictions for economic services administration (ESA). The complete list can be found at [http://www1.dshs.wa.gov/esa/dccel/pdf/Crime\)and\)Backg_Chex.pdf](http://www1.dshs.wa.gov/esa/dccel/pdf/Crime)and)Backg_Chex.pdf).

(2) Review the background information using the following rules:

(a) A pending charge for a crime is given the same weight as a conviction;

(b) If the conviction has been renamed it is given the same weight as the previous named conviction. For example, larceny is now called theft;

(c) Convictions whose titles are preceded with the word "attempted" are given the same weight as those titles without the word "attempted"; and

(d) The crime will not be considered a conviction for the purposes of the department when it has been pardoned or a court of law acts to expunge, dismiss; or vacate the conviction record.

(3) Notify you whether or not we are able to approve you, your family members, assistant or anyone else living at the same address as you to have access to young children in a licensed facility.

(4) Conduct a character, competence and suitability assessment of you, your family members, assistants or any one else living at the same address as you if an individual is not automatically disqualified by a conviction record, pending charges and/or a dependency record.

(5) Deny or revoke your license if the background information disqualifies you, a family member, or any person living at the same address as you.

NEW SECTION

WAC 388-296-0200 What convictions permanently disqualify me from providing licensed child care? If you have a background containing any of the convictions posted on the DSHS secretary's list of permanently disqualifying convictions for ESA, you are permanently disqualified as a child care provider for DCCEL.

NEW SECTION

WAC 388-296-0210 Is there other background information or convictions that will disqualify me from providing licensed child care? (1) You can be disqualified if you, your family member, or any other person living at the same address as you has a background containing information other than conviction information that we determine:

(a) Makes the individual not of suitable character and competence or of sufficient physical or mental health to meet the needs of the child in care; or

(b) Puts the household at risk for harm.

(2) If an individual being checked has a background containing any conviction posted on the DSHS secretary's list of nonpermanent disqualifying convictions for ESA, you are disqualified for five years after the conviction date.

NEW SECTION

WAC 388-296-0220 Must I keep the results of the background checks on family members and staff? You must keep for a period of three years, a file of all background check results for you, your family, primary staff, assistants, volunteers and any other persons required to have a background check.

NEW SECTION

WAC 388-296-0230 What CPR (cardiopulmonary resuscitation) and first aid training is required? (1) You and all of your staff who care for children must have the following current CPR and first aid training. CPR and first aid training must be in accordance with a nationally recognized standard for:

(a) Infant, child and adult CPR; and

(b) Basic standard first aid.

(2) You must keep records in the licensed space of the home at all times, showing who has completed current CPR and first aid training. This includes copies of the certificate of completion for the training for each person responsible for the care of children.

NEW SECTION

WAC 388-296-0240 What HIV/AIDS training and bloodborne pathogen information is needed? You must:

(1) Arrange for training for yourself and all staff and volunteers who are responsible for the care of children on the prevention and transmission of HIV/AIDS (human immunodeficiency virus/acquired immunodeficiency syndrome).

(2) You must have a bloodborne pathogen plan that includes;

(a) A list of caregivers who may be exposed to bloodborne pathogens;

(b) A plan which addresses how to clean up body fluid spills, including blood, feces, nasal and eye discharge, saliva, urine and vomit.

(c) Document a plan addressing hand washing, use of gloves, proper disinfection of contaminated items and disposal of waste materials.

NEW SECTION

WAC 388-296-0250 How long do I have to complete the licensing application process? (1) You must complete the licensing application process including the home inspection and supporting documents, such as training certificates, within ninety days of first applying for your license.

(2) If you don't meet this deadline and have not contacted your licensor, your licensor considers your application withdrawn.

NEW SECTION**WAC 388-296-0260 Do I need to renew my license?**

- (1) You are required to renew your license every three years.
- (2) We send a relicensing packet one hundred twenty days before the expiration of your license.
- (3) You must send the completed application form to your licensor at least ninety days before your current license expires.
- (4) We close your license if it expires and we have not received a renewal application.

NEW SECTION

WAC 388-296-0270 Am I required to submit an application if I move to a new address while my license is current? (1) If you move, and have an acceptable history of child care, and plan to continue to operate your family home child care business you must submit an application with all supporting documentation for the new address, before you move.

(2) You are allowed to operate for up to two weeks at your new location if you have submitted an application for that address. If we are unable to issue a new license to you within the two-week period, you must stop operating the child care business until you become licensed at the new address.

(3) If you move and do not tell us, your license becomes invalid the date of your move.

NEW SECTION

WAC 388-296-0280 May a family home child care have more than one type of license? (1) A family home child care may have only one type of license with these exceptions:

- (a) Care of the other client category does not interfere with the quality of child care provided; and
 - (b) The most stringent capacity limitations are maintained.
- (2) Dual licenses are subject to our approval.

NEW SECTION

WAC 388-296-0290 What hours may a family home child care be open? (1) You may operate your family home child care business twenty-four hours a day.

(2) You or a qualified staff person must be awake when children are dropped off and picked up at your home.

(3) A child may remain in care a maximum of ten hours each day. If needed, you may extend the time based on the parent's typical work schedule and travel from and to the child care.

(4) If you provide nighttime care you must adapt the activities, routines and equipment to meet the physical and emotional needs of the child away from home at night. These must include:

- (a) Arrangements made for bathing as needed;
- (b) Standard night wear and individual toiletry items for each child;

(c) The required beds and bedding (WAC 388-296-1070);

(d) Separate dressing and sleeping areas for boys and girls ages four years and older and demonstrating a need for privacy;

(e) Maintain staff-child ratios during sleeping hours;

(f) A plan approved by the licensor describing how you will ensure the physical safety and emotional well-being of children during sleeping hours.

NEW SECTION

WAC 388-296-0300 What does the department look for when inspecting my home for licensed child care? We inspect your home to determine if it meets the minimum standards for:

- (1) The health and safety of young children; and
- (2) The social, emotional, physical and cognitive needs of young children.

NEW SECTION

WAC 388-296-0310 What areas of my home or property do you look at? We inspect family home child cares to ensure that conditions in the home do not pose a safety risk to young children.

(1) We inspect the areas of your home that children will have access to:

(a) All unlicensed space must be made inaccessible to children in care; and

(b) Any area that is found to be accessible to children must be considered licensed space and becomes immediately subject to licensing requirements and inspection.

(2) We may inspect specific areas that are unlicensed when:

- (a) We receive a complaint related to that area; or
- (b) We have reason to believe that conditions exist that place children at risk of harm.

NEW SECTION

WAC 388-296-0320 How many children may I serve? (1) We approve up to a maximum of twelve children for family home child care. We determine the number of children that you may serve after looking at these factors:

(a) Physical environment in the home;

(b) The number of approved staff available for providing care;

(c) Your education and licensed child care experience and the skills of your staff, assistants and volunteers;

(d) Ages, characteristics and needs of the children served;

(e) The number and ages of your own children and other children residing in the home eleven years of age and under; and

(f) The supply of developmentally appropriate toys and equipment for the ages and stages of children you care for.

(2) Based on these factors, we may license you for the care of fewer children than your family home child care could house.

NEW SECTION

WAC 388-296-0330 Is there more than one type of license? We issue three types of licenses:

- (1) Initial (see WAC 388-296-0340);
- (2) Full (see WAC 388-296-0350); and
- (3) Probationary (see WAC 388-286-0440).

NEW SECTION

WAC 388-296-0340 When will the department issue an initial license to me? (1) If you are not currently licensed we may issue an initial license to you to provide child care when all the health and safety rules have been met, but you:

- (a) Cannot demonstrate compliance with the rules pertaining to:
 - (i) Supervision;
 - (ii) Capacity;
 - (iii) Behavior management;
 - (iv) Activity and routines;
 - (v) Child records and information; and
 - (vi) Other rules requiring us to observe your ability to comply with rules.
- (b) Can provide a plan that is acceptable to us, to comply with rules found in subsection (1)(a) of this section.
- (2) We may issue an initial license to you for a period not to exceed six months, renewable for a period not to exceed two years.
- (3) We must evaluate your ability to follow all the rules contained in this chapter during the initial licensing period prior to issuing a full license.

NEW SECTION

WAC 388-296-0350 When will the department issue a full license to me? (1) We may issue a full license to you if you can demonstrate compliance with all rules contained in this chapter at any time that you have an initial license.

(2) We must not issue a full license to you if you do not demonstrate the ability to comply with all rules contained in this chapter during the period you have an initial license.

**FINES, REGULATORY VIOLATIONS
AND CORRECTIVE ACTION**

NEW SECTION

WAC 388-296-0360 What happens if I fail to follow the rules? (1) If you fail to follow the rules, we notify you of the violation in writing and unless the health, safety or welfare of children in care is threatened, we provide you with an opportunity to come into compliance before we take adverse licensing action. The notice provides:

- (a) A description of the violation and rule that was broken;
- (b) A statement of what is required to comply with the rules;
- (c) The date by which we require compliance; and
- (d) The maximum financial penalty (civil fine) that you must pay if you do not achieve compliance by the required date.

(2) We may fine you seventy-five dollars a day for each violation of the licensing rules.

(3) We may assess and collect the penalty with interest for each day you fail to follow the rules.

(4) We may impose a civil penalty in addition to other adverse actions against your license including probation, suspension and revocation.

(5) We may, but are not required to, withdraw the fine if you come into compliance during the notification period.

(6) If we assess a civil penalty you have the right to an adjudicative proceeding as governed by RCW 43.20A.215 and chapter 388-02 WAC.

(7) If you do not request an adjudicative proceeding you must pay the civil fine within twenty-eight days after you receive the notice.

NEW SECTION

WAC 388-296-0370 How does the department notify me if I am in violation of the licensing rules and what am I required to do? If you are in violation of the licensing rules we issue a notice to you called a facility licensing compliance agreement.

(1) You are required, with technical assistance from your licensor if you request it, to write a corrective action plan stating:

- (a) How you plan to correct the violations; and
- (b) When the violations will be corrected.

(2) You must:

- (a) Sign the agreement; and
- (b) Return a copy of the completed agreement to us.

NEW SECTION

WAC 388-296-0380 How does the department determine the amount of time I have to make corrections? The length of time that you have to make corrections depends on:

- (1) The seriousness of the violation;
- (2) The potential threat to the health, safety and well being of children in care; and
- (3) The number of times you have failed to follow the rules.

NEW SECTION

WAC 388-296-0390 What does the department base a civil penalty on? Fines are determined based on any violation of a licensing rule and according to the following conditions:

- (1) You have allowed the existence of any condition that creates a serious safety or health risk;
- (2) You or any person uses corporal punishment, or humiliating methods of control or discipline;
- (3) You or any primary staff person fail to provide the required supervision;
- (4) You fail to provide required light, ventilation, sanitation, food, water or heating;
- (5) You provide care for more than the highest number of children permitted by the license; or

PROPOSED

(6) You repeatedly fail to follow the rules. (Any repeat violation that has been the subject of a corrective action notification under WAC 388-296-0360.)

NEW SECTION

WAC 388-296-0400 Am I required to inform the public if the department has assessed a civil penalty to me? (1) You must post the final notice of a civil penalty in the licensed space of your child care where the public can easily view it; and

(2) You must keep the notice posted until we receive payment.

NEW SECTION

WAC 388-296-0410 What happens if I fail to pay the fine? If we assess a fine to you after an adjudicated hearing and you fail to pay the fine within ten days after we assess it, we may suspend, revoke or not renew your license.

NEW SECTION

WAC 388-296-0420 Does the department assess a civil penalty if I provide unlicensed child care? We may fine you seventy-five dollars per day for each day you provide unlicensed child care.

NEW SECTION

WAC 388-296-0430 What will happen if the department believes I am providing unlicensed child care? We send written notice to you if we think you are providing unlicensed child care. The notice explains:

- (1) Why we think you are providing unlicensed child care;
- (2) The law that prohibits unlicensed child care;
- (3) That you must stop providing child care until you get a license;
- (4) How to contact DCCCEL;
- (5) How to apply for a license;
- (6) That the fine may be lifted if you apply for a license;
- (7) Your right to an adjudicative proceeding if we assess a monetary penalty; and
- (8) How you can ask for an adjudicative proceeding.

NEW SECTION

WAC 388-296-0440 When would the department issue a probationary license? (1) We may, but are not required to, issue a probationary license as part of a corrective action plan with a licensed provider. In addition to issuing you a probationary license, we may also assess civil penalties or other sanctions.

(2) We must base our decision about whether to issue a probationary license on the following:

- (a) Intentional or negligent noncompliance with the licensing rules;
- (b) A history of noncompliance with the rules;
- (c) Current noncompliance with the rules; and
- (d) Any other factors relevant to the specific situation.

(3) When we issue you a probationary license you must give notification of your probationary license status to:

(a) The parents or guardians of all children in your care, within five working days of receiving notification from us; and

(b) New applicants for child care, before enrolling new children.

(4) The notification must be in writing and must be approved by us prior to being sent.

(5) Within ten working days of receiving notification of the probationary license, you must provide documentation to us that parents or guardians of all children in your care have been notified.

(6) We may issue a probationary license for up to six months. We may extend the probationary license for an additional six months.

(7) You must return your full license to us.

NEW SECTION

WAC 388-296-0450 When will my license be denied, suspended or revoked? (1) When you demonstrate that you cannot provide the required care for children in a way that ensures their safety, health and well-being we must deny, suspend or revoke your license.

(2) We must deny, suspend or revoke your license if you:

(a) Have been disqualified by your background check (see DSHS secretary's list of disqualifying convictions for ESA at http://www1.dshs.wa.gov/esa/dccel/pdf/Crime_and_Backg_Chex.pdf);

(b) Have been found to have committed or have allowed others to commit child abuse, child neglect or exploitation, or you or others you supervise treat, permit or assist in treating children in your care with cruelty, or indifference;

(c) Fail to report instances of alleged child abuse, child neglect and exploitation to children's administration intake or law enforcement when an allegation of abuse, neglect or exploitation is reported to you;

(d) Or anyone residing at the same address as you had a license denied or revoked by an agency that provided care to children or vulnerable adults;

(e) Try to get a license deceitfully, such as making false statements or leaving out important information on the application;

(f) Commit, permit or assist in an illegal act at the address of your child care business;

(g) Use illegal drugs, or excessively use alcohol or abuse prescription drugs;

(h) Knowingly allow employees or volunteers with false statements on their applications to work at your facility;

(i) Repeatedly lack the required number of qualified staff to care for the number and types of children under your care;

(j) Repeatedly fail to provide the required level of supervision for a child in care;

(k) Repeatedly care for more children than your license allows;

(l) Refuse to allow our authorized staff and inspectors requested information or access to your licensed space and premises, child and program files, or staff and children in care;

(m) Are unable to manage the property, fiscal responsibilities, or staff in your facility; or

(n) Repeatedly fail to comply with the licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW.

NEW SECTION

WAC 388-296-0460 Are there any other reasons that could potentially cause me to lose my license? (1) We may suspend or revoke your license if you go beyond the conditions of your license by caring for children with ages different than your license allows.

(2) We may also suspend or revoke your license if you fail to comply with any of our other licensing requirements.

NEW SECTION

WAC 388-296-0470 How will the department notify me if my license is denied, suspended, or revoked? (1) We send you a certified letter informing you of any decision to deny, suspend or revoke your license.

(2) In the letter we also inform you what you may do if you disagree with the decision to deny, suspend or revoke your license.

NEW SECTION

WAC 388-296-0480 What may I do if I disagree with the department's decision to deny, suspend, revoke, or modify my license? (1) You have the right to appeal any decision we make to deny, suspend, revoke or modify your license.

(2) Your right to appeal and the procedures for that process are outlined in RCW 43.20A.205 and 74.14.130, chapter 34.05 RCW and chapter 388-02 WAC.

BUSINESS PRACTICES

NEW SECTION

WAC 388-296-0490 What written procedures am I required to establish for my child care business? (1) You must develop written procedures for:

- (a) Keeping child records current;
- (b) Routine communication with parents about their child's activities;
- (c) Storage of internal and external medications and administration of medications;
- (d) Expectations of primary workers, assistants and volunteers;
- (e) Emergency procedures including staffing emergencies, evacuation plans, sick or injured children and medical emergencies;
- (f) Emergency response plan for disasters;
- (g) Excluding persons whose presence on the premises is prohibited by the regulations;
- (h) Off-site activities;
- (i) Assuring children have an extra set of clean clothes available;

(j) Child guidance and discipline (you must state that the use of corporal punishment by anyone is prohibited during your operating hours);

(k) Religious activities (if any);

(l) Confidentiality;

(m) Reporting suspicion of child abuse, child neglect and exploitation;

(n) Parents right to have free access to the licensed space on your premises during your hours of operation; and

(o) Sign-in and sign-out procedure.

(2) You must train your staff and have available to them the program's philosophy and all written procedures listed in subsection (1) of this section.

(3) You must review all written policies and procedures and revise them when they no longer describe your current practice.

NEW SECTION

WAC 388-296-0500 What written information am I required to give to parents? You are required to give to parents a copy of the policies and procedures that you will follow in your family home child care. This written information must include:

- (1) Enrollment and admission requirements;
- (2) The fee and payment plan;
- (3) A typical daily schedule, including hours of operation;
- (4) Typical meals and snacks served, including guidelines on food brought from the child's home;
- (5) Permission for free access by the child's parent or guardian to all home areas used by the child, the child's records, and the staff during your operating hours;
- (6) Child abuse, neglect and exploitation reporting requirements;
- (7) Child guidance and discipline;
- (8) Requirements for maintaining accurate and up to date certificate of immunization status (CIS) records;
- (9) No smoking policy;
- (10) Policy regarding pets;
- (11) Sign-in and sign-out procedures;
- (12) Infant sleeping safety requirements to reduce the risk of Sudden Infant Death Syndrome (SIDS);
- (13) Nondiscrimination statement;
- (14) Religious activities, if any;
- (15) Transportation and field trip arrangements;
- (16) Typical staffing plan when you are absent;
- (17) Health care practices, including but not limited to information about the home's general health practices concerning:
 - (a) Injury prevention;
 - (b) Medication management;
 - (c) First aid, including medical emergencies;
 - (d) Plan for excluding persons whose presence on the premises is prohibited by regulations;
 - (e) Practices concerning an ill child;
 - (f) Communicable disease prevention, management and reporting;

- (18) Disaster plan; and
- (19) Supplies and clothing to be provided by the parents.

NEW SECTION

WAC 388-296-0510 What forms am I required to have before a child can attend my child care program? Prior to admission, you must have a file for each child that contains:

- (1) A completed child's admission form that is signed and dated by the parent;
- (2) Child's complete name, birth date and date admitted;
- (3) Full name of parents, home and daytime telephone numbers and address;
- (4) Name, address and home and daytime telephone numbers of two persons to contact in an emergency if the parent cannot be reached;
- (5) Name, address, home and daytime telephone numbers of persons, if any, authorized to sign-in and sign-out the child;
- (6) Name and telephone numbers of child's health care provider and dentist;
- (7) Description of child's health history, date of the child's last physical exam, current medications, allergies, special dietary requirements and other identified special needs;
- (8) Signed permission by parent to authorize emergency medical and dental care and associated transportation; and
- (9) Completed immunization form listing types and dates of immunizations.

NEW SECTION

WAC 388-296-0520 How long must I keep child records and what am I required to document while operating my business? (1) A child's presence in the child care must be documented, on a daily basis, by the child's parent or guardian or an authorized person by using the sign-in and sign-out procedure for each child in attendance. The parent, guardian or authorized person must use their full signature when signing the child in and out of the child care. Daily attendance records, listing the dates and hours of attendance of each child must be maintained in the licensed space of the family home child care and kept up-to-date for five years.

(2) When a child is no longer enrolled, the date of the child's withdrawal must be recorded in the child's file. You must maintain the child's file for at least five years from the child's last date of attendance. After five years the file may be destroyed or returned to the parent. The child's file must be made available for review by the child's parents and us during this period.

(3) You must call and report, within twenty-four hours to:

(a) Children's administration intake an incident or injury that required the services of a medical professional, including a dentist, that occurred while the child was in attendance.

(b) DCCCEL and to animal control any incident where a child is bitten by an animal while in attendance.

(c) DCCCEL any fire on your premises that required the use of a fire extinguisher or the services of a fire department.

(4) You must submit a written incident report to the child's parent and to your licensor within two working days of

the same incident or injury as described in subsection (3) of this section.

(5) You must acquire written parental permission for field trips. You must notify parents in advance when you plan to use vehicles to transport children. Parents may grant general authorization for walking field trips.

(6) You must maintain all records and reports required by these regulations in an up-to-date manner at the facility. The records and reports are subject to inspection and you must surrender the records to us if we request them.

NEW SECTION

WAC 388-296-0530 Am I required to keep child and family records confidential? You and your staff must observe confidentiality with regard to child and family records and family information. Confidential conversations regarding children and families must be held in private.

NEW SECTION

WAC 388-296-0540 What items am I required to post and where do I post them? You are required to post these items in the licensed space of your family home child care where the public can easily view them:

(1) The home's child care license issued under this chapter;

(2) Evacuation plans and procedures, that include a written record of the required monthly fire drills and smoke detector checks;

(3) Emergency telephone numbers;

(4) Any civil penalty imposed; and

(5) You must post a notification advising parents that you are required to keep the following licensing information available on site for their review:

(a) Copies of the most recent family home child care checklist for licensing renewal and facility licensing compliance agreement for any deficiencies noted; and

(b) Copies of the most recent family home child care monitoring checklist and facility licensing compliance agreement for any deficiencies noted.

NEW SECTION

WAC 388-296-0550 What change of circumstance must I report to my licensor? (1) Before making any change to your licensed space you must report to your licensor any changes you plan to make. Examples of changes include but are not limited to:

(a) Planned use of space not previously approved by us; and

(b) Plans for remodeling the home.

(2) You must also report any of the following changes to your licensor within twenty-four hours:

(a) The number and qualifications of the home's staff that may affect the ability to carry out the specified activities and routines of the family home child care or meet the requirements of the WAC, such as a change in a persons criminal history;

(b) A marriage, separation or divorce;

(c) Persons moving in or out of the household;

- (d) Your phone number;
- (e) Occurrence of a fire, structural change, or damage to the premises from any cause; and
- (f) The serious illness or incapacity of you and any other member of your household.

FIRE SAFETY

NEW SECTION

WAC 388-296-0560 What are the occupancy restrictions for a family home child care? (1) Any home used for child care purposes for fewer than thirteen children is considered to be a Group R, Division 3 occupancy by the state building code.

(2) If a portion of the home is used for purposes other than a dwelling, such as a garage, automotive repair shop, cabinet or furniture making or refinishing or similar use, a firewall is required between the dwelling and the other use.

(3) One exit door from a family home child care must be of the pivoted or side hinged swinging type. You may use approved sliding doors for other exits.

(4) Each floor level used for family home child care purposes must have two exits, usually located at opposite ends of the building or floor.

(5) You must not use basements located more than four feet below grade level for family home child care purposes unless one of the following conditions exists:

(a) Two exit stairways from the basement open directly to the exterior of the building without entering the first floor;

(b) One of the two required exits opens directly to the exterior from the basement level and the other exit is an interior stairway with a self-closing door installed at the top or bottom leading to the floor above;

(c) One of the two required exits is a working window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court, and the other may be an approved interior or exterior stairway; or

(d) A residential sprinkler system is provided throughout the entire home in accordance with standards of the National Fire Protection Association.

(6) You must ensure that any floor located more than four feet above grade level is not occupied by children for family home child care purposes except for the use of toilet facilities while under supervision of a staff person.

(7) Family home child care is allowed on the second story if one of the following conditions exists:

(a) Two exit stairways from the second story open directly to the exterior of the building without entering the first floor;

(b) One exit opens directly to the exterior from the second story level, and a second interior stairway with a self-closing door installed at the top or bottom of the interior stair leading to the floor below; or

(c) A residential sprinkler system is provided throughout the entire building in accordance with standards of the National Fire Protection Association.

(8) The maximum distance from any point in the home to an exterior exit door must not exceed one hundred fifty feet.

(9) Every room used for child care (except bathrooms) must have:

(a) At least one working window or door approved for emergency escape or rescue that opens directly into a public street, public alley, yard or exit court. The units must work from the inside to provide a full clear opening without the use of separate tools.

(b) The net clear open area of an escape or rescue window must be a minimum of 5.7 square feet. The net clear open height dimension must be a minimum of twenty-four inches. The net clear open width dimension must be a minimum of twenty inches.

(10) An escape or rescue window must have:

(a) A finished sill height of not more than forty-four inches above the floor;

(b) Doors leading to two separate exit ways; or

(c) A door leading directly to the exterior of the building.

(11) You may use a stationary platform under a window to attain the required forty-four inches above the floor.

(12) Exit doors must be easy to open to the full open position.

(13) Exit doors and windows must be of the type that can be opened from the inside without having to use a key. You must not use during child care hours:

(a) Night latches;

(b) Deadbolts;

(c) Security chains; or

(d) Manually operated edge or surface mounted flush bolts and surface bolts.

(14) The locking arrangement on outside exit doors must automatically unlock when the doorknob is turned from the inside.

(15) You must ensure that obstructions are not placed in corridors, aisles, doorways, doors, stairways or ramps.

(16) You must not use for child care purposes any space that is accessible only by ladder, folding stairs or trap doors.

(17) Every bathroom door lock must be designed to permit the opening of the locked door from the outside in an emergency. The opening device must be readily accessible to the staff.

(18) Every closet door latch must be the type that children can open the door from inside the closet.

NEW SECTION

WAC 388-296-0570 What are the requirements for hazardous areas of my home? If you have rooms or spaces containing any of the following commercial-type items or utilities, they must be separated from the family home child care or any exits by a fire wall:

(1) Kitchen;

(2) Boiler;

(3) Maintenance shop;

(4) Janitor closet;

(5) Laundry;

(6) Woodworking shop;

(7) Flammable or combustible storage;

(8) Painting operation; or

(9) Parking garage.

NEW SECTION

WAC 388-296-0580 What are the requirements for smoke detectors in my home? (1) You must have smoke detectors in all sleeping and napping rooms.

(2) If your home has more than one story or a basement, you must install a smoke detector on each story and in the basement.

(3) If a story or basement is split into two or more levels, you must install the smoke detector in the upper level, except that when the lower level contains a sleeping or napping area, you must locate a smoke detector on each level.

(4) When sleeping or napping rooms are on an upper level, you must place the smoke detector on the ceiling of the upper level in close proximity to the stairway and in each sleeping or napping room.

(5) If the ceiling height of a room open to the hallway serving sleeping or napping rooms exceeds that of the hallway by twenty-four inches or more, you must install smoke detectors in both the hallway and the sleeping or napping room.

(6) Smoke detectors must sound an alarm audible in all areas of the building.

(7) In new construction, required smoke detectors must receive their primary power from the building wiring when the wiring is served from a commercial source. Wiring must be permanent and without a disconnecting switch other than those required for over current protection.

(8) Smoke detectors may be battery operated when installed in existing buildings or buildings without commercial power.

(9) Where battery operated smoke detectors are installed, you must keep on the premises at least one extra battery of the type and size specified for the battery operated smoke detector.

(10) You must test single station smoke detectors at monthly intervals or in a manner specified by the manufacturer. You must keep a record of the testing on the premises.

NEW SECTION

WAC 388-296-0590 Am I required to have other ways to sound a fire alarm? In addition to single station smoke detectors, you must provide an alternate method for sounding a fire alarm in your family home child care. A police type whistle or similar device is adequate for meeting this requirement, as long as you use that method only for emergency evacuations.

NEW SECTION

WAC 388-296-0600 Are there requirements for fire extinguishers? (1) You must have at least one approved 2A, 10B:C rated fire extinguisher on each floor level occupied for child care use. You must locate the extinguisher along the path of the main fire exits. The maximum travel distance to an extinguisher must not exceed seventy-five feet.

(2) Fire extinguishers must be operationally ready for use at all times.

(3) You must keep fire extinguishers on a shelf or mounted in the bracket provided for this purpose so that the

top of the extinguisher is not more than five feet above the floor.

(4) You must ensure and have written documentation that fire extinguishers receive annual maintenance certification by a firm specializing in and licensed to do that type of work. Maintenance means a thorough check of the extinguisher to include examination of:

- (a) Mechanical parts;
- (b) Extinguishing agent; and
- (c) Expelling means.

NEW SECTION

WAC 388-296-0610 What must I do to prevent fire in my home? (1) You must request the local fire department to visit your home to become familiar with the facility and to assist in planning evacuation or emergency procedures. If your local fire department does not provide this service, you must document that you made the request.

(2) You must keep furnace rooms free of lint, grease and rubbish accumulations and other combustibles and suitably isolated, enclosed or protected.

(3) You must store flammable or combustible materials away from exits and in areas that are not accessible to children. You must not allow combustible rubbish to accumulate, so you must remove it from the building or store it in closed, metal containers.

(4) You must keep all areas used for child care clean and neat, making sure that all waste generated daily is removed from the building and disposed of in a safe manner outside the building. All containers used for the disposal of waste material must be of noncombustible materials with tops. You must keep electrical motors dust-free.

(5) You must not leave on open-flame devices capable of igniting clothing, or leave them unattended or allowed to be used in a way that could result in an accidental ignition of children's clothing. You must not use candles.

(6) You must keep a working flashlight available for use as an emergency power source.

(7) You must properly maintain all electrical circuits, devices and appliances. Circuits must not be overloaded. You must not use extension cords and multi-plug adapters in place of permanent wiring and proper receptacles.

(8) You must not use portable space heaters of any kind.

(9) Approved numbers or addresses must be placed on all new and existing homes and in the driveway to the house when the house is not visible from the road. You must place the numbers or address in a position where it is plainly visible and legible from the street or road fronting the property. To be more visible, the numbers must contrast with their background.

(10) If you have fireplaces, woodstoves or similar devices, the local building official must approve them and any connections. If the woodstove is used as a sole source of heat or is used during hours of operation, it must be cleaned, maintained and inspected on at least an annual basis by a person or firm specializing in and licensed for that type of work. Where open flames or hot surfaces are accessible, you must erect approved barriers to prevent children from coming in contact with the open flames or hot surfaces.

NEW SECTION

WAC 388-296-0620 What are the requirements for maintaining my sprinkler system? If you have a sprinkler system in your home, you must have it tested on an annual basis by a person or agency licensed to test sprinkler systems. The results of the system test must be documented on forms provided by the licensor and maintained at the home for inspection by the licensor.

NEW SECTION

WAC 388-296-0630 Must I have a fire evacuation plan? You must develop a written fire evacuation plan. The evacuation plan must include an evacuation floor plan, identifying exit doors and windows, and must be posted at a point clearly visible to the assistant and parents. Plans must include the:

- (1) Action to be taken:
 - (a) By the person discovering a fire;
 - (b) For evacuation of the building and assuring accountability of the children; and
 - (c) Pending arrival of the fire department.
- (2) Method to be used for sounding an alarm on the premises.

NEW SECTION

WAC 388-296-0640 Must I have fire evacuation drills? You must:

- (1) Conduct a fire evacuation drill for each shift of operation at least once each month;
- (2) Maintain and post in the licensed area of your home:
 - (a) The fire safety record including date and time of fire drills; and
 - (b) Your evacuation plan.

NEW SECTION

WAC 388-296-0650 Are there any requirements for staff training related to fire safety? You and each primary worker or assistant must be familiar with all elements of the fire evacuation plan and capable of:

- (1) Operating the fire extinguisher installed on the premises;
- (2) Testing smoke detectors (single station types); and
- (3) Conducting frequent inspections of the home to identify fire hazards and take action to correct any hazards discovered during the inspection. The inspections should be conducted on a monthly basis and records kept in the licensed areas of your home for review by the licensor.

HEALTH, ENVIRONMENT AND MEDICATION MANAGEMENT

NEW SECTION

WAC 388-296-0700 How often must staff wash their hands? Staff and volunteers must wash their hands with soap and warm running water after:

- (1) Toileting or assisting children with toileting;

- (2) Diapering a child;
- (3) Using the bathroom;
- (4) Attending to an ill child;
- (5) Before and after preparing, serving, or eating food;
- (6) Before and after giving medications;
- (7) Handling, feeding or cleaning up after animals;
- (8) Handling bodily fluids;
- (9) Being outdoors or involved in outdoor play; and
- (10) As needed.

NEW SECTION

WAC 388-296-0710 How often must children wash their hands? You and your staff must ensure that children thoroughly wash their hands or assist children with thoroughly washing their hands with soap and warm running water after:

- (1) Using the toilet;
- (2) The child is diapered;
- (3) Outdoor play;
- (4) Playing with animals;
- (5) Touching body fluids (such as blood or after nose blowing or sneezing);
- (6) Before and after the child eats or participates in food activities; and
- (7) As needed.

NEW SECTION

WAC 388-296-0720 What are the physical structure safety requirements for a family home child care? You must keep the equipment and the physical structures, inside and outside of your home, safe and clean for the children you serve. You must not use your licensed space, both indoor and outdoor areas of the home where the children are being cared for, for any other business purpose during your operating hours. You must:

- (1) Maintain your home or building that includes the child care space and all child care equipment in a clean and sanitary condition, free of hazards, and in good repair;
- (2) Have stairways, steps and walkways that are well lit. Stairways must be equipped with securely mounted handrails within the reach of young children;
- (3) Have gates or other physical barriers, that prevent infants and toddlers from accessing stairways;
- (4) Have emergency lighting devices, such as a flashlight, available and in good working condition;
- (5) Provide furnishings in the licensed space of your child care that are safe, comfortable and match the developmental levels of all of the children in the home to include the size of the child, their abilities and activities;
- (6) Have furniture, equipment and climbing structures that are clean, sturdy, without sharp edges and do not present hazards. Bookcases and other shelving units must not present a tipping or falling hazard;
- (7) Have washable, water-resistant floors in your bathrooms, kitchens, and any other rooms exposed to moisture;
- (8) Provide nonremoveable electrical outlet covers to all outlets accessible to children if you care for children five years and younger or other persons with limited mental capacity or who might be endangered by access to them;

(9) Have an unlocking device readily accessible to you and your staff for closet and bathroom doors that can be locked. You must not use a locking or fastening device on the outside of the door, that would prevent free escape;

(10) Ensure that toys for infants and toddlers (or children at those developmental levels) are large enough to prevent swallowing or choking. Examples of some of the types of small objects that should be kept off the floor are:

- (a) Pins of any type;
- (b) Coins;
- (c) Balloons; and
- (d) Any small toys that are smaller than one and three-fourth inches in diameter.

(11) Ensure that all art and play materials, for children under the age of three, are nontoxic;

(12) Not have plastic bags, styrofoam objects and vinyl or latex gloves accessible to children under three years of age;

(13) Prevent entrapment by ensuring there are no openings on indoor and outdoor climbers and platforms between three and one-half inches and nine inches;

(14) Securely anchor to the ground climbing equipment and swings, and space them to allow for a six foot fall zone. The play area must be arranged so children playing on one piece of equipment do not interfere with children playing on another piece of equipment;

(15) Ensure that chains on swings have protective coverings and that swing seats are made of soft material with no sharp edges;

(16) Ensure that tricycles and bicycles with chains have chain guards, and that children on bicycles, roller blades, skateboards, or scooters wear helmets;

(17) Not use wheeled baby walkers; and

(18) Not allow trampolines and rebounders in your licensed space.

NEW SECTION

WAC 388-296-0730 What are the requirements for the location of a family home child care? (1) Your home must be located in an area that is well drained, and is free from hazardous conditions. Some examples of hazards are natural or man-made water hazards such as lakes or streams, ponds, steep banks, ravines, and drainage ditches. Abandoned wells and holes must be filled in or sealed.

(2) The safety of the children in care is essential. You must discuss with your licensor any potential hazardous conditions, considering the children's ages, behaviors, and abilities.

(3) If we decide that hazardous conditions are present at the home location you must write a supervision plan for the children in care.

NEW SECTION

WAC 388-296-0740 What are the requirements for emergency aid vehicle access to my home? (1) Your home must be accessible to emergency vehicles.

(2) Your address must be clearly visible on your house or mailbox so that firefighters or medics can easily find your home location.

NEW SECTION

WAC 388-296-0750 What steps must I take to ensure children's safety around outdoor bodies of water? (1) You must ensure children in your care are safe around bodies of water.

(2) You must empty and sanitize portable wading pools daily, and as needed when in use.

(3) You or a qualified primary worker must directly supervise all children in your care when they have access to wading pools, swimming pools and other bodies of water that are in your licensed space.

(4) You must lock hot tubs and spas, and not use these during your operating hours.

(5) You must place a five-foot fence, designed to discourage climbing, and have a locked gate around a pool of water. This includes swimming pools that are above or below ground level and ornamental pools. Bodies of water hazardous to young children must be inaccessible to children when you or a primary worker are not providing direct supervision during your operating hours.

(6) A certified lifeguard must be on duty when children are using a public or private (other than your own) swimming pool, lake, river, pond or beach.

NEW SECTION

WAC 388-296-0760 What measures must I take for pest control? (1) You must keep your premises free from pests, using the least toxic method possible. This includes rodents, flies, cockroaches, fleas, and other insects.

(2) You must notify parents, guardians and any other interested party forty-eight hours in advance of the application of pesticides.

NEW SECTION

WAC 388-296-0770 What are the requirements regarding pets and animals at a family home child care? (1) All pets, whether kept indoors or outside, must be in good health, show no evidence of disease and be nonaggressive.

(2) Dogs and cats must have the required immunizations.

(3) You must dispose of all pet waste daily and keep litter boxes inaccessible to children at all times.

(4) You must have an area separate from the outdoor play space for pets to relieve themselves.

(5) Staff must always be present when children play with pets.

(6) If you have a pet, tell parents before enrolling the child. Some children have allergies that require the parent to make other child care arrangements.

(7) Children and staff must wash their hands after handling pets or pet items.

(8) Reptiles can carry salmonella. If reptiles are present, you must have safeguards in place to limit potential risk of transmission.

(9) You must have a written plan, approved by your licensor, describing how you will protect children from health hazards, such as snake bites, if you have "exotic" pets such as iguanas, venomous or aggressive snakes, spiders, and some turtles.

NEW SECTION

WAC 388-296-0780 Are alcoholic beverages allowed during operating hours? You, and any other person associated with the operation of your business and care of children must not drink alcohol or allow others to consume alcohol on your premises during your operating hours.

NEW SECTION

WAC 388-296-0790 Is smoking permitted around children? (1) You must prohibit smoking in your family home child care during all hours of operation (licensed or unlicensed space), and in motor vehicles while transporting children.

(2) You may permit adults to smoke outdoors in unlicensed space and out of view of children.

NEW SECTION

WAC 388-296-0800 May I have weapons at my home? (1) You must keep weapons and ammunition in secure, locked storage, at all times during your operating hours. "Secure, locked storage" means a locked storage container, gun cabinet, gun safe, or other storage area made of strong, unbreakable material.

(2) If the cabinet has a glass or other breakable front, the guns need to be secured with a cable or chain placed through the trigger guards securing the guns in the storage unit.

(3) You must store all firearms unloaded.

NEW SECTION

WAC 388-296-0810 Are there requirements for the storage of medications? You are required to:

(1) Keep all medications, including pet medications, vitamins and herbal remedies, in locked storage. For example, a pad lock, lock with key or a magnetic lock;

(2) Store external medications separately from internal medications;

(3) Store medications according to the manufacturer or pharmacy instructions; and

(4) Store pet and human medications in separate places.

NEW SECTION

WAC 388-296-0820 Are there requirements for storing dangerous chemicals or other substances? (1) You are required to store the following items in a place that is inaccessible to children, persons with limited mental capacity, or anyone who might be endangered by access to the following products:

(a) Cleaning supplies;

(b) Toxic or poisonous substances;

(c) Aerosols;

(d) Items with warning labels;

(e) Cosmetics; and

(f) Personal hygiene products.

(2) When containers are filled with toxic substances from a stock supply, you must label the containers.

(3) Toxic substances must be stored separately from food items.

NEW SECTION

WAC 388-296-0830 Are first-aid supplies required? You must keep a first aid kit on hand for immediate use, in the licensed space of your child care, on a field trip and in your vehicle if you transport children. The first aid kit must include:

(1) Nonsterile protective gloves;

(2) Band-Aids of various sizes;

(3) Small scissors and tweezers;

(4) Ace bandages;

(5) Sterile gauze pads;

(6) An ice pack;

(7) A mercury free thermometer for taking a child's temperature;

(8) A large triangular bandage (sling);

(9) Adhesive tape;

(10) A one-way CPR barrier or mask;

(11) A current first-aid manual; and

(12) At least one unexpired bottle of Syrup of Ipecac that must be given only at the direction of a poison control center.

NEW SECTION

WAC 388-296-0840 What are the requirements for health care policies and procedures for a family home child care? You must maintain current written health care policies and procedures that include, but are not limited to, the following areas:

(1) When a child should not attend due to illness;

(2) Cleaning and disinfecting procedures;

(3) Reporting communicable diseases;

(4) Infection control methods to include personal hygiene, hand washing, toileting, diapering, and laundering;

(5) Food handling procedures;

(6) Prevention of the transmission of communicable diseases including:

(a) Use of sanitizing chemicals; and

(b) Cleaning and sanitizing toys and play materials.

(7) Medication management, including steps to be taken if medication is incorrectly administered;

(8) Providing first aid;

(9) Care of minor illnesses;

(10) Actions to be taken for medical emergencies;

(11) Infant care procedures when infants are under care;

(12) Children with special needs; and

(13) General health practices.

NEW SECTION

WAC 388-296-0850 Must all children in my care have current immunizations? (1) You are required to track each child's immunization status. To be sure children have the required immunizations for their age, you must:

(a) Ensure the child has a completed, current, certificate of immunization status form (CIS) submitted and on file before the first day of child care;

(b) Develop a system to audit and update, as scheduled, the information on the CIS form;

(c) Meet any requirement of the department of health WAC 246-100-166; and

(d) Have available in your licensed space the CIS forms for review by the licenser.

(2) You may accept a child who is not current with immunizations on a conditional basis if immunizations are:

(a) Initiated before or on enrollment; and

(b) Completed as rapidly as medically possible.

(3) You may exempt the immunization requirement for the child if the parent or guardian:

(a) Signs a statement expressing a religious, philosophical or personal objection; or

(b) Furnishes a physician's statement of a valid medical reason for the exemption.

NEW SECTION

WAC 388-296-0860 What must I do to prevent the spread of infections and communicable diseases? (1) You must take precautions to guard against infections and communicable diseases.

(2) Staff with a reportable communicable disease in an infectious stage, as defined by the department of health, must not be on duty until they have approval from the local health department for returning to work.

(3) Applicants for a license, all staff and persons sixteen years and older authorized to have access to children in a family home child care 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 the person has evidence:

(a) Of negative testing within the previous twelve months;

(b) That they have a negative chest X ray since previously having a positive skin test; or

(c) Of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(4) The department does not require a tuberculin skin test if a physician indicates that the test is medically inadvisable.

(5) Persons whose tuberculosis skin test is positive must have a chest X ray within thirty days following the skin test.

(6) The department does not require retesting at the time of license renewal, unless the licensee or staff person believes they have been exposed to someone with tuberculosis or if their health care provider recommends testing.

NEW SECTION

WAC 388-296-0870 How do I manage medications for children? You must meet specific requirements for managing prescription and nonprescription medication for children under your care. Only you or another authorized, primary worker may perform the functions described in this section.

(1) You must have written approval of the child's parent or legal guardian to give the child any medication. This approval must not exceed thirty days.

(2) You must:

(a) Keep a written record of all medications you give a child;

(b) Return any unused medication to the parent or legal guardian of the child;

(c) Give certain classifications of nonprescribed medications, only with the dose and directions on the manufacturer's label for the age or weight of the child needing the medication. These nonprescribed medications include but are not limited to:

(i) Nonaspirin, fever reducers or pain relievers;

(ii) Nonnarcotic cough suppressants;

(iii) Decongestants;

(iv) Anti-itching ointments or lotions intended specifically to relieve itching;

(v) Diaper ointments and talc free powders intended specifically for use in the diaper area of children; and

(vi) Sun screen.

(3) You must not use any nonprescribed medication for the purpose of sedating a child;

(4) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist;

(5) You must not give one child's medications to another child; and

(6) You must not use medication to control a child's behavior unless a physician prescribes the medication for management of the child's behavior.

NEW SECTION

WAC 388-296-0880 What are the requirements for labeling and dispensing of medications to children? The only medicine you may accept from the child's parent or legal guardian is medicine in the original container labeled with:

(1) The child's first and last names;

(2) The date the prescription was filled;

(3) The medication's expiration date; and

(4) Legible instructions for the administration of the drug (manufacturer's instructions or prescription label) that include:

(a) How to give the medication;

(b) How often to give the medication; and

(c) How to store medications (proper temperature).

NEW SECTION

WAC 388-296-0890 When may children take their own medicine? (1) You may permit children under your care to take their own medicine if:

(a) They are physically and mentally capable of properly taking the medicine; and

(b) The child's parent or legal guardian approves in writing.

(2) You must keep the written approval by the child's parent or legal guardian in your records.

(3) When children take their own medication, you must keep the medication and medical supplies locked and inaccessible to other children and unauthorized persons.

(4) You or a primary worker must observe and document that the medication was taken.

FOOD/NUTRITION/DIET**NEW SECTION**

WAC 388-296-0900 Are there general nutrition requirements? The meals and snacks you prepare and serve must meet the requirements of the U.S. Department of Agriculture Child and Adult Food Program (the USDA program), with the addition of:

- (1) A minimum of one serving of vitamin C fruit, vegetable or juice daily; and
- (2) Servings of food high in vitamin A, provided three or more times weekly.

NEW SECTION

WAC 388-296-0910 How often must I feed children in my care? (1) You must provide the child in care for ten or less hours:

- (a) Two or more snacks and one meal; and
 - (b) Two meals and one snack.
- (2) You must provide the child in care for ten or more hours, two or more meals and two snacks.
- (3) You must provide the child arriving after school a snack.
- (4) The time interval between providing the child with food can be no more than three and one-half hours.
- (5) The time interval between the evening meal or snack and breakfast must not be more than twelve hours.
- (6) The child in evening care must be fed dinner when the child did not receive dinner at home before arriving.
- (7) The child in evening care must be offered breakfast in the morning.

NEW SECTION

WAC 388-296-0920 What are the requirements for meals and snacks served to children in my care? (1) Food must be prepared and stored in a safe and sanitary manner and served at required intervals.

(2) If you do not furnish meals, there must be required supplemental food available in the event that no meal is provided by the parent or if the meal provided by the parent does not meet the required nutritional value.

(3) If you provide meals:

(a) You must accommodate any food preferences for personal, religious or medical reasons. If the meal patterns or serving sizes do not meet the child's nutritional needs, you must obtain a medical statement documenting the appropriateness of the variation.

(b) The servings must be in portions suitable for the size and age of the child in care. You must have a sufficient amount of food available to children to permit second helpings.

(4) You must refrigerate perishable food, milk and formula.

(5) You must make safe drinking water available to children at all times and must offer at intervals that are responsive to the needs of the individual children.

(6) You may use:

(a) Disposable cups and plates if discarded after use; and

(b) Plastic eating utensils if they are not easily broken by young children and are discarded after use.

(7) You may not use styrofoam cups for infants or toddlers.

(8) When deciding how often and how much food to serve a child you must consider the:

- (a) Child's age and developmental level;
- (b) Child's special needs; and
- (c) Hours of care on the premises.

NEW SECTION

WAC 388-296-0930 How do I handle a child's special diet? If a child has a food allergy/intolerance or special menu requirements due to a health condition you must receive written directions from the child's health care provider and parent to provide nutritional supplements or a medically modified diet. For allergy diets the parent and health care provider must identify the foods the child is allergic to.

NEW SECTION

WAC 388-296-0940 Are there special requirements for serving milk? The type of milk served to children is determined by the child's age.

(1) Serve only breast milk or formula to the child zero to twelve months of age;

(2) Serve whole pasteurized milk to children twelve to twenty-four months of age;

(3) Serve low fat or nonfat pasteurized milk to children over twenty-four months of age.

NEW SECTION

WAC 388-296-0950 What home canned foods may I use? You may not use any home canned food for the children in your care due to the risk of bacteria that may grow in food improperly canned, causing serious illness.

NEW SECTION

WAC 388-296-0960 What requirements must I meet for feeding babies? You must meet the following requirements for feeding babies:

(1) All formulas and breast milk must be in clean and sanitized bottles with nipples and labeled with the child's name and date prepared.

(2) If the bottle has been sitting at room temperature for an hour or more, you must throw away the contents of any bottle not fully consumed.

(3) You must keep bottle nipples covered when not in use to reduce the risk of cross-contamination.

(4) If you reuse bottles and nipples, you must wash and sanitize them.

(5) You must hold infants while feeding.

(6) Infants who are nine months of age or over, and wanting to hold their own bottles may be placed in a high-chair if you or a primary worker remain in the room, within eyesight.

(7) You must take bottles from the child when the child finishes feeding, or when the bottle is empty.

- (8) You must not prop a bottle when feeding an infant.
- (9) You must not give a bottle or tippy cup to a prone child.
- (10) To prevent uneven heating, you must not use a microwave oven to warm formula or breast milk in a bottle used for feeding.

ROOM REQUIREMENTS AND EQUIPMENT

NEW SECTION

WAC 388-296-0970 Are there requirements for the rooms that I use to provide child care? (1) You must provide rooms that are the required size, and furnishings that are developmentally appropriate to the ages and number of children being served;

(2) Its size and location must provide thirty-five square feet of useable play space per child for the number of children using it to actively engage in recreational and informal educational activities;

(3) You must provide accessible storage space for each child in care to store their clothes and personal possessions; and

(4) You must provide the required amount of space to store your equipment, supplies, records, files, cots, mats and bedding.

NEW SECTION

WAC 388-296-0980 What does the room temperature need to be? You must:

(1) Maintain the temperature within your licensed space at:

(a) A minimum of 60°F when children are sleeping or napping; and

(b) Sixty-eight degrees Fahrenheit or more when the children are awake.

(2) Utilize electrical fans or an air conditioner to cool the house when the inside temperature reaches or exceeds 80°F. Consider the age and needs of the children under your care in determining which temperature is appropriate.

(3) Not use space heaters in your home during your operating hours.

NEW SECTION

WAC 388-296-0990 What are the kitchen requirements? You must provide and maintain equipment to properly store, prepare, and serve food to meet the needs of the children under your care.

(1) Appliances must be installed so that you can easily clean them and the areas around them.

(2) Food contact surfaces must be free of cracks and crevices. Cracks on any surface can hold germs.

(3) Range tops, ovens and refrigerators must be clean.

(4) Wash tables with soap and water before and after each meal.

(5) Wash counters with soap and water prior to food preparation.

(6) If you cannot clean and sanitize dishes and utensils as required, use only disposable items.

(7) Keep pets and their food out of the food preparation area. If this is not always possible keep pets out of the kitchen while you are preparing food.

NEW SECTION

WAC 388-296-1000 How do I wash, rinse and sanitize dishes and eating utensils? The best way to wash, rinse and sanitize dishes and eating utensils is to use a dishwasher. If a dishwasher is not available, you must use a combination of sink compartments or dishpans made of plastic or other nonporous material with the "three compartment method," which is:

(1) Fill one sink compartment or dishpan with hot tap water and dishwashing detergent, and wash the items in this compartment.

(2) Fill the second compartment or dishpan with hot tap water, and rinse the items in this compartment.

(3) Fill the third compartment or dishpan with cool water and one teaspoon liquid chlorine bleach for each gallon of water, and dip the items in this compartment to sanitize.

(4) Place the items in a rack to air-dry.

NEW SECTION

WAC 388-296-1010 May I use the kitchen for activities for children? You may use the kitchen for activities for children. When children are in the kitchen, you must:

(1) Make the kitchen environmentally safe for children to participate in planned kitchen activities; and

(2) Supervise food preparation activities involving children.

NEW SECTION

WAC 388-296-1020 May I use a room for more than one purpose? You may use a room for multiple purposes such as playing, dining, napping, and learning activities, provided that:

(1) The space you provide meets the required thirty-five square feet of useable play space for the number of children in care; and

(2) The room's usage for one purpose does not interfere with usage of the room for another purpose.

NEW SECTION

WAC 388-296-1030 What are the general requirements for bedrooms? If you use bedrooms for play or napping at your family home child care:

(1) You or a primary staff must be on the same floor where children are playing, napping or sleeping in bedrooms (to meet the supervision requirement); and

(2) Bedrooms must have at least one exit window that meets the fire safety requirements for an escape window that opens to the outside.

NEW SECTION

WAC 388-296-1040 What are the requirements for mats and cots used for napping? (1) You must ensure the

mat or cot is long enough and wide enough for the size of the child. A mat must be at least one inch thick to provide comfort for the child to nap.

(2) The surface of mats and cots must be of a material that can be cleaned and sanitized (one-fourth teaspoon chlorine bleach per quart of cool water) and allowed to air dry.

(3) You must clean the child's nap equipment once a week or as needed and between use by different children.

(4) You must allow enough space between children to give staff access to children when napping.

(5) You must ensure the child's bedding:

(a) Consists of a clean sheet or blanket to cover the sleeping surface and a clean, suitable cover for the child (children must not nap directly on the waterproof covering or the floor);

(b) Is laundered as needed (such as when soiled, used by different children); and

(c) Is stored separately from bedding used by another child.

NEW SECTION

WAC 388-296-1050 Are there requirements for the use of cribs? (1) You must provide a child under two years with a single-level crib (you must not use stacking cribs), toddler bed, or playpen for napping until you and the parent agree that the child can safely use a mat, cot or other approved sleeping equipment.

(2) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants less than six months of age.

(3) Cribs, toddler beds, and playpens must:

(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily cleaned and sanitized, without tears or tape; and

(b) Be made of wood, metal, or approved plastic with secure latching devices.

(4) Each crib or bed must be arranged to allow staff access to children.

(5) Infants must not sleep in car seats, swings or other similar type equipment.

NEW SECTION

WAC 388-296-1060 What additional sleeping arrangements must I make to reduce the risk of sudden infant death syndrome (SIDS)? (1) You must put infants to sleep on their backs to reduce the risk of SIDS unless you have a written note in the infant's file from both the parent and the infant's health care provider requesting another sleeping position;

(2) Once infants are able to turn over, continue to place them on their back to sleep. You do not need to wake the infants to return them to their back while sleeping;

(3) Place the baby inside the crib, toddler bed or playpen on a firm mattress with a tight fitting sheet;

(4) You must not use soft fluffy bedding, stuffed toys, pillows, crib bumpers and similar items in the crib;

(5) You must make sure that the baby's head and face remain uncovered during sleep;

(6) You must not allow smoking around the baby; and

(7) You must not let the baby get too warm during sleep.

NEW SECTION

WAC 388-296-1070 What are the requirements for beds? (1) Each child in overnight care must have their own bed. The bed must be at least twenty-seven inches wide with a clean and comfortable mattress in good condition.

(2) For each child in care who is two years and older, you must provide a pillow and pillowcase, blankets, and sheets.

(3) Pillows must be covered with waterproof material or be washable.

(4) Bedding must be clean.

(5) If the child using the mattress is not potty trained, you must provide waterproof mattress covers or moisture resistant mattresses.

(6) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the child's size.

(7) You must not allow children under the age of six years to use loft style beds or upper bunks of double-deck beds.

(8) You may use a mat for napping but not as a substitute for a bed.

NEW SECTION

WAC 388-296-1080 What is the requirement for napping and resting? (1) You must offer and supervise a rest period of at least thirty minutes for the child;

(a) Five years of age and under who remain in care more than six hours; or

(b) Showing a need for rest.

(2) You must not require or force children to sleep.

(3) You must provide a space, away from the napping children, for quiet play for the children who don't require sleep.

DIAPER CHANGING AND BATHING FACILITIES

NEW SECTION

WAC 388-296-1090 What are the requirements for diapers and diaper-changing areas? (1) You must separate diaper-changing areas from areas where food is stored, prepared or served.

(2) There must be a sink for hand washing close to the diaper changing area with running hot and cold water. This sink must not be used for food preparation and clean up.

(3) You must have a sturdy, easily cleanable structure, or mat with a nonabsorbent surface for diaper changing. If you use a mat it must be large enough to prevent the surface underneath from becoming contaminated with bodily fluids.

(4) You and your staff must wash hands before and after diapering each child.

(5) You and your staff must maintain contact with the child being diapered at all times while changing diapers.

(6) For cleaning children, you must:

(a) Use either disposable towels or clean cloth towels that have been washed and sanitized between each use; and

(b) Assist a child in hand washing, after changing the diaper.

(7) You and your staff must place the diaper, without rinsing, directly into a waste container (used only for soiled diapers) that has a tight cover, is lined with a disposable plastic trash bag, and is within arm's reach of the diaper changing area.

(8) You and your staff must use:

- (a) Disposable diapers;
- (b) A commercial diaper service;
- (c) Reuseable diapers supplied by the child's family; or
- (d) Washable training pants.

(9) You and your staff must clean and sanitize (one tablespoon chlorine bleach per quart of cool water) diaper-changing areas between each use or you must use a nonabsorbent, disposable covering that you discard after each use.

NEW SECTION

WAC 388-296-1100 What are the requirements for bathing children in care? When bathing children, you and your staff must:

- (1) Directly supervise preschool age and younger children at all times; and
- (2) Use a nonskid pad in the bathtub if the bathtub does not have a nonskid surface.

UTILITIES AND WASTE DISPOSAL

NEW SECTION

WAC 388-296-1110 Do I need a telephone? (1) You must have at least one working land line telephone in the licensed space of your facility for incoming and outgoing calls during the time children are present. This allows the 911 emergency operator to track the address or location where the emergency call is made from.

(2) You must provide a working phone for each level of the home in which the child care operates.

(3) The use of answering machines or voice mail is permitted only when they are fully operational and located where staff can hear them.

(4) The telephone must be accessible for incoming and outgoing emergency use at all times.

(5) You must post the following emergency numbers near the telephone:

- (a) Fire;
- (b) Police;
- (c) Ambulance;
- (d) Poison center;
- (e) 911, address and directions to your home;
- (f) Child protection services.

(6) You must provide a current phone number, at all times, to the parents or guardians of the children in your care and your licensor.

NEW SECTION

WAC 388-296-1120 What are the lighting requirements? You must:

(1) Locate light fixtures and provide lighting that promotes good visibility for the safety and comfort of children under your care; and

(2) Have nonhazardous light fixture covers or shatter resistant (or otherwise made safe) light bulbs or tubes for ceiling lights in the play space.

NEW SECTION

WAC 388-296-1130 What are the requirements for ventilation? (1) You must ensure that your licensed space is ventilated for the health and comfort of the children under your care.

(2) An operational mechanical exhaust fan to the outside must ventilate toilets and bathrooms that do not have windows opening to the outside.

NEW SECTION

WAC 388-296-1140 What are the requirements for drinking water? You must provide:

- (1) Drinking water supplied from:
 - (a) A public water supply regulated by Washington state department of health drinking water operations or the local health authority as appropriate; or
 - (b) An individual water supply operated and maintained in a manner acceptable to the local health authority; or
 - (c) Commercially bottled water.
- (2) Disposable paper cups or individual drinking cups.

NEW SECTION

WAC 388-269-1150 What are the requirements for sewage and liquid wastes? Your home must discharge sewage and liquid wastes into a public sewer system or into an independent septic system maintained so as not to create a public health nuisance as determined by the local health authority.

Reviser's note: The above new section was filed by the agency as WAC 388-269-1150. This section is placed among sections forming new chapter 388-296 WAC, and therefore should be numbered WAC 388-296-1150. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

LAUNDRY, SINKS, AND TOILETS

NEW SECTION

WAC 388-296-1160 What are the requirements for laundry facilities? We have specific requirements for laundry facilities. You must:

- (1) Have separate and adequate facilities for storing soiled and clean linen;
- (2) Provide a washer and dryer, or make other arrangements for getting laundry done on a regular basis;
- (3) Directly supervise when laundry equipment is accessible to children and is in use; and
- (4) Ensure that laundry equipment is vented to the outdoors.

NEW SECTION

WAC 388-296-1170 What are the requirements for washing clothes? You must use an effective way to clean laundry contaminated with urine, feces, lice, scabies, or other

potentially infectious materials at your family home child care. You must clean laundry through temperature control or the use of chemicals.

NEW SECTION

WAC 388-296-1180 What are the requirements for hand-washing sinks? (1) You must supply children with warm running water for hand washing. The water must be kept at a temperature range of not less than 85°F and not more than one hundred and 20°F.

(2) Locate children's hand washing facilities in or next to rooms used for toileting.

(3) You must provide the child with soap and paper towels for washing and drying their hands and face.

(4) Hand washing sinks must be of appropriate height and size for children in care or you must furnish safe, easily cleanable platforms impervious to moisture.

NEW SECTION

WAC 388-296-1190 What are the requirements for toilets? You must provide:

(1) A minimum of one indoor flush-type toilet;
 (2) Privacy for toileting for children of the opposite sex who are four years of age and older and for other children demonstrating a need for privacy;

(3) A mounted toilet paper dispenser for each toilet; and

(4) Toilets that are of appropriate height and size for children in care or safe, easily cleanable platforms impervious to moisture.

NEW SECTION

WAC 388-296-1200 Must a family home child care have toilet training equipment for children? (1) A family home child care must have developmentally appropriate toilet-training equipment, when the home serves children who are not toilet trained.

(2) You must sanitize (one tablespoon chlorine bleach per quart of cool water) the equipment after each child's use.

INDOOR AND OUTDOOR PLAY AREAS AND TRANSPORTATION

NEW SECTION

WAC 388-296-1210 What are the requirements for indoor play areas? (1) Your indoor play area must contain a minimum of thirty-five square feet of useable floor space per child. This space is considered in determining child capacity of the home, and must be available for use by children at all times. We must not count the following as part of the thirty-five square feet per child requirement:

- (a) Storage areas;
- (b) Bathrooms;
- (c) Hallways;
- (d) Closets;
- (e) Furnace rooms;
- (f) Stationary equipment; and
- (g) Any other furniture not used by children.

(2) You must designate an area that is developmentally appropriate and safe for children less than twenty-four months of age to allow opportunities for:

- (a) Large and small muscle development;
- (b) Crawling and exploring;
- (c) Sensory stimulation;
- (d) Development of communication; and
- (e) Learning self-help skills.

(3) You must provide appropriate lighting and ventilation for all activity areas.

NEW SECTION

WAC 388-296-1220 What are the requirements for an outdoor play area? (1) You are required to provide a safe and securely-fenced play area, or an enclosed outdoor play area that we have approved.

(2) The fenced or approved enclosed outdoor play area must prevent child access to roadways and other dangers.

(3) The fence or enclosure must protect the play area from unauthorized exit or entry. Any fence or enclosure must be four feet high and designed to discourage climbing (chain link fencing is acceptable).

(4) Spacing between vertical slats must be no greater than three inches.

(5) The outdoor play area must directly adjoin the indoor premises or be reachable by a safe route and method approved by your licenser.

(6) The outdoor play area must promote the child's active play, physical development, and coordination.

(7) You must provide daily opportunities for children to participate actively in outdoor play.

(8) You must not place climbing equipment on concrete, asphalt, wood or similar surfaces.

(9) You must provide a fall zone of a minimum of six feet in all directions from any climbing equipment.

(10) The ground cover under climbing equipment must be soft enough to absorb falls and prevent injury. Examples of ground cover that will absorb a fall include cedar chips, pea gravel and rubber-like materials.

NEW SECTION

WAC 388-296-1230 What are the size requirements for an outdoor play area? You must ensure the outdoor play area at your family home child care facility contains a minimum of seventy-five square feet of useable play space for each child you are licensed for.

NEW SECTION

WAC 388-296-1240 What are the requirements for outdoor play equipment? You must provide a variety of age appropriate play equipment of sufficient quantity for the children in your care. For example:

- (1) Climbing equipment;
- (2) Tires for swings;
- (3) Age appropriate woodworking tools;
- (4) Play tools for water, mud and sand;
- (5) Ride-on toys, wheelbarrows, scooters, tricycles and bikes;

- (6) Bats, balls and sports equipment;
 - (7) Gardening equipment;
 - (8) Jump ropes; and
 - (9) Dramatic play props.
- (10) All outdoor play equipment that needs installation must be installed as required by the manufacturers instructions and maintained in good condition.

- (f) Family structure;
- (g) Sexual orientation;
- (h) Marital status;
- (i) Age; or
- (j) The presence of any sensory, mental, or physical disability or use of a trained guide dog or service animal by a disabled person.

CHILD GUIDANCE AND DISCIPLINE

NEW SECTION

WAC 388-296-1250 What are the requirements I must follow when I transport children? When you transport children under your care, you must follow these requirements.

- (1) You must keep the vehicle in a safe operating condition;
- (2) The driver must have a valid driver's license;
- (3) There must be at least one staff person other than the driver in a vehicle when:
 - (a) Staff-to-child ratio guidelines require a second staff person; or
 - (b) The child's specific needs require a second staff person.
- (4) The driver or owner of the vehicle must be covered under an automobile liability and insurance policy;
- (5) The number of passengers must not exceed the vehicle's seat belts;
- (6) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as required by law, whenever the vehicle is in motion;
- (7) You must have a first aid kit and the child's records in the vehicle; and
- (8) You must perform an attendance count of children when getting in and out of the vehicle to prevent accidentally leaving a child in the car.

CHILD PROTECTION

NEW SECTION

WAC 388-296-1260 What are the requirements for protecting a child under my care from abuse or neglect? As part of ensuring a child's health, safety and welfare, you must protect children under your care from all forms of child abuse, child neglect and exploitation as required by RCW 26.44.020(12).

NEW SECTION

WAC 388-296-1270 What are the nondiscrimination requirements? (1) You must follow all state and federal laws regarding nondiscrimination under chapter 49.60 RCW, regarding nondiscrimination in employment practices and client services.

- (2) You must prohibit discrimination because of:
 - (a) Race;
 - (b) Creed;
 - (c) Color;
 - (d) National origin;
 - (e) Gender;

NEW SECTION

WAC 388-296-1280 What requirements must I follow when guiding and disciplining children? (1) You and your staff must use positive methods of guidance and discipline that promote self control, self-direction, self esteem and cooperation (for example, redirection, planning ahead to prevent problems, reinforcing appropriate behavior and encouraging children to express their feelings and ideas instead of solving problems with force).

- (2) You are responsible for disciplining children in your care. This responsibility may not be delegated to a person under the age of eighteen years.
- (3) Your expectations of children's social behavior must be appropriate to each child's level of development.
- (4) Discipline must be fair, reasonable, consistent, and related to the child's behavior.
- (5) You and your staff must not make derogatory, shaming or humiliating remarks in the presence of children or families.
- (6) You must protect children from the harmful acts of other children.

NEW SECTION

WAC 388-296-1290 What types of disciplinary practices must not be used? (1) You, your staff, volunteer, anyone residing in your home, or parents must not use any form of inappropriate discipline or corporal punishment such as, but not limited to:

- (a) Spanking children with a hand or object;
 - (b) Biting, jerking, kicking, hitting, or shaking the child;
 - (c) Pulling the child's hair;
 - (d) Pushing, shoving or throwing the child;
 - (e) Inflicting pain as a punishment;
 - (f) Name calling, shaming or using derogatory comments;
 - (g) Threatening the child with physical harm; and
 - (h) Threatening or intimidating the child.
- (2) You must not use methods that interfere with a child's basic needs. These include, but are not limited to:
- (a) Depriving the child of sleep;
 - (b) Not providing required food, clothing or shelter;
 - (c) Restricting a child's breathing;
 - (d) Interfering with a child's ability to take care of their own hygiene and toilet needs; and
 - (e) Not providing required medical or emergency dental care.

NEW SECTION

WAC 388-296-1300 Is the use of physical restraint allowed? (1) You must first use efforts other than physical restraint to redirect or de-escalate a situation.

(2) If a child's behavior poses an immediate risk to physical safety, you may use a soft hold as a temporary method to prevent the child from hurting themselves or others.

NEW SECTION

WAC 388-296-1320 What types of restraint are not acceptable for children? You must not use:

- (1) Physical restraint as a form of punishment or discipline;
- (2) Mechanical restraints, including but not limited to handcuffs and belt restraints;
- (3) Locked time-out rooms; or
- (4) Physical restraint techniques that restrict breathing, or inflict pain as a strategy for behavior control, or that might injure a child. These include, but are not limited to:
 - (a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;
 - (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
 - (c) Arm twisting;
 - (d) Hair holds;
 - (e) Choking or putting arms around the throat; and
 - (f) Chemical restraints.

NEW SECTION

WAC 388-296-1330 What must I do following an incident that involved using physical restraint? You must:

- (1) Review any incident with the staff that used physical restraint to ensure that the decision to use physical restraint and its application were appropriate;
- (2) Report the incident to the child's parent;
- (3) Document the incident in the child's record; and
- (4) Obtain consultation from the licenser and public health nurse so that further use of restraint is eliminated.

NEW SECTION

WAC 388-296-1340 What incidents involving children must I report? (1) You or your staff must report any of the following incidents immediately to your local children's administration intake staff, and your licenser:

- (a) Any suspected child abuse, neglect or exploitation;
- (b) Any violations of the licensing or certification requirements;
- (c) Death of a child;
- (d) Any child's suicide attempt;
- (e) Any use of physical restraint that is alleged to be improper, excessive, or results in injury;
- (f) Sexual contact between two or more children;
- (g) Any disclosures of sexual or physical abuse by a child in care;
- (h) Any injury requiring professional medical treatment;
- (i) Unexpected or emergent health problems that require off-site professional medical treatment;

(j) Any medication that is given incorrectly and requires off-site professional medical treatment; or

(k) Serious property damage that is a safety hazard and is not immediately corrected.

(2) You or your staff must report immediately, any of the following incidents to the child's parent or legal guardian:

- (a) Suicidal or homicidal ideation, gestures, or attempts;
- (b) Unexpected health problems that do not require professional medical treatment;
- (c) Any incident of medication administered incorrectly;
- (d) Physical assaults between two or more children that resulted in injury;
- (e) Runaways;
- (f) Missing children; and
- (g) Use of physical restraints for routine behavior management.

CAPACITY AND STAFFING RATIOS, AND SUPERVISION OF CHILDREN

NEW SECTION

WAC 388-296-1350 What are the capacity and the ratio of child care staff to children based on? The number and ages of the children must determine the number of staff and group size in attendance.

(1) All children in the home, including the provider's or other staff's own children, must be counted in determining the staff to child ratio and group size.

(2) All children under the age of twelve visiting the home count in capacity. Children attending with a parent do not count in capacity as long as the parent remains with and is responsible for the children (not to exceed twelve children);

(3) The required staff to child ratios in the following chart must be met at all times.

STAFF AND EXPERIENCE	AGE RANGE OF CHILDREN (IN YEARS)	HIGHEST NUMBER OF CHILDREN UNDER TWO YEARS OF AGE ALLOWED	HIGHEST NUMBER OF CHILDREN ALLOWED ON THE PREMISES
(a) Licensee	Birth - 11	2	6
(b) Licensee with one year experience	2 - 11	None	8
(c) Licensee with one year experience	5 - 11	None	10
(d) Licensee with one year of licensed child care experience plus one primary staff person	Birth - 11	4	9
(e) Licensee with two years' of licensed child care experience and one three credit early childhood education (ECE) course or 30 clock hours of ECE training	3 - 11	None	10

PROPOSED

THE LEARNING ENVIRONMENT

NEW SECTION

WAC 388-296-1370 What types of play materials, equipment and activities must I provide for the children in my care? (1) You must provide developmentally appropriate and culturally relevant activities and materials in the required quantity and variety to meet the needs and interests of children being served. The daily schedule must promote:

- (a) Social skills (for example: opportunities for sharing, caring and helping);
- (b) Positive self-concepts (for example: encouraging children to draw pictures and tell stories about themselves and their families);
- (c) Language and literacy (for example: reading books, songs, conversation, story telling, scribbling and drawing);
- (d) Physical development in both indoor and outdoor settings, strengthening large and small muscles and encouraging eye-hand coordination, body awareness, rhythm and movement (for example; finger plays, obstacle courses and puzzles); and
- (e) Creative expression and appreciation for the arts (for example: creating art work as process rather than product, dance, movement, dramatic play, music and materials that represent a variety of cultures).

(2) The daily schedule must provide:

- (a) Individual, small group and large group activities;
- (b) Many opportunities for success through open-ended activities (for example: blocks, play dough and sand/water and praising effort, not just results);
- (c) An environment of respect for individual and cultural diversity (for example: acknowledging and respecting each child's unique qualities and integrating positive culturally relevant experiences into daily activities);
- (d) Opportunities for children to solve problems, initiate activities, experiment and gain mastery through learning by doing;
- (e) Opportunities to explore science, dramatic play, music, language arts and mathematical concepts;
- (f) A balance between staff-directed and child-initiated activities. Staff voices must not dominate the overall sound of the group; and
- (g) Infants and toddlers with ample opportunities to move about freely in a safe area.

(3) If television/video viewing occurs it must not be in place of planned activities and must be:

- (a) Educational;
 - (b) Designed for children; and
 - (c) Age-appropriate alternatives to television must be available for children during TV or video watching and appropriate for the number and ages of the children in care.
- (4) You must have the required outdoor play equipment for the number and ages of the children that you serve (see WAC 388-296-1240).

NEW SECTION

WAC 388-296-1380 Are there additional requirements regarding American Indian children? When one or

AGE RANGE OF CHILDREN (IN YEARS)	HIGHEST NUMBER OF CHILDREN UNDER TWO YEARS OF AGE ALLOWED	HIGHEST NUMBER OF CHILDREN ALLOWED ON THE PREMISES
Birth - 11	4	12

STAFF AND EXPERIENCE (f) Licensee with two years' of licensed child care experience and one three credit ECE course of 30 clock hours of ECE training, one staff person

(4) You must ensure an assistant or primary worker is present in the licensed space of the child care facility when:

- (a) Three or more children under two years of age are in care;
 - (b) Seven or more children are in care and at least one child in care is under two years of age; or
 - (c) More than ten children are in care.
- (5) Our determination of capacity must include all children eleven years of age or younger on the premises.
- (6) You must ensure that only you and a primary worker, eighteen years of age or older, has sole responsibility for the child in care.

NEW SECTION

WAC 388-296-1360 What am I required to do to supervise children? (1) You must ensure that the required number of staff supervise children.

(2) You must be within sight or hearing of the children in your care, both inside and outside, so that you are capable of intervening to protect the health and safety of the children.

(3) Preschool age children and younger must be within sight and hearing of you or a primary worker when outside.

(4) The supervision you provide must ensure that you are aware of what the children are doing at all times and can promptly assist or redirect activities when necessary.

(5) If you are unable to view children in your licensed space you must continually go to that area to check on them.

(6) Children must not be on a floor level of the home unless you or a primary worker is on the same floor level. When deciding how close to supervise, you must consider the following:

- (a) Ages of the children (sleeping or napping infants must be in the main child care space and subject to continual checks);
- (b) Individual differences and abilities;
- (c) Layout of the house and play area;
- (d) The risk associated with the activities children are engaged in; and
- (e) Your outdoor play area and nearby hazards.

(7) A baby monitor or video monitor must not take the place of the required supervision for children in your care.

PROPOSED

more American Indian child receives care at the home, the licensee must in consultation with the parent, establish a plan to provide resources and training designed to meet the social and cultural needs of such children.

NEW SECTION

WAC 388-296-1390 How am I required to interact with the children in my care? You and your staff must:

- (1) Treat each child with consideration and respect, and with equal opportunities to take part in all developmentally appropriate activities;
- (2) Appropriately hold, touch and smile at children;
- (3) Speak clearly to children at their eye level;
- (4) Be available and responsive to children, encouraging them to share experiences, ideas and feelings;
- (5) Sit with children during meals;
- (6) Listen to children with attention and respect;
- (7) Attend to children when they cry;
- (8) Perform nurturing activities including diapering, toileting, feeding, dressing and resting in consideration of the parent's own nurturing practices, when developmentally appropriate and would not constitute a violation of these regulations. These activities must be performed in a relaxed, reassuring and individualized manner, which is developmentally appropriate and promotes the child's learning self-help and social skills; and
- (9) You, your staff, volunteers and family members having access to the children in your care must not use profanity or obscene language.

STAFF POSITIONS, QUALIFICATIONS AND ON-GOING STAFF TRAINING

NEW SECTION

WAC 388-296-1400 What are the responsibilities of the family home provider? (1) You are responsible for the overall management of your family home child care.

Position	Qualifications	Background Check	TB Test	STARS Training	First Aid and CPR	HIV/AIDS and Bloodborne pathogens training
Licensee	Eighteen years of age	X	X	X	X	X
Primary child care staff	Eighteen years of age	X	X	X	X	X
Child care assistant/volunteer	Fourteen years of age; (directly supervised by the licensee or a primary staff)	X	X	Recommended	X	X

NEW SECTION

WAC 388-296-1420 Must I be present while children are at my family home child care? (1) You must be present and in the licensed space of your family home child care during the majority of your operating hours.

(2) You must ensure your family home child care complies with the minimum licensing requirements contained in this chapter.

NEW SECTION

WAC 388-296-1410 What are the required staffing qualifications for child care? (1) You, a primary worker, assistant, volunteer, and other person associated with the operation of the home who has access to the child in care must:

- (a) Meet the same qualifications in WAC 388-296-0140; and
 - (b) Not have committed or been convicted of child abuse or any crime involving physical harm to another person.
- (2) The licensee must:
- (a) Be eighteen years of age or older;
 - (b) Be the primary child care provider except for limited times when it is necessary to be absent from the facility;
 - (c) Ensure compliance with minimum licensing requirements under this chapter; and
 - (d) Have completed one of the following prior to or within the first six months of obtaining an initial license:
 - (i) Twenty clock hours or two college quarter credits of basic training approved by the Washington state training and registry system (STARS);
 - (ii) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early childhood education or child development; or
 - (iii) Associate of arts or AAS or higher college degree in early childhood education, child development, school age care, elementary education or special education.
- (3) Child care staff must be:
- (a) Fourteen years of age or older if an assistant; or
 - (b) Eighteen years of age or older if a primary worker and assigned sole responsibility for the child in care.

(2) You must notify your licensor if you plan to be away from your business more than the majority of the time.

(3) When you are absent from the home you must leave a qualified primary staff person in charge. This person must meet the same qualifications that we require of you.

PROPOSED

NEW SECTION

WAC 388-296-1430 Are child care assistants and volunteers allowed to provide care to a group of children without supervision? (1) You may have a child care assistant and volunteer support you at your family home child care facility while under the direct supervision of you or a primary staff person; and

(2) You must not assign to a person under eighteen years of age sole responsibility for a group of children.

ON-GOING STAFF TRAINING

NEW SECTION

WAC 388-296-1440 Am I required to offer training to my staff? You must:

(1) Discuss with the staff your policies and procedures as well as the rules contained in this chapter;

(2) Provide or arrange for your staff to have training for the services that you provide to children under your care;

(3) Include in your training monthly practice of fire drills and disaster training for each staff;

(4) Update bloodborne pathogen information on an annual basis;

(5) Keep your CPR and first aid training current;

(6) Record the amount of time and type of training provided to staff; and

(7) Keep this information in each employee's file or in a separate training file and be available to DCCEL upon request.

NEW SECTION

WAC 388-296-1450 What personnel records must I have? You, the primary worker, assistant, and volunteer must have on file at the home:

(1) An employment application, including work and education history (resume), which you obtained from the employee prior to their date of hire;

(2) Documentation of criminal history and background inquiry form submission;

(3) A record of the tuberculin skin test results, X ray, or an exemption to the skin test or X ray;

(4) Documentation of HIV/AIDS training and bloodborne pathogen information;

(5) Documentation of current CPR and first aid training, when applicable; and

(6) Documentation of basic and annual STARS training.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-155-005 Authority.
- WAC 388-155-010 Definitions.
- WAC 388-155-020 Scope of licensing.
- WAC 388-155-040 Local ordinances and codes.

- WAC 388-155-050 Waivers.
- WAC 388-155-060 Dual licensure.
- WAC 388-155-070 How do I apply for a license and what is required?
- WAC 388-155-080 Issuance of license.
- WAC 388-155-083 Fees.
- WAC 388-155-085 Initial license.
- WAC 388-155-090 When can my license application be denied and when can my license be suspended or revoked?
- WAC 388-155-092 Civil penalties.
- WAC 388-155-093 Civil penalties—Amount of penalty.
- WAC 388-155-094 Civil penalty—Posting of notice of penalty.
- WAC 388-155-095 Civil penalties—Unlicensed programs.
- WAC 388-155-096 Civil penalties—Separate violations.
- WAC 388-155-097 Civil penalties—Penalty for nonpayment.
- WAC 388-155-098 Probationary license.
- WAC 388-155-100 Activities and routines.
- WAC 388-155-110 Learning and play materials.
- WAC 388-155-120 Provider-child interactions.
- WAC 388-155-130 Behavior management and discipline.
- WAC 388-155-140 Rest periods.
- WAC 388-155-150 Evening and nighttime care.
- WAC 388-155-160 Off-site trips.
- WAC 388-155-165 Transportation.
- WAC 388-155-170 Parent communication.
- WAC 388-155-180 Staffing—Qualifications.
- WAC 388-155-190 Capacity.
- WAC 388-155-200 Development and training.
- WAC 388-155-220 Health supervision and infectious disease prevention.
- WAC 388-155-230 Medication management.
- WAC 388-155-240 Nutrition.
- WAC 388-155-250 Kitchen and food service.
- WAC 388-155-270 Care of young children.
- WAC 388-155-280 General safety, maintenance, and site.

PROPOSED

WAC 388-155-290 Water supply, sewage, and liquid wastes.

WAC 388-155-295 Water safety.

WAC 388-155-310 First-aid supplies.

WAC 388-155-320 Outdoor play area.

WAC 388-155-330 Indoor play area.

WAC 388-155-340 Toilets, handwashing sinks, and bathing facilities.

WAC 388-155-350 Laundry.

WAC 388-155-360 Nap and sleep equipment.

WAC 388-155-370 Storage.

WAC 388-155-380 Home atmosphere.

WAC 388-155-390 Discrimination prohibited.

WAC 388-155-400 Religious activities.

WAC 388-155-410 Additional requirements regarding American Indian children.

WAC 388-155-420 Child abuse, neglect, and exploitation.

WAC 388-155-430 Prohibited substances.

WAC 388-155-440 Limitations to persons on premises.

WAC 388-155-450 Child records and information.

WAC 388-155-460 Home records.

WAC 388-155-470 Personnel records.

WAC 388-155-480 Reporting of death, injury, illness, epidemic, or child abuse.

WAC 388-155-490 Reporting of circumstantial changes.

WAC 388-155-500 Posting requirements.

WAC 388-155-600 Occupancy restrictions.

WAC 388-155-605 Hazardous areas.

WAC 388-155-610 Single station smoke detectors.

WAC 388-155-620 Alternate means of sounding a fire alarm.

WAC 388-155-630 Fire extinguisher.

WAC 388-155-640 Fire prevention.

WAC 388-155-650 Sprinkler system maintenance.

WAC 388-155-660 Fire evacuation plan.

WAC 388-155-670 Fire evacuation drill.

WAC 388-155-680 Staff training.

WAC 388-155-991 Waiver of fees.

WAC 388-155-992 Fee payment and refunds.

WAC 388-155-993 Denial, revocation, suspension, and reinstatement.

WSR 04-08-111
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed April 6, 2004, 4:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-02-0741 [04-02-074].

Title of Rule: WAC 314-17-020 How long are the permits good for, and how does a permit holder renew?, 314-17-030 Are employers responsible to ensure that their employees hold an alcohol server permit?, 314-17-050 How can a person receive certification as a Class 12 mixologist or Class 13 server permit provider?, 314-17-055 Temporary certification as a provider, 314-17-060 What are the course standards for Class 12 mixologist and Class 13 server permits?, 314-17-065 How does a provider receive certification for its trainers?, 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer?, 314-17-080 What are the age requirements for trainees to receive Class 12 mixologist and Class 13 server permits?, 314-17-085 What records does the provider or trainer need to provide to the board or keep on file?, 314-17-095 Is the provider responsible for the acts of its trainers?, and 314-17-105 What are the penalties if a permit holder violates the liquor laws?

Purpose: Require standardized exam. Allow the Liquor Control Board (LCB) to consider if a trainer or provider has been suspended in Washington or another state in the last five years. Prohibit stand-alone videotape training for the Class 12 permit. Require prospective trainers to attend the LCB's ID/over service training. Technical changes for clarification and to correct references to other WACs.

Statutory Authority for Adoption: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.

Statute Being Implemented: RCW 66.20.300, 66.20-310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.

Summary: Require standardized exam. Allow the LCB to consider if a trainer or provider has been suspended in Washington or another state in the last five years. Prohibit stand-alone videotape training for the Class 12 permit. Require prospective trainers to attend the LCB's ID/over service training as a condition of certification. Technical changes for clarification and to correct references to other WACs.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, (360) 664-1648; Implementation and Enforcement: Lorraine Lee, Licensing and Regulation Director, 3000 Pacific Avenue S.E., Olympia, (360) 664-1600.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects:

- Require standardized exam. RCW 66.20.320 indicates that a MAST trainer's curriculum includes an exam. Having a standard exam would ensure that alcohol servers have adequate knowledge of important laws, rules, and techniques to prevent service of alcohol to minors and intoxicated persons.
- Allow the LCB to consider if a trainer or provider has been suspended in Washington or another state in the last five years. This requirement will help ensure that MAST trainers and providers are presenting effective training that meets the requirements outlined in law and rule.
- Prohibit stand-alone videotape training for the Class 12 permit. Due to the importance of this training, the participants of the course should have a trainer available to answer questions and concerns prior to a server taking the examination.
- Require prospective trainers to attend the LCB's ID/over service training as a condition of certification. Currently no formal training is required for anyone to become a MAST trainer. This requirement will ensure those teaching the classes are familiar with relevant liquor laws and rules.
- Technical changes for clarification and to correct references to other WACs.

Proposal Changes the Following Existing Rules:

- WAC 314-17-020 How long are the permits good for, and how does a permit holder renew? Clarify that, in order to renew a MAST permit, the mixologist or server must attend an alcohol server education course *prior to the expiration of the permit*.
- WAC 314-17-030 Are employers responsible to ensure that their employees hold an alcohol server permit? Clarify that the MAST permit is the property of the permit holder. Correct a cross-reference to another WAC.
- WAC 314-17-050 How can a person receive certification as a Class 12 mixologist or Class 13 server permit provider? Reference implementation of the proposed standardized exam. Clarify the renewal process. Allow the LCB to consider if a trainer or provider has been suspended in Washington or another state in the last five years.
- WAC 314-17-055 Temporary certification as a provider. Reference implementation of the proposed standardized exam.
- WAC 314-17-060 What are the course standards for Class 12 mixologist and Class 13 server permits? Prohibit stand-alone videotape training for Class 12 permits. Reference implementation of the proposed standardized exam. Technical changes for clarity.
- WAC 314-17-065 How does a provider receive certification for its trainers? Allow licensing to consider the prior history of a person applying to

become a trainer or provider. Require prospective trainers to attend the LCB's ID/over service training. State that trainers must teach the provider's program as approved and may not change the method of presentation or course content without approval from the provider and the LCB.

- WAC 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer? Changes for clarification.
- WAC 314-17-080 What are the age requirements for trainees to receive Class 12 mixologist and Class 13 server permits? Technical changes for clarification. Add language to address issuance of a Class 13 permit in error, consistent with existing language about issuance of Class 12 in error.
- WAC 314-17-085 What records does the provider or trainer need to provide to the board or keep on file? Add requirement from RCW 66.20.320(3) for clarity, that a trainer or provider must provide the LCB a list of the individuals receiving the Class 12 or 13 permits within three calendar days of the completion of the class. Add requirement for trainer to submit permits to the LCB within thirty days (language was inadvertently deleted in last review in 2001). Add language to allow the use of electronic in lieu of hard copies of the permit forms.
- WAC 314-17-095 Is the provider responsible for the acts of its trainers? Codify current policy that requires a provider that discovers a trainer has not complied with a provision of the alcohol server training requirements to contact the mandatory alcohol server training manager within five calendar days and provide an action plan.
- WAC 314-17-105 What are the penalties if a permit holder violates the liquor laws? Update WAC references. Add language to clarify that it is a penalty to falsify a permit, per RCW 66.20.310(2).

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposed rule changes do not impose more than minor costs on businesses in industry.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in RCW 34.05.328.

Hearing Location: Liquor Control Board Headquarters, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on June 2, 2004, at 10:00 a.m.; and at the Liquor Control Board Distribution Center, 4401 East Marginal Way South, Seattle, WA, on June 8, 2004, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by June 1, 2004, TDD (360) 586-4727 or (360) 664-1648.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, fax (360) 664-9689, by June 15, 2004.

Date of Intended Adoption: June 23, 2004.

April 6, 2004
Merritt D. Long
Chairman

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-020 How long are the permits good for, and how does a permit holder renew? (1) Class 12 mixologist and Class 13 server permits are valid for five years. The permits expire on the first day of the month, five years following the month the person successfully completed the alcohol server education course.

(2) In order to renew the permit, the mixologist or server must attend an alcohol server education course given by a board certified trainer or provider prior to the expiration of the permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-030 Are employers responsible to ensure that their employees hold an alcohol server permit? All licensees who hold a license to sell liquor for on-premises consumption must ensure that any person that engages in the sale or service of liquor, or who supervises such activities, has a current and valid Class 12 mixologist or Class 13 server permit within sixty days of the date of hire. See RCW 66.20.310(7) for exceptions for grocery stores that have an on-premises liquor license.

(1) The permit must be in the same name and with the same identifying characteristics as indicated on the permit holder's identification (acceptable forms of identification are outlined in ~~((RCW 66.16.040))~~ WAC 314-11-025).

(2) Per WAC ~~((314-16-070(1)))~~ 314-11-040, a person twenty-one years of age or older must be on the licensed premises to supervise the sale, service, and consumption of liquor.

(3) The permit is the sole property of the permit holder.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-050 How can a person receive certification as a Class 12 mixologist or Class 13 server permit provider? An individual, partnership, corporation, college, educational institute, or other bona fide legal entity may apply to be certified by the board to become a Class 12 mixologist and/or a Class 13 server permit provider.

(1) In order to get a course certified, the proposed provider must submit the following information to the board's licensing and regulation division:

- (a) A completed application form provided by the board;
- (b) A copy of the proposed curriculum (see WAC 314-17-060);
- (c) A copy of all audio, video, and instructional materials that will be used in the course;
- (d) A copy of all printed materials that will be provided to participants as part of the course; and
- (e) ~~((A copy of the examination(s) and))~~ An explanation of the examination procedures necessary to pass the course.

(2) The board's licensing and regulation division will respond to the request for certification within forty-five days of receipt of the material. The board will either:

(a) Issue a letter of certification which will be valid for five years, or

(b) Provide a letter outlining what additions or changes need to be made to the course to meet the requirements outlined in this title. If the additions or changes are not received by the licensing and regulation division within thirty days, the application for course certification will be withdrawn.

(3) Upon certification of the program, the board will provide the standardized exam to be used for all training conducted.

~~((3))~~ (4) The board or its designee may attend any class provided by certified providers and their trainers at no charge, in order to evaluate the course for conformance with this title.

~~((4))~~ (5) The provider must receive prior approval from the board's licensing and regulation division before making any changes to the course content or method of presentation ~~((which))~~ that has been certified by the board.

(6) Providers who wish to renew their program must submit a complete program to the board's mandatory alcohol server training program manager at least forty-five days prior to expiration of their certification, as outlined in subsection (2) of this rule.

(7) The board may consider any information pertaining to a provider or trainer's certification in any state, including any certification suspensions or revocations in the past five years.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-055 Temporary certification as a provider. (1) Persons or entities may apply for temporary certification by the board to become a Class 12 mixologist and/or a Class 13 server permit provider. Temporary certification may be issued by the board for up to six months. During this time period, the provider may adjust their course content or method of presentation without prior board approval, within the guidelines set by the board's licensing and regulation division in the temporary certification.

(2) In order to get a course certified, the proposed provider must submit the information outlined in WAC 314-17-050(1).

(3) The board's licensing and regulation division will evaluate the program to see if it meets the minimum standards set by RCW 66.20.300 through 66.20.350, and will respond to the request for temporary certification within forty-five days of receipt of the material. The board will either:

(a) Issue a letter of temporary certification which will be valid for up to six months, or

(b) Provide a letter outlining what additions or changes need to be made to the course to meet the requirements outlined in this title. If the additions or changes are not received by the licensing and regulation division within thirty days, the application for temporary certification will be withdrawn.

(4) Upon temporary certification of the program, the board will provide the standardized exam to be used for all training conducted.

PROPOSED

PROPOSED

~~((4))~~ (5) The board or its designee may attend any class provided by certified providers and their trainers at no charge in order to evaluate the course for conformance with this title. If, in the opinion of the board or their designee, the provider does not comply with the lesson plan submitted and approved or any of the requirements of this title, the temporary certification may be immediately revoked.

~~((5))~~ (6) If permanent certification is not obtained during the six-month temporary certification period, at the end of the temporary certification period, the provider must return the following materials to the board's licensing and regulation division:

- (a) The original letter of board certification,
- (b) Any Class 12 mixologist and/or Class 13 server permit forms, and
- (c) Records of all permits issued during the temporary certification period.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-060 What are the course standards for Class 12 mixologist and Class 13 server permits?

(1) Requirements for a Class 12 mixologist permit course	<p>(a) The course of instruction must be at least three hours in length. The course may be by video or audio-visual presentation ((((("video" includes via videotape or via computer, including Internet applications and CD-ROMS)))) together with facilitation by an authorized provider or trainer.</p> <p>(b) In addition to meeting the requirements of RCW 66.20.320 (1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to:</p> <ul style="list-style-type: none"> (i) recognizing and dealing with intoxicated persons, (ii) how to check identification, (iii) employment of persons under twenty-one years of age, (iv) legal hours of liquor sale and service, (v) prohibited conduct by patrons and employees, (vi) required signs in liquor licensed establishments, (vii) minimum lighting requirements, and (viii) administrative and criminal sanctions against liquor licensees and Class 12 and Class 13 permit holders.
(2) Requirements for a Class 13 server permit course	<p>(a) The course of instruction must be at least one hour in length. The course may be by video or audio-visual presentation of not less than thirty minutes together with facilitation by an authorized provider or trainer, or a sixty-minute self-teaching video ((((("video" includes via videotape or via computer, including Internet applications and CD-ROMS)))).</p>

	<p>(b) In addition to meeting the requirements of RCW 66.20.320 (1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to:</p> <ul style="list-style-type: none"> (i) recognizing and dealing with intoxicated persons, (ii) how to check identification, (iii) employment of persons under twenty-one years of age, (iv) legal hours of liquor sale and service, (v) prohibited conduct by patrons and employees, and (vi) administrative and criminal sanctions against licensees and Class 13 server permit holders.
	<ul style="list-style-type: none"> (iii) a notice that students must complete the course in order to take the exam. (b) Students must complete a written examination, <u>as provided by the board</u>, in the presence of the certified trainer that demonstrates the student is familiar with the liquor laws and rules outlined in subsections (1) and (2) (and (3))) of this rule. During the examination, trainees may not ((to)) refer to any written or video material or have a discussion with another person during the exam (unless the instructor authorizes the student to use an interpreter). (c) Providers or trainers may not suggest that the state of Washington, the board, or any state agency endorses or recommends the provider's program to the exclusion of any other program.

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 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-065 How does a provider receive certification for its trainers? (1) To receive board certification for trainers to teach a course approved by the board, the provider must submit a form provided by the board to the board's licensing and regulation division.

- (2) The provider will only contract with trainers who:
 - (a) Have a minimum of two years of post-secondary education in one or more of the following fields or a combination of the following fields, or equivalent years of experience:
 - (i) Training;
 - (ii) Education;
 - (iii) Law;
 - (iv) Law enforcement;
 - (v) Substance abuse rehabilitation; and/or
 - (vi) Hospitality industry.
 - (b) Hold a Class 12 mixologist permit; and
 - (c) Meet the criminal history requirements outlined in WAC 314-17-070.
- (3) The board may consider any information pertaining to a provider or trainer's certification in any state, including

any certification suspensions or revocations in the past five years.

(4) Prior to receiving certification, the trainer applicant must attend a class instructed by a liquor control board enforcement agent. Proof of the training must be submitted with the trainer registration form.

~~((3))~~ (5) The board's licensing and regulation division will respond to the request for trainer certification within thirty days of receipt of the request. The board will either:

(a) Issue a letter to the provider and each trainer that authorizes the trainer(s) to teach the approved course (the trainer's authorization expires on the date the provider's certification expires); or

(b) Send a letter to the provider outlining why an applicant trainer does not meet the qualifications outlined in this title.

(c) Trainers may not begin training certified alcohol server education courses until they receive their authorization letter from the board.

(d) Trainers must teach the provider's program as approved and may not change the method of presentation or course content without approval from the provider and the liquor control board's mandatory alcohol server training program manager.

~~((4))~~ (6) It is the responsibility of the approved provider to keep the board's licensing and regulation division informed of all current trainers.

(a) The provider must notify the board's licensing and regulation division within seventy-two hours of the termination of a trainer, or within seventy-two hours of when the provider is notified that a trainer has terminated ~~((their))~~ his/her employment.

(b) For the hiring of new trainers, the provider can either:

(i) Notify the board's licensing and regulation division in writing of any new trainers within thirty days of the date of hire; or

(ii) Provide a list of all current trainers to the board's licensing and regulation division monthly.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer?

(1) The board's licensing and regulation division may ~~((process))~~ conduct a criminal history check on a person applying to be an alcohol server education trainer, using ~~((a))~~ the point system below ~~((to determine if the person qualifies)). ((The licensing and regulation division will not certify a trainer who accumulates eight or more points as indicated below:))~~ The application may be denied if the applicant's criminal history totals eight or more points:

Description	Time period during which points will be assigned	Points the board will assign
Gross misdemeanor conviction	Three years	5 points
Misdemeanor conviction - involving alcohol	Three years	4 points
Misdemeanor conviction - not involving alcohol	Three years	3 points

Description	Time period during which points will be assigned	Points the board will assign
Driving under the influence conviction	Three years	5 points
Reckless and/or negligent driving conviction - alcohol related	Three years	5 points
Reckless and/or negligent driving conviction - not alcohol related	Three years	4 points
Hit and run, attended - conviction	Three years	5 points
Two to five failures to appear for court conviction	Three years	4 points
Six or more failures to appear for court conviction	Three years	8 points
Felony conviction	Five years	12 points
On parole from a felony	((Five years)) n/a	8 points
Nondisclosure of ((arrests or convictions to)) information requested by the board	((Any arrest or conviction since age eighteen)) n/a	4 points each, PLUS the points of the fact which was not disclosed
Misrepresentation of fact to the board	n/a	8 points, PLUS the points of the fact which was not disclosed

(2) ~~((If a case is))~~ For pending ~~((for an alleged conviction))~~ criminal charges that would ~~((earn))~~ score eight or more points in the event of conviction, the board's licensing and regulation division will hold the trainer's application ~~((for the))~~ pending disposition of the ~~((case))~~ matter. If the ~~((disposition))~~ matter is not ~~((settled))~~ resolved within ninety days, the board will withdraw the application.

(3) ~~A~~ ~~((P))~~ person~~((s))~~ whose application~~((s))~~ to become an alcohol server education trainer ~~((are))~~ is denied by the licensing and regulation division due to a criminal history may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). At the board's discretion it may elect to conduct the adjudicative hearing itself or it may assign the matter to the office of administrative hearings.

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.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-080 What are the age requirements for trainees to receive, and trainers to issue, Class 12 mixologist and Class 13 server permits?

(1) Class 12 mixologist permits are only issued to persons twenty-one years of age or older. Therefore, any person who is eighteen, nineteen, or twenty years of age who successfully completes a Class 12 mixologist course will be issued a Class 13 server permit.

(2) Class 13 server permits may only be issued to persons eighteen years of age and older.

(3) Upon turning twenty-one years of age, a Class 13 server permit holder may receive an upgraded Class 12 mix-

PROPOSED

ologist permit from the provider or trainer who issued the permit. The expiration date of the permit will remain five years from the date of the class.

(4) If a provider or trainer issues a Class 12 mixologist permit in error to a person under twenty-one years of age, the provider or trainer must take the following steps:

(a) Contact the permit holder and notify him/her that ~~((they received the incorrect permit))~~ the permit was issued in error;

(b) ~~((Obtain))~~ Retrieve the original Class 12 mixologist permit from the permit holder; and

(c) Issue the correct Class 13 server permit (only after receiving the original Class 12 mixologist permit that was issued in error).

(d) Within thirty days of the date the permit was issued in error, or of being notified by the board of the error, the provider or trainer must:

(i) Provide the tear-off portion of the corrected Class 13 server permit to the board's licensing and regulation division; or

(ii) If unable to contact the permit holder and issue a corrected permit, the provider or trainer can provide the board's licensing and regulation division proof that a certified letter was sent to the trainee who received the Class 12 mixologist permit in error.

(5) If a provider or trainer issues a Class 13 servers permit in error to a person under eighteen years of age, the provider or trainer must take the following steps:

(a) Contact the permit holder and notify him/her that the permit was issued in error.

(b) Retrieve the original Class 13 servers permit from the permit holder.

(i) If unable to contact the permit holder and retrieve the invalid permit, the provider or trainer must provide the board's licensing and regulation division proof that a certified letter was sent to the trainee informing the trainee the permit was issued in error and that serving liquor with the unauthorized permit may be cause for a criminal citation.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-085 What records does the provider or trainer need to provide to the board or keep on file? (1) A list of the individuals receiving the class 12 or class 13 permits must be forwarded to the board within three calendar days of the completion of the class.

~~((1))~~ (2) Within thirty days of all training classes, the provider or trainer must give all class participants who suc-

cessfully pass the exam their permit and submit the tear-off portion of the permit form, completed in full, for all Class 12 and/or Class 13 permits issued to the board's licensing and regulation division.

~~((2))~~ (3) The following information must be kept at the trainer's place of business, available for inspection and copying by board employees, for a period of five years:

(a) Copies of all Class 12 and/or Class 13 permits issued by the provider or authorized trainers (electronic records may be kept in lieu of hard copies of the permit forms for those programs using an automatic upload process); and

(b) All course presentation information, including the location, date, and time of every class given, together with the name of the trainer and name of students that attended each class.

~~((3))~~ (4) The provider or trainer must provide the following information to the board or its designee upon request:

(a) Advance notice of any classes that have been pre-scheduled; and

(b) Copies of program publications, brochures, pamphlets, scripts, or any other advertising materials related to the alcohol server training course.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-095 Is the provider responsible for the acts of its trainers? The board may hold a provider responsible for any act or omission of the provider's program personnel, authorized trainers, or representatives that violates any law or rule affecting provider privileges.

(1) If a provider discovers a trainer has not complied with a provision of the alcohol server training requirements, the provider must contact the board's mandatory alcohol server training manager within five calendar days.

(2) The provider must submit an action plan to the board's mandatory alcohol server training program manager within ten calendar days. The action plan must include corrective action that will be taken to ensure compliance with liquor control board laws and rules.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-105 What are the penalties if a permit holder violates the liquor laws? (1) Penalties assessed for violations within a three-year period will normally be as follows:

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
AFTER HOURS: Selling, serving, or allowing alcohol to be consumed between 2 a.m. and 6 a.m. See WAC ((314-16-050)) <u>314-11-070.</u>	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
DISORDERLY CONDUCT: Disorderly conduct by the licensee or employee, or allowing patrons to engage in disorderly conduct. See ((WAC 314-16-120)) <u>314-11-050.</u>	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
FALSIFICATION OF PERMIT: Falsifying a class 12 or class 13 permit or possessing a class 12 or class 13 permit contrary to this title. See RCW 66.20.310(2) and WAC 314-17-025.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
INTOXICATED PERSONS: Selling or serving to an apparently intoxicated person or allowing such a person to possess or consume alcohol. See RCW 66.44.200 and WAC (314-16-150) 314-11-035.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
LEWD CONDUCT: Allowing lewd conduct on the licensed premises. See WAC ((314-16-125)) 314-11-050.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
MISCELLANEOUS: Violation of other retail liquor laws or rules.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
MINORS: Selling or serving alcohol to a person under twenty-one years of age. See RCW 66.44.310 and WAC ((314-16-150)) 314-11-020(1).	5 day permit suspension OR \$200 monetary option	10 day permit suspension OR \$400 monetary option	30 day permit suspension OR \$600 monetary option	revocation of permit
MINORS: Allowing persons under twenty-one years of age to frequent a restricted premises or area. See RCW 66.44.310 and WAC ((314-16-150)) 314-11-020(2).	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
OBSTRUCTING AN OFFICER: Obstructing a law enforcement officer, or failure to allow an inspection. See RCW 66.28.090.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
OTHER VIOLATION OF LAWS: Conviction of liquor laws, DUI, or felony.	5 day permit suspension OR \$100 monetary option	revocation of permit		
PERMIT: Failure to produce permit and/or ID upon request. See RCW 66.20.310(2) and ((WAC 314-15-025)) RCW 66.20.180.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
PRIVATE CLUBS: Prohibitions involving club liquor and use by the general public. See WAC 314-40-010.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit

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

WSR 04-09-016

PROPOSED RULES

TACOMA COMMUNITY COLLEGE

[Filed April 12, 2004, 11:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-05-021.

Title of Rule: Chapter 132V-130 WAC, Hazing policy.

Purpose: Prohibits hazing at Tacoma Community College.

Statutory Authority for Adoption: SSB 5075 (1993).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. April Retherford, Tacoma Community College, (253) 566-6006.

Name of Proponent: Tacoma Community College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Prohibits hazing at Tacoma Community College. Hazing means any method of initiation into a student group or any pastime or amusement engaged in with respect to such a group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or post-secondary education. Excluded from this definition are "customary athletic events or other similar contests or competitions."

Proposal Changes the Following Existing Rules: Minor corrections in wording which clarify the process.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Policy is relevant to Tacoma Community College students only.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Tacoma Community College, Baker Room, Building 7, 6501 South 19th Street, Tacoma, WA 98466, on June 3, 2004, at 4:00 p.m.

Assistance for Persons with Disabilities: Contact Cathie Bitz by May 28, 2004, (253) 566-5101.

Submit Written Comments to: Dr. April Retherford, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, fax (253) 566-6034, by May 28, 2004.

Date of Intended Adoption: June 3, 2004.

April 8, 2004

Dr. April Retherford

Acting Associate Vice President
for Student Services

AMENDATORY SECTION (Amending WSR 96-16-036, filed 8/1/96, effective 9/1/96)

WAC 132V-130-020 Penalties. (1) The Tacoma Community College code of student rights and responsibilities ((committee)) process is applicable to hazing violations.

(2) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(3) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for a period of time to be determined based upon the seriousness of the violation.

(4) Any student group that knowingly permits hazing shall:

(a) Be liable for harm caused to persons or property resulting from hazing; and

(b) Be denied recognition by Tacoma Community College as an official student group on campus. If the student group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages. All college funding shall be frozen for any official student group ((scheduled to appear before the Tacoma Community College student rights and responsibilities committee for an)) alleged to have committed a hazing violation.

(5) Forfeiture of college funding, state-funded grants, scholarships or awards shall continue for a minimum of one quarter up to and including permanent forfeiture as determined by the Tacoma Community College student rights and

responsibilities ((committee)) process based upon the seriousness of the violations.

WSR 04-09-017

PROPOSED RULES

TACOMA COMMUNITY COLLEGE

[Filed April 12, 2004, 11:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-05-021 [04-05-022].

Title of Rule: Chapter 132V-120 WAC, Code of student rights and responsibilities.

Purpose: To define the rights and responsibilities of students enrolled through Tacoma Community College, establish disciplinary procedures for student violations of those rights and responsibilities, and define the grievance process for students who feel their rights have been violated.

Statutory Authority for Adoption: RCW 28B.50.-140(13).

Summary: Background: Chapter 132V-120 WAC defines the rights and responsibilities of students enrolled through Tacoma Community College, establishes disciplinary procedures for student violations of those rights and responsibilities, and defines the grievance process for students who feel their rights have been violated.

Proposed changes to the Code of Student Rights and Responsibilities include the following:

- Inclusion of language required by the Washington online virtual campus, a unit of the State Board for Community and Technical Colleges, that addresses students enrolled in Washington online courses through Tacoma Community College.
- Changing all references to "dean for student services" to "chief student services officer."
- Addition of subsections (20) through (23) under WAC 132V-120-050 Student responsibilities.
- Deleting the requirement that notification to students be sent by certified mail. (Currently, if the student is not home when certified mail is delivered, he or she must go to the post office to claim it. This has hindered the disciplinary process because students frequently do not pick it up in a timely manner or at all. Personal delivery or regular mail to the student's address of record have proven to be more effective means of communication.)
- Addition of new sections WAC 132V-120-330 through 132V-120-340 which describe the student grievance procedure for final course grades.
- Revision of WAC 132V-120-290 and addition of WAC 132V-120-295, student grievance procedures, to more closely align the process with the provisions of the student grievance procedure for final course grades.
- Minor revisions to wording which clarify the process.

These proposed revisions to the Code of Student Rights and Responsibilities have been reviewed and approved by student, faculty and staff, and administrative groups.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. April Retherford, Tacoma Community College, (253) 566-6006.

Name of Proponent: Tacoma Community College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Policy is relevant to Tacoma Community College students only.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Tacoma Community College, Baker Room, Building 7, 6501 South 19th Street, Tacoma, WA 98466, on June 3, 2004, at 4:00 p.m.

Assistance for Persons with Disabilities: Contact Cathie Bitz by May 28, 2004, (253) 566-5101.

Submit Written Comments to: Dr. April Retherford, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, fax (253) 566-6034, by May 28, 2004.

Date of Intended Adoption: June 3, 2004.

April 8, 2004

Dr. April Retherford

Acting Associate Vice President
for Student Services

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-020 Definitions. As used in this chapter the following words and phrases shall be defined as follows:

(1) "District" shall mean Community College District 22.

(2) "College" shall mean Tacoma Community College main campus and any other campus or college facility which may be created by the board.

(3) "College facilities" shall include real property, buildings and improvements thereon owned, leased, or used by or on behalf of the college or the associated students, and extends to affiliated websites, distance learning classroom environments, and agencies or institutions that have educational agreements with Tacoma Community College.

(4) "Board" shall mean the board of trustees of Community College District No. 22, state of Washington.

(5) "President" shall mean the duly appointed chief executive officer of any campus of Tacoma Community College or designee.

(6) (~~"Dean for student services"~~) "Chief student services officer" shall mean the administrator responsible for student services or designee.

(7) "Chief academic affairs officer" shall mean the administrator responsible for the instructional program or designee.

(8) "Officer of the college" shall mean and include all administrative exempt employees, exclusive of the president, manager of on-line student services of the Washington on-line virtual campus (or designee), and any faculty member whose primary assignment is that of division administrator.

(9) "Faculty" shall mean and include any full-time or part-time academic employee of the district or Washington on-line virtual campus whose assignment is one or a combination of instruction, counseling, or library services.

(10) "College employee" shall mean and include any classified staff employee, exempt employee or faculty either full time or part time, whose primary assignment is a job position under the jurisdiction of the Washington higher education personnel board. Also included are student employees of the district and employees whose status is either full-time or part-time "exempt-temporary((-)," and those authorized to act as an agent for the college.

(11) "Student" shall mean any person who is (~~registered~~) enrolled for classes (~~in~~) through the college, including any person in affiliated distance learning courses.

(12) "Associated students" shall mean the student body and such authorized groups organized under the provisions of the Constitution and bylaws of the associated students of the college.

(13) "Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person or group of persons.

(14) "Disciplinary action" shall mean and include a written warning to, the suspension or expulsion of, or placement on probation of any student by an appropriate officer of the college for the violation of any provision of this chapter.

(15) "Instructional day" shall mean any regularly scheduled instructional day designated in the academic year calendar, including summer quarter, as a day when classes are held or during final examination week. Saturdays and Sundays are not regularly scheduled instructional days.

(16) "College community" shall mean any employee, student or guest of Tacoma Community College.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-030 Jurisdiction. (1) The college may apply sanctions for violation of student rights or responsibilities as described in this chapter when student conduct substantially interferes with the college's educational responsibility of ensuring the opportunity for all members of the college community to attain their educational objectives or subsidiary responsibilities, such as providing miscellaneous services and sponsoring out-of-class activities such as lectures, concerts, athletic events, student club events and social functions.

(2) These rules apply to students engaged in or present at any on-campus or off-campus college-related activity. A student's off-campus conduct at a college-related activity may be considered in determining discipline, particularly if it

impedes the rights of other student(s) or the educational process.

(3) Students and members of the public or college community who violate or aid or abet another in the violation of any provision of this chapter shall be subject to prosecution under civil or criminal laws or regulations of Washington in addition to any sanctions imposed pursuant to this chapter.

(4) Provisions of the Revised Code of Washington cited in this document are on file and available in the office of the ~~((dean for student services and in the college library))~~ chief student services officer and on the college's website. Provisions are subject to change through the code revision process.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-040 Student rights. Within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college, all students have the following rights:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public and pursuant to established procedures available in the office of student programs and activities.

(b) Students are free to pursue educational objectives from among the college's curricula, programs and services subject to the provisions of this chapter.

(c) Students shall be protected from arbitrary academic evaluation but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discriminatory, inappropriate, and disrespectful conduct and free from sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures are protected.

(b) Students will receive notice of the nature of charges against him/her prior to disciplinary sanctions being imposed except in cases of summary suspension (WAC 132V-120-070 and 132V-120-080) and in cases of no trespass (WAC 132V-120-060).

(c) A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in the provisions of this chapter.

(3) Distribution and posting. Students may distribute or post printed or published material subject to official procedures available in the office of student programs and activities.

(4) Demonstrations. Students may organize a demonstration subject to official procedures available in the office of student programs and activities.

(5) Off-campus speakers. Student organizations sanctioned by an officer of the college or faculty or authorized by the associated students shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding resources, and compliance with the

official college procedures available in the office of student programs and activities.

(6) Student complaints. A complaint is an oral or written expression of dissatisfaction with the performance of a college employee or procedure or a challenge of the student's education record. The students who have a complaint should use the appropriate process set forth by the college.

(a) Nonacademic. The purpose of this section is to notify students that the college has an established process where a student or students may express and resolve misunderstandings, complaints or grievances with any college employee or college procedure in a fair and equitable manner. This process emphasizes an informal resolution. A copy of that process is available in the office of the ~~((dean for student services))~~ chief student services officer.

(b) Academic.

(i) Students who believe that information contained in their education records is inaccurate may obtain information on the process to request a correction (chapter 132V-15 WAC Confidentiality of student records) from the offices of the ~~((dean for student services))~~ chief student services officer, the registrar or the ~~((associate))~~ dean of the academic area.

(ii) Only final course grades may be grieved. In instances involving final course grade disputes, an academic grievance process has been established by the college ~~((A copy is available in the offices of the dean for student services and the chief academic officer and other administrative offices))~~ (WAC 132V-120-330 through 132V-120-340). This process emphasizes an informal resolution.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-050 Student responsibilities. Admission to Tacoma Community College carries with it the presumption that the student will conduct himself/herself as a responsible member of the college community. Thus, when a student enrolls ~~((at))~~ through Tacoma Community College, the student likewise assumes the obligation to observe standards of conduct which are appropriate to the pursuit of educational goals. Any student who violates any provision of the code of student rights and responsibilities or who aids, abets, encourages, or procures another person to materially and substantially interfere with the personal rights or privileges of others or the educational process of the college shall be subject to disciplinary action as provided in WAC 132V-120-160. Grounds for disciplinary action include the following:

(1) Physical and/or verbal abuse of any person on college facilities or at a college related event or conduct which threatens bodily harm or endangers the health or safety of any such person, including reckless driving;

(2) Disorderly conduct; lewd, indecent or obscene conduct or expression; breach of the peace on college facilities or at college related events;

(3) An illegal assembly, disruption, obstruction or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others;

(4) Refusal to comply with any lawful order to leave the college campus or any portion thereof;

(5) Knowingly filing a formal complaint falsely accusing another student or college employee with violating a provision of this code;

(6) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities;

(7) Sexual harassment which is defined as engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such behavior offends the recipient, causes discomfort or humiliation, or interferes with school-related performance (see chapter 132V-300 WAC Grievance procedure—Sexual harassment, sex discrimination and disability discrimination, available in the office of the chief student services officer and on the college website);

(8) Theft or conversion of property owned, leased or used by the college, the associated students, a member of the college community or of a visitor to the college;

(9) Intentional or grossly negligent damage or destruction of any property owned, leased or used by the college, the associated students, a member of the college community or of a visitor to the college including technology systems used for college functions;

(10) Unauthorized use of college or associated students' equipment, computer software or supplies;

(11) Cheating, plagiarism or tendering to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction (see Tacoma Community College Administrative Procedure for Academic Dishonesty, available in the office of the chief student services officer, other administrative offices and on the college's website);

(12) Forgery or alteration of college documents or records, including, but not limited to, student identification cards and financial aid attendance forms, or the fraudulent use thereof whether in written or electronic form;

(13) Failure to comply with directions of college employees acting in the performance of their duties;

(14) Unauthorized entry or occupancy of college facilities or blocking access to or egress from such areas;

(15) Smoking (or use of other tobacco products), eating or drinking in any classroom, laboratory, library, or in any college facility or office designated as "NO SMOKING," "NO FOOD," "NO DRINKS";

(16) Use, possession, or distribution of alcoholic beverages on college facilities or at college-related events without a permit from the state liquor control board and approval by the president;

(17) Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in RCW 69.50.101 or any dangerous drug as defined in RCW 69.50.308 while on college facilities or at any college sponsored event except when the use or possession of such a drug is specifically prescribed as medication by an authorized medical doctor or dentist. The term "sale" shall have the meaning as defined in RCW 69.04.005;

(18) Being under the influence of liquor or alcoholic beverages while on college facilities or at college sponsored events;

(19) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities;

(20) Withholding information from or providing false information to college employees acting in the performance of their duties;

(21) Tampering with computer equipment or computer codes of the college or associated websites and unauthorized entry or use of computer back-end systems; conduct that violates the college's published acceptable use rules on computers or electronic technology including electronic mail and the internet (see Tacoma Community College computer use policy, available on the college website);

(22) Malicious harassment or intimidation directed toward another person because of, or related to, that person's race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical or sensory disability;

(23) Hazing or any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical, mental or emotional harm to any student or other person (see chapter 132V-130 WAC Hazing policy, available in the office of the chief student services officer and on the college's website).

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-070 Summary suspension proceedings. If the (~~dean for student services~~) chief student services officer:

(1) Has cause to believe that any student has violated any provision of WAC 132V-120-050 or has committed a felony; and

(2) Has further cause to believe that the student presents an imminent danger to himself/herself or other persons on college facilities or to the educational process of the college, then the (~~dean~~) chief student services officer shall have, pursuant to the rules herein, authority to suspend the student from the college until such time as the (~~dean~~) chief student services officer is satisfied the student's dangerous nature has ceased. The duration of summary suspension shall not exceed ten instructional days, except that the (~~dean~~) chief student services officer may continue summary suspension beyond ten instructional days in circumstances where the student continues to present an imminent danger to people, facilities, or the educational process and disciplinary proceedings provided for in the provisions of this chapter, WAC 132V-120-100 through 132V-120-180.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-080 Notice of summary proceedings.

(1) If the (~~dean for student services~~) chief student services officer elects to exercise the authority to summarily suspend a student, (~~the dean shall notify~~) the student (~~either by certified~~) will receive written notification either personally or

by mail at the student's address as shown on college records ~~((or cause personal service of such notice upon said student))~~.

(2) The notice shall be entitled "Notice of summary suspension proceeding" and shall state:

(a) The charges against the student including reference to the provisions of this chapter, and

(b) That the student charged must appear before the ~~((dean for student services))~~ chief student services officer at a time specified in the notice for an informal hearing. This hearing shall be held within five instructional days after the summary suspension unless waived by the student and the college. If the hearing extends past the ten-day timeline outlined in WAC 132V-120-070, the summary suspension will continue in effect through the administrative appeal process. The student may elect to be accompanied by a personal advisor at the informal hearing with the ~~((dean))~~ chief student services officer.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-090 Procedures of summary suspension hearing. (1) At the summary suspension hearing, the student against whom the violation or violations are alleged shall have the opportunity of proving to the ~~((dean for student services))~~ chief student services officer that there is no cause to believe that the violation stated on the notice of summary suspension proceedings to the student did occur, and that there exists no cause to believe that immediate suspension of said student is necessary.

(2) The student may offer oral testimony of any person, submit any statement or affidavit on his or her own behalf, examine any affidavit or statement and cross-examine any witness who may appear against the student, and submit any matter in extenuation or mitigation of the offense or offenses charged.

(3) The ~~((dean for student services))~~ chief student services officer shall, at the time of the summary suspension proceeding, determine whether there is probable cause to believe that a violation of this chapter has occurred and whether there is cause to believe that continued suspension is necessary. In the course of making such a decision, the ~~((dean))~~ chief student services officer may only consider the affidavits or oral testimony of persons who have alleged that the student charged has committed a violation of WAC 132V-120-050 and the oral testimony and affidavits submitted by the student charged.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-100 Decision by ~~((dean for student services))~~ chief student services officer. If the ~~((dean for student services))~~ chief student services officer, following the conclusion of the summary suspension proceeding, finds that there is probable cause to believe that:

(1) The student against whom specific violations of WAC 132V-120-050 are alleged has committed one or more such violations upon any college facility; and

(2) Summary suspension of said student is necessary for the safety of the student, other students or persons on college facilities, or the educational process of the institution; and

(3) Such violation or violations constitute grounds for disciplinary action as provided for in the code of student rights and responsibilities; then the ~~((dean for student services))~~ chief student services officer may continue to enforce the suspension of the student from college until further disciplinary hearings or review proceedings are concluded as set forth below.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-110 Notice of suspension. (1) If a student is summarily suspended pursuant to the above rules, the student will be provided with a written notice of suspension including the ~~((dean for student services))~~ chief student services officer's findings of fact and conclusions which lead ~~((the dean to believe))~~ to the belief that the summary suspension of the student should continue in force.

(2) The student summarily suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension ~~((by personal service))~~ personally or by ~~((certified))~~ mail at the student's address as shown on college records within three calendar days following the conclusion of the hearing with the ~~((dean for student services))~~ chief student services officer.

(3) The notice of summary suspension shall stipulate the duration of the suspension and conditions under which the suspension may be terminated.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-120 Suspension for failure to appear. If the student against whom specific violations of this chapter have been alleged has been served pursuant to the notice required fails to appear at the time designated for the summary suspension proceeding, the ~~((dean for student services))~~ chief student services officer is authorized to enforce the suspension of the student from college.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-130 Appeal of summary suspension. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal the same to the student rights and responsibilities committee. No such appeal shall be entertained, however, unless and/or until:

(a) The student has first appeared before the ~~((dean for student services))~~ chief student services officer at the hearing called for in this chapter as outlined in WAC 132V-120-070 through 132V-120-110;

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

(c) Summary suspension or a lesser disciplinary sanction has been upheld by the ~~((dean for student services))~~ chief student services officer; and

(d) The appeal conforms to the standards set forth in this chapter.

(2) If the criteria in subsection (1)(a) through (d) have been met, the committee shall review, as soon as reasonably possible, the allegations contained within the notice of appeal, along with the findings of the ~~((dean for student services))~~ chief student services officer, the appropriate documentation of the summary suspension proceeding, and determine therefrom whether the summary suspension order is justified.

(3) After completion of the committee's review, the committee shall promptly notify the appealing student by ~~((certified))~~ mail whether the summary suspension shall be maintained, stayed, a lesser sanction imposed, or no sanction imposed. The decision of the student rights and responsibilities committee shall be final and not reviewable.

AMENDATORY SECTION (Amending Order 88-1, filed 11/17/88)

WAC 132V-120-140 Summary suspension proceedings not duplicative. (1) The summary suspension proceedings shall substitute for the disciplinary proceedings provided for in this chapter (WAC 132V-120-180 through 132V-120-260). During the course of the summary suspension, the ~~((dean))~~ chief student services officer may refer the matter to the student rights and responsibilities committee with a recommendation for further disciplinary action. At the end of the summary suspension, the student shall be reinstated to full rights and privileges as a student, subject to whatever sanctions or conditions may have been imposed for violation of the code of student rights and responsibilities.

(2) Any disciplinary proceeding initiated against the student because of alleged violations in the course of the summary suspension proceeding provided for herein, shall be heard, *de novo*, provided, that the records made and evidence presented during the course of the student's summary suspension proceeding shall be available for the use of the parties.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-150 Purpose of disciplinary actions. Disciplinary action proceedings shall determine whether and under what conditions the violator may continue as a student at the college. In keeping with the educational purposes of the college, disciplinary action other than those requiring suspension or expulsion are intended to be remedial rather than punitive. Often disciplinary proceedings will be conducted informally between the student and the ~~((dean for student services))~~ chief student services officer.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-160 Disciplinary action. The following disciplinary actions are hereby established as the sanctions which may be imposed upon violators of this chapter. These sanctions are intended to be progressive, but each stands alone:

(1) Warning. Written notice to a student that the student has been in violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct may result in one of the more serious disciplinary actions described below.

(2) Reprimand. Written action censuring a student for violation of college rules or regulations or otherwise failing to meet the college's standards of conduct. The written reprimand will be filed in the office of the ~~((dean for student services))~~ chief student services officer for the duration of the student's attendance at the college. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct may result in one of the more serious disciplinary actions described below.

(3) Probation. Conditions placed upon the student's continued attendance for violation of this chapter. Notice shall be made in writing and specify the period of probation and the conditions to be met by the student. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college. Violation of the terms of the probation or the breaking of any college provision during the probation period may be grounds for additional sanctions imposed upon the student by the college.

(4) Suspension. Temporary dismissal from the college and termination of the person's student status for violation of this chapter.

(5) Expulsion. Indefinite or permanent dismissal from the college and termination of the student status of a student for violation of this chapter. Written notice shall be given which will specify any special conditions which must be met before readmission after indefinite dismissal.

(6) Sanctions for conduct in class.

(a) Each faculty member is responsible for conduct in class and is authorized to take such steps as are necessary when behavior of a student interrupts the normal class procedure. When behavior is disruptive, the faculty member may dismiss the student from class for that one class period and make every reasonable effort to resolve the situation. This includes electronically removing a disruptive student from on-line class situations. However, if the matter becomes so serious as to result in removing the student from the class for two consecutive class periods or when a pattern of periodic misconduct occurs, the faculty member is expected to report the incident to the ~~((dean for student services))~~ chief student services officer in order to seek resolution to the situation and allow for due process.

(b) Consequences for academic cheating or plagiarism or dishonesty or abetting in academic dishonesty may be imposed at the discretion of a faculty member ~~((by the award of a failing grade))~~ up to and including a failing grade for the course. Students should refer to each of their faculty's course syllabus.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-170 Initiation of disciplinary proceedings. Any member of the college community may report alleged violations of the code of student rights and responsibilities to the ~~((dean for student services))~~ chief student services officer. Alleged violations should be reported to the ~~((dean for student services))~~ chief student services officer within ten instructional days of the date the person became aware or reasonably can be expected to have become aware of the alleged violation of code.

During the investigation of the matter, the status of the student who has allegedly violated the code shall remain unaltered and his or her right to be present on campus and to attend classes will remain unchanged except for students placed on summary suspension.

All disciplinary proceedings will be initiated by the ~~((dean for student services))~~ chief student services officer if there is reasonable cause to believe that a student has violated any provision of this code.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-180 Disciplinary proceedings. (1) Written notification: Any student charged with a violation shall receive written notification delivered to the student personally or by ~~((certified))~~ mail to the student's address as shown on college records no later than fourteen calendar days after a reported violation. Notice shall:

(a) Inform the student that a complaint has been filed and specify the alleged violation(s) and the date of the alleged violation(s);

(b) Specify the time, date, and place of a required conference between the student and ~~((dean for student services))~~ chief student services officer or designee;

(2) Conference with the ~~((dean for student services))~~ chief student services officer or designee. At an initial meeting with the ~~((dean))~~ chief student services officer/designee, the student will be informed of the alleged violations of the code of student rights and responsibilities, the possible consequences, and an explanation of the hearing process in the event that disciplinary proceedings are taken. This is also an opportunity for the accused student to present his/her information regarding the allegation. Upon review of all available information, the following actions may be taken by the ~~((dean for student services))~~ chief student services officer, and the student will be so informed:

(a) Terminate the proceedings, exonerating the student;

(b) Dismiss the case either due to insufficient and/or conflicting evidence or after appropriate advising of the accused student;

(c) Continue to investigate the matter further until resolution is reached;

(d) Impose a disciplinary warning or reprimand on the student;

(e) Inform the student that disciplinary action as outlined in the chapter will be sought, in which case the student will receive written notification of the hearing process, date, time

and location of the hearing, possible sanctions that may be imposed for the alleged violations.

(3) Continue with disciplinary proceedings. If it is determined that disciplinary probation, suspension or expulsion will be considered, the accused student will have five calendar days to submit all evidence pertaining to the alleged violation to the ~~((dean))~~ chief student services officer. After considering the evidence and interviewing persons as appropriate, the ~~((dean))~~ chief student services officer may take one of the following actions, and the student will be so informed:

(a) Terminate the proceedings, exonerating the student; or

(b) Impose disciplinary sanctions as provided for in this chapter; or

(c) Refer the matter to the student rights and responsibilities committee.

(4) If the student against whom specific violations of this chapter have been alleged has been served pursuant to the notice required and fails to appear or fails to follow the process set forth in this chapter, the ~~((dean))~~ chief student services officer or designee is authorized to proceed with making findings of fact, conclusions or decisions as set forth in the established process.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-200 Composition of student rights and responsibilities committee. (1) Composition. The college shall have a student rights and responsibilities committee composed of five members, who shall be chosen and appointed by October 1 of each year. The membership of the committee shall consist of one member of the administration, excepting the ~~((dean for student services))~~ chief student services officer, chosen by the president; two faculty members chosen by the chief academic affairs officer; and two students chosen by the president of the associated student body.

(2) Chairperson. The committee shall elect its own chairperson for each case brought before it.

(3) Quorum. A quorum shall consist of no less than three members, provided that such quorum shall include at least one student, one faculty member and one administrator.

(4) Substitutes.

(a) Any member of the committee having direct knowledge or involvement in a case under consideration may be excused from participation in the hearing or appeal and a substitute appointed.

(b) Substitutes may be appointed to form a quorum.

(5) Advisory capabilities. The committee may use the services of an assistant attorney general to advise it.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-210 Hearing procedures before the student rights and responsibilities committee. (1) The student rights and responsibilities committee shall hear, *de novo*, any disciplinary cases referred to it by the ~~((dean for student services))~~ chief student services officer or designee or appealed to it by a student against whom disciplinary action has been taken.

(2) At least seven calendar days in advance, written notice of the hearing shall be delivered to the student personally or ~~((sent))~~ by ~~((certified))~~ mail to the student's address as shown on college records. Such notification shall contain the time, date and location of the hearing; the specific charges against him/her; and, upon request, reasonable access to the list of witnesses who will appear or provide written testimony and a summary of the description of any document or other physical evidence that will be presented by the college at the hearing.

(3) The student has the right to a fair and impartial hearing before the committee. The student's failure to cooperate with the hearing procedures, however, shall not preclude a quorum of the committee from making its findings of fact, conclusions and decisions as provided below.

(4) The student may be advised by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the ~~((dean for student services))~~ chief student services officer at least five calendar days prior to the hearing.

(5) In all disciplinary proceedings, the college will be represented by the ~~((dean for student services))~~ chief student services officer who will present the college's case against the student accused of violating provisions of this chapter; provided, that in those cases in which the student elects to be represented by a licensed attorney, the ~~((dean for student services))~~ chief student services officer may elect to have the college represented by an assistant attorney general.

(6) The student shall be entitled to present evidence in their own behalf and to cross-examine witnesses testifying on behalf of the other party.

(7) The student shall be limited to calling two character witnesses.

(8) The ~~((dean for student services))~~ chief student services officer shall designate a recorder to take notes during the hearing and to prepare a written summary of all evidence, facts, and testimony presented to the committee during the course of the hearing. The proceedings of the hearing shall also be tape recorded.

(9) All records of disciplinary proceedings shall be maintained in the office of the ~~((dean for student services))~~ chief student services officer and shall be available only during the course of the disciplinary proceedings to the committee, the student, and his/her attorney, the ~~((dean))~~ chief student services officer, and any other college official deemed appropriate by the ~~((dean for student services))~~ chief student services officer.

(10) Following the final disposition and any appeals of the disciplinary proceedings, access to records of the case and hearing files will be limited to persons designated by the ~~((dean for student services))~~ chief student services officer.

(11) Following final disposition of the case and any appeals therefrom, the ~~((dean for student services))~~ chief student services officer may direct the destruction of any records of disciplinary proceedings, provided that such destruction is in conformance with the requirements of chapter 40.14 RCW.

(12) The time of the hearing may be changed by the committee at the request of any party for good cause.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-220 Conduct of hearings. (1) Hearings will be held in closed session. The student who is charged with violation of this chapter may invite a personal advisor to attend the hearings. All parties shall be excluded during the committee's deliberation.

(2) The chairperson shall exercise control over the hearing. Any person, including the student, who disrupts a hearing or who fails to adhere to the rulings of the chairperson may be excluded from the proceedings and may be subject to disciplinary action as set forth in this chapter.

(3) The college may elect to have security in attendance at the hearing.

(4) In the event a student is registered exclusively in on-line course work and is not able to come to the campus for a hearing, the chairperson may elect to conduct the hearing through an alternate medium such as a video conferencing service.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-240 Decision by the committee. After considering the evidence in the case and hearing the testimony of the student or students involved and witnesses, if any, the committee shall decide by majority vote whether to:

(1) Exonerate the student and terminate the proceedings; or

(2) Uphold the decision of the ~~((dean for student services))~~ chief student services officer; or

(3) Conclude that the student has violated the code of student rights and responsibilities as described in WAC 132V-120-050.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-241 Notification of decision and sanctions imposed. (1) Final decision of the committee, including findings of fact or reasons for the decision, shall be delivered to the student personally or by ~~((certified))~~ mail to the student's address as shown on college records and a copy filed with the office of the ~~((dean for student services))~~ chief student services officer. The committee shall also advise the student in writing of his or her right to appeal the decision.

(2) Based on the final decision of the committee, including findings of fact or reasons for the decision, the ~~((dean for student services))~~ chief student services officer will impose disciplinary sanctions as provided in WAC 132V-120-160 and based on established guidelines. The student will receive written notice either delivered personally or by ~~((certified))~~ mail to the student's address as shown on college records.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-245 Appeal process. (1) Any appeal pursuant to this chapter must be in writing and clearly state the alleged errors or other matters which justify the appeal; and

(2) Said appeal must be filed with the ~~((dean for student services))~~ chief student services officer within seven calendar days from the date of the notice of disciplinary action.

(3) Appeals of disciplinary action(s) shall be taken in the following order:

(a) Disciplinary action taken by the ~~((dean for student services))~~ chief student services officer may be appealed to the student rights and responsibilities committee;

(b) The ~~((dean for student services))~~ chief student services officer may defer the alleged violation to the student rights and responsibilities committee, in which case any decision made by the student rights and responsibilities committee shall be final except for the procedural appeal described in subsection (4) of this section.

(4) Any student who has had disciplinary sanctions placed on him/her, other than summary suspension, may request a procedural review of the disciplinary process by the president to insure the student has been afforded due process as outlined in this chapter.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-270 Student grievances. The purpose of this section is to protect each student's freedom of expression in the classroom; to protect each student against improper disclosure of the student's views, beliefs and political associations; and to afford each student reasonable protection against arbitrary or capricious actions taken by employees of the college community. In instances involving final course grade disputes, an academic grievance process has been established by the college ~~((A copy is available in the offices of the dean for student services and the chief academic officer and other administrative offices))~~ (WAC 132V-120-330 through 132V-120-340). This process emphasizes an informal resolution.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-280 Grievances excluded from this section. (1) A student may not use the provisions of this section as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in earlier sections of this student rights and responsibilities code.

(2) Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the state board for community and technical colleges or the board of trustees of Community College District 22, shall not be grievable matters.

(3) For the purpose of final course grade disputes, a student shall use the established academic grievance process ~~((A copy is available in the office of the dean for student ser-~~

vice and the chief academic officer and other administrative offices)) (WAC 132V-120-330 through 132V-120-340).

(4) For the purpose of filing a grievance due to sexual harassment, sex discrimination, or handicapped discrimination, a student shall use the provisions of the established college grievance procedures on sexual harassment, sex discrimination, and handicapped discrimination, WAC 132V-300-010 to 132V-300-030, not the provisions of this section.

AMENDATORY SECTION (Amending WSR 01-24-004, filed 11/21/01, effective 12/22/01)

WAC 132V-120-290 Grievance procedures. Internal review and consultative processes have proven to be a desirable means of resolving problems. If a student believes he or she has been unfairly treated by a faculty member, member of the college staff, or administrator, the student is encouraged to resolve the complaint with the individual toward whom the grievance is directed. The student shall take this action within five instructional days following the incident. If the complaint is not resolved, the student is encouraged to seek informal resolution through the appropriate division manager. The student may choose to lodge a formal grievance according to the following procedures:

Step 1: The student may, within ten instructional days following the incident, present his/her complaint in writing to the appropriate division manager. The student shall present a written, signed statement of the nature of the grievance, a summary of actions taken by the student to resolve the grievance up to that point, and any proposed solution to the problem the grievant may wish to offer.

Step 2: Within ten instructional days of receiving the grievance, the appropriate division manager shall hold a meeting to hear the complaint. It shall be at the discretion of the division manager to determine whether he/she will meet with the grievant and the person to whom the complaint has been directed separately or in a joint meeting.

At this step and all subsequent steps in the grievance procedure, the grievant may elect to be represented by an attorney in preparing and presenting the grievance. The grievant shall notify the appropriate division manager at least five instructional days in advance of such action. In such cases, the college may choose to be assisted by an assistant attorney general.

Following the meeting or meetings, and within ten instructional days, the division manager will report his/her findings and the actions, where appropriate, to be implemented to resolve the grievance in writing to the grievant and the person to whom the complaint is directed.

~~((Step 3: If the grievance is not satisfactorily resolved in Step 2, either the grievant or the person to whom the complaint is directed has the right to request a hearing conducted by the appropriate vice president/dean.~~

~~The vice president/dean will convene a hearing committee no later than ten instructional days from the time of the request. The committee will be chosen and appointed no later than October 15 of each year. The committee shall consist of the following membership: Three student representatives, chosen by the senate of the associated students; two faculty or staff representatives (dependent upon the nature of the griev-~~

ance), appointed by the vice president/dean; two administrators, appointed by the president.

~~A quorum shall consist of no less than three members, provided that such quorum include at least one student, one faculty or staff member, and one administrator.~~

~~The committee shall elect its own chairperson for each case brought before it. The committee shall hear testimony regarding the grievance, deliberate, and decide the issue by majority vote. The hearing may be recessed and reconvened at a time convenient to all parties for the purpose of presenting witnesses, depositions, affidavits or other materials which the division manager/vice president/dean deems vital to a fair resolution of the grievance.~~

~~Step 4: Within three instructional days after concluding the hearing process, the committee will render a decision by majority vote and so inform all parties to the grievance of that decision. Findings of fact will be included when informing all parties.~~

~~Step 5: Should any of the parties to the grievance find the hearing committee's solution to the grievance to be unsatisfactory, the decision may be appealed to the president of the college, provided that any such appeal be presented in writing within five instructional days following notification of the committee's decision. Such an appeal shall clearly and specifically set forth the reasons upon which the appeal is based.~~

~~Within five instructional days of receiving the appeal request, the college president will review the record of the hearing and the appeal and will provide his/her final decision in writing to both the grievant and the person to whom the complaint is directed. Evidence not in the record will not be considered by the president.)~~

NEW SECTION

WAC 132V-120-295 Grievance procedures appeal process. The outcome of the grievance process may be appealed to the appropriate administrative officer by any party to the grievance no later than five instructional days following notification after the division manager's determination. Such an appeal must be in writing and clearly set forth the reason for the appeal.

Upon receiving the appeal, the administrative officer will review the original grievance and determination, any evidence submitted in connection with the original grievance, and the appeal. Evidence not presented in the original grievance will not be considered in the appeal process unless exceptional circumstances are shown by the college. The administrative officer will respond to the appeal by either:

- (1) Making a final decision; or
- (2) Convening a hearing committee to consider the appeal.

In the first case, making a final determination, the administrative officer will provide a decision in writing to parties of the grievance within ten instructional days following receipt of the appeal. The decision of the administrative officer is final and is not subject to further appeal.

In the second case, the administrative officer will convene a hearing committee to consider the appeal within ten instructional days of receiving the appeal. The committee will consist of the following members: Three student repre-

sentatives, chosen by the president of the associated student body; two faculty or staff representatives (dependent upon the nature of the grievance), appointed by the appropriate administrative officer; two administrators, appointed by the president. The committee may meet and deliberate if a quorum, defined as one person from each category identified above, is present. No member of the hearing committee will have any previous knowledge of the grievance. The proceedings of the hearing shall be tape-recorded. If the person to whom the complaint has been directed fails to appear for the hearing, the chair is authorized to proceed with the hearing.

The committee will elect its own chairperson for each case brought before it. The committee will hear testimony and examine evidence regarding the grievance; deliberate; and decide the issue by majority vote. The hearing committee will notify the parties involved of its decision in writing within five instructional days of the hearing. Findings of fact will be included when informing the student and faculty member, member of the college staff, or administrator involved. The decision of the hearing committee is final and is not subject to further appeal.

AMENDATORY SECTION (Amending WSR 93-20-029, filed 9/27/93, effective 10/28/93)

WAC 132V-120-300 Final decision regarding student grievances. The written findings of the ~~((presidential))~~ administrative officer or hearing committee appeal will be considered final. No further intra-institutional appeal exists.

~~((If the findings indicate that the person against whom the complaint is lodged engaged in sexual harassment or other discriminatory acts))~~ Depending on the findings, disciplinary proceedings may be commenced against the person pursuant to appropriate procedures ~~((, depending on whether the person is a member of the classified staff, administrative exempt, or faculty))~~.

AMENDATORY SECTION (Amending WSR 93-20-029, filed 9/27/93, effective 10/28/93)

WAC 132V-120-310 Nature of grievance proceedings. All hearings ~~((growing out of))~~ resulting from a student-initiated grievance, including appeals to the ~~((office of the president))~~ administrative officer, may be open with the approval of both parties. All written records growing out of a student-initiated grievance, including appeals to the office of the president, are discloseable only in accordance with applicable law.

AMENDATORY SECTION (Amending WSR 93-20-029, filed 9/27/93, effective 10/28/93)

WAC 132V-120-320 Withdrawal of grievance. (1) At any time during the grievance procedure, the grievant may officially withdraw the grievance in writing.

(2) In the event the grievant fails to appear for any scheduled meeting or hearing without prior notification or evidence of extenuating circumstances, this shall be considered to constitute withdrawal of the grievance.

NEW SECTION

WAC 132V-120-335 Student grievance procedure for final course grades. Students who believe they have received a final course grade that has been awarded improperly or in an arbitrary or capricious manner may grieve or appeal the grade by referring to the following process.

The student should first discuss the grade, including the reason the student feels the grade has been awarded improperly or in an arbitrary or capricious manner, with the course instructor. Most misunderstandings related to final course grades can be resolved at this level. This must occur no later than ten instructional days after the beginning of the academic quarter following the quarter for which the grade was assigned. For this purpose, fall quarter is considered to be the academic quarter following both summer and spring quarters.

If the issue is not resolved with the instructor, or the instructor is not available, the student should discuss the grade with the chair of the department through which the course was offered. This must occur no later than fifteen instructional days after the beginning of the academic quarter following the quarter for which the grade was assigned. For this purpose, fall quarter is considered to be the academic quarter following both summer and spring quarters. If the department chair is unavailable or the issue is not resolved with the department chair, the student may choose to go through the final course grade grievance process.

NEW SECTION

WAC 132V-120-340 Final course grade grievance process. To initiate the final course grade grievance process, the student must present a written grade grievance to the dean or manager of the division through which the course was offered, or his or her designee. This must occur no later than twenty instructional days after the beginning of the academic quarter following the quarter for which the grade was assigned. For this purpose, fall quarter is considered to be the academic quarter following both summer and spring quarters. The grievance should clearly explain why the student feels the grade has been improperly or arbitrarily or capriciously awarded, the issues upon which the grievance is based, what the student has done to resolve these issues, and what remedy the student is seeking. All documentation relevant to the student's case, including course syllabus, should be attached to the written grievance.

The dean or manager of the division will investigate the grade grievance and meet with the student and faculty member to discuss the grade no later than ten instructional days after receiving the written grievance. The division manager will make an official determination regarding the grievance and notify the student and faculty involved in writing no later than five instructional days after meeting with the student. Findings of fact will be included when informing the student and faculty involved.

NEW SECTION

WAC 132V-120-345 Final course grade grievance appeal process. The outcome of the final course grade grievance process may be appealed to the chief academic officer,

or his or her designee, by any party to the grievance no later than five instructional days following notification after the division dean or manager's determination. Such an appeal must be in writing and clearly set forth the reason for the appeal.

Upon receiving the appeal, the chief academic officer, or his or her designee, will review the original grievance and determination, any evidence submitted in connection with the original grievance, and the appeal. Evidence not presented in the original grievance will not be considered in the appeal process unless exceptional circumstances are shown by the college. The chief academic officer, or his or her designee, will respond to the appeal by either:

- (1) Making a final decision; or
- (2) Convening a hearing committee to consider the appeal.

In the first case, making a final determination, the chief academic officer, or his or her designee, will provide a decision in writing to all parties of the grievance within ten instructional days following receipt of the appeal. The decision of the chief academic officer, or his or her designee, is final and is not subject to further appeal.

In the second case, the chief academic officer, or his or her designee, will convene a hearing committee to consider the appeal within ten instructional days of receiving the appeal. The committee will consist of the following members: Two student representatives, chosen by the president of the associated student body; two faculty representatives, appointed by the chief academic officer; and one instructional administrator, appointed by the chief academic officer. The committee may meet and deliberate if a quorum, defined as one person from each category identified above, is present. No member of the hearing committee will have any previous knowledge of the grievance.

The committee will elect its own chairperson for each case brought before it. The committee will hear testimony and examine evidence regarding the grievance; deliberate; and decide the issue by majority vote. The hearing committee will notify the student and faculty involved of its decision in writing within five instructional days of the hearing. Findings of fact will be included when informing the student and faculty involved. The decision of the hearing committee is final and is not subject to further appeal.

WSR 04-09-056

PROPOSED RULES

STATE BOARD OF HEALTH

[Filed April 16, 2004, 11:33 a.m.]

Original Notice.

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

Title of Rule: WAC 246-217-010 Food worker cards—Definitions.

Purpose: To amend the definition of food service establishment, WAC 246-217-010(4).

Other Identifying Information: This section was recently the subject of a notice of inquiry (CR-101) published as WSR 02-20-075. However, the CR-101 was subsequently

withdrawn by a notice published as WSR 04-06-020. This proposal is the result of continued work on this subject with interested parties.

Statutory Authority for Adoption: RCW 69.06.010.

Statute Being Implemented: RCW 69.06.010.

Summary: The proposal will amend the definition of "food service establishment." Currently adult family homes are defined as food service establishments within the category of institutional operations. The proposal will move adult family homes out of the list of institutional operations to become an individual category of food service establishment.

Reasons Supporting Proposal: The proposal will clarify that adult family homes are not institutions.

Name of Agency Personnel Responsible for Drafting: Ned Therien, 7171 Cleanwater Lane, Building 4, Tumwater, WA 98501, (360) 236-3071; Implementation and Enforcement: Dave Gifford, 7171 Cleanwater Lane, Building 4, Tumwater, WA 98501, (360) 236-3074.

Name of Proponent: Department of Health.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-217-010 defines food service establishments for the purpose of determining who must obtain a food worker card. Representatives of adult family homes have expressed concern about being listed as "institutional operations" within the definition of food service establishments. This proposal will remove adult family homes from the list of institutional operations but keeps adult family homes within the definition of food service establishment.

Proposal does not change existing rules. The proposal amends WAC 246-217-010(4).

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85-025(3), rules that clarify the language of a rule without changing the effect are exempt from the requirements of the Regulatory Fairness Act.

RCW 34.05.328 does not apply to this rule adoption. This proposal clarifies the definition of food service establishment without changing its effect. RCW 34.05.328 does not apply to rules that clarify language of a rule without changing the effect.

Hearing Location: State Board of Health, Lewis County, to be announced, on July 14, 2004, at 2 p.m.

Assistance for Persons with Disabilities: Contact Ned Therien by July 7, 2004, (360) 236-2257.

Submit Written Comments to: Ned Therien, P.O. Box 47824, Olympia, WA 98504-7824, fax (360) 236-2257, by July 7, 2004.

Date of Intended Adoption: July 14, 2004.

April 13, 2004

Craig McLaughlin

Acting Executive Director

AMENDATORY SECTION (Amending WSR 99-13-019, filed 6/7/99, effective 7/8/99)

WAC 246-217-010 Definitions. As used in this chapter of the rules and regulations, the following definitions apply:

(1) "Additional food safety training" means completion of a comprehensive training program on food safety of at least four hours in length. Training may include topics such as: Proper cooking, hot-holding, cold-holding and cooling of potentially hazardous foods; cross-contamination prevention; HACCP and/or proper hand washing techniques. Approval of training programs shall be obtained from jurisdictional health departments or the department by the training provider. Approval of training programs must be obtained in advance.

(2) "Applicant" means an individual applying to obtain an initial or renewal food worker card.

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

(4) "Food service establishment" means:

(a) A place, location, operation, site, or facility where food is manufactured, prepared, processed, packaged, dispensed, distributed, sold, served, or offered to the consumer regardless of whether or not compensation for food occurs, including but not limited to:

(i) Restaurants, snack bars, cafeterias, taverns, bars;

(ii) Retail food stores, supermarkets, retail meat markets, retail fish markets, retail bakeries, delicatessens;

(iii) Institutional operations licensed by the department, the state department of social and health services or local health officer, such as schools, hospitals, jails, prisons, nursing homes, boarding homes, (~~adult family homes~~) and child care facilities;

(iv) Central preparation sites, including caterers;

(v) Satellite servicing locations;

(vi) Temporary food service establishments or mobile food units;

(vii) Bed and breakfast operations;

(viii) Remote feeding sites; (~~and~~)

(ix) Adult family homes; and

(x) Vending machines dispensing potentially hazardous foods.

(b) This term does not include:

(i) Private homes where food is prepared or served for consumption by household members and/or their guests;

(ii) Establishments offering only commercially prepackaged nonpotentially hazardous foods;

(iii) Commercial food processing establishments, licensed and regulated by the USDA, FDA, or WSDA; and

(iv) Farmers exempt from licensure under RCW 36.71-090.

(5) "Food service worker" means an individual who works (or intends to work) with or without pay in a food service establishment and handles unwrapped or unpackaged food or who may contribute to the transmission of infectious diseases through the nature of his/her contact with food products and/or equipment and facilities. This does not include persons who simply assist residents or patients in institutional facilities with meals, or students in K-12 schools who periodically assist with school meal service.

(6) "Food worker card" means a food and beverage service workers' permit as required under chapter 69.06 RCW.

(7) "Health officer" means the county, city-county, or district health officer of a jurisdictional health department, or

his/her authorized representative, or the representative of the department.

(8) "Jurisdictional health department" refers to one of the following:

(a) Local health district as defined in chapter 70.46 RCW.

(b) City-county health department as defined in chapter 70.08 RCW.

(c) County health department as defined in chapter 70.05 RCW.

(9) "Person" means any individual, partnership, corporation, association, or other legal entity or agency of state, county, or municipal government, or agency of the federal government which is subject to the jurisdiction of the state.

(10) "Secretary" means the secretary of the state department of health.

WSR 04-09-057

PROPOSED RULES

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed April 16, 2004, 11:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-12-087.

Title of Rule: Amending WAC 246-840-010, 246-840-840, 246-840-850, 246-840-860, 246-840-870, 246-840-880, 246-840-890, 246-840-900 and adding new section WAC 246-840-905 Nursing technician registration.

Purpose: To implement chapter 258, Laws of 2003, requiring registration of nursing technicians.

Other Identifying Information: The proposal allows registration of nursing technicians which provides nursing students work related opportunities. The authorizing legislation contained an emergency clause and emergency rules have been in place since June 18, 2003.

Statutory Authority for Adoption: RCW 18.79.340(3).

Statute Being Implemented: Chapter 18.79 RCW.

Summary: The new law requires registration of nursing technicians. The proposal establishes an application process to register nursing technicians. The proposal includes AIDS education which is required for all health care registrations, certifications, and/or licenses. The proposal amends current rules so that the definition of nursing technician, the criteria for nursing technician, and the functions of the nursing technician will be consistent with the law. In addition, "good cause," as used in the new law, will be defined.

Reasons Supporting Proposal: The proposal provides an opportunity for nursing students to gain work related experience that will improve their skills. The proposal also allows nursing homes and hospitals to hire nursing technicians, and providing more staff to care for more patients.

Name of Agency Personnel Responsible for Drafting: Kendra Pitzler, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4723; Implementation: Valerie Zandell, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4708; and

Enforcement: Shellie Carpenter, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4744.

Name of Proponent: Department of Health, Nursing Care Quality Assurance Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new law requires registration of nursing technicians. The proposal establishes an application process to register nursing technicians. The proposal includes AIDS education which is required for all health care registration, certifications, and/or licenses. The proposal amends current rules including definition of nursing technician, the criteria for nursing technician, and the functions of the nursing technician to be consistent with the new law. In addition, "good cause," as used in the new law, will be defined. There is currently a nursing shortage. The proposal allows nursing homes and hospital to hire nursing technicians, and providing more staff to care for more patients during this time of nursing shortage.

Proposal Changes the Following Existing Rules: WAC 246-840-010, the proposal defines the terms "good cause," "good standing," "immediately available," and "nursing technician." The proposal deletes the term "nursing aide."

WAC 246-840-840, the proposal amends this section by clarifying the nursing technician's role in hospitals and nursing homes.

WAC 246-840-850, the proposal amends this section which limits the title of nursing technicians to those individuals that meet the definition in WAC 246-840-010.

WAC 246-840-860, the proposal amends the criteria that students must meet to qualify as a nursing technician to clarify the applicability of the rule to individuals who have recently graduated and add the ADIS [AIDS] education requirement.

WAC 246-840-870, the proposal clarifies the tasks, function, and supervision of nursing technicians.

WAC 246-840-880, the proposal clarifies the requirements for individuals who supervise nursing technicians.

WAC 246-840-890, the proposal amends the function requirements for facilities employing nursing technicians.

WAC 246-840-900, the proposal sets out the functions for the nursing program in which the nursing technician is enrolled.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Those parts of the rule that are not explicitly dictated by statute do not impose more than minor costs on affected businesses. In particular, WAC 246-840-860(1) specifies that nursing technicians must have completed at least one academic term of a nursing program that includes clinical training; this does not impose more than minor costs on affected businesses because students without any clinical training are unlikely to be able to function effectively as nursing technicians.

Small Business Economic Impact Statement

Background: The Washington State Nursing Commission passed rules in 1997 that created a nursing technician position. A question was later filed with the Nursing Commission and the assistant attorney general (AAG) advised

that the commission did not have the authority to pass rules to create a nursing technician position and thus the rules that created the nursing technician position should immediately be repealed. When the Nursing Commission filed notice of their intent to repeal these rules, it was met by strong opposition.

Before the Nursing Commission followed through on its plans to repeal these rules based on the AAG's advice, the interest groups went to the legislature. The groups explained that it would hurt their industries if they were not allowed to hire "nursing students" as nursing technicians and requested legislation to allow registration of nursing technicians. The legislature passed such a bill this past session, effective May 12, 2003.

The Nursing Commission is currently registering nursing technicians per emergency rules. The emergency rules are derived from both the old rules the AAG advised repealing and the legislation passed in May. The permanent rules also result from both language in the old rules and the legislation passed in May.

Neither the old rules nor the emergency rules that currently register nursing technicians are considered permanent rules in Washington state. No previous SBEIS is relevant because past rules were not adopted properly and current rules are on an emergency situation.

Rule-making Requirements of the Regulatory Fairness Act (Chapter 19.85 RCW): The Regulatory Fairness Act, RCW 19.85.030 requires the department to conduct a small business economic impact statement (SBEIS) for proposed rules that have more than minor impacts on small businesses. As defined in RCW 19.85.020 a small business is "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has the purpose of making a profit, and that has fifty or fewer employees."

1. Briefly Describe the Proposed Rule: The proposed rule defines and regulates nursing technicians. Much of the rule follows state law (RCW 17.89.330 - [17.89].370).

2. Is a Small Business Economic Impact Statement (SBEIS) Required for this Rule? No. Much of the content of the proposed rule is explicitly dictated by statute. Those parts of the rule that are not explicitly dictated by statute do not impose more than minor costs on affected businesses. In particular, WAC 246-840-860(1) specifies that nursing technicians must have completed at least one academic term of a nursing program that includes clinical training; this does not impose more than minor costs on affected businesses because students without any clinical training are unlikely to be able to function effectively as nursing technicians.

3. Which Industries are Affected by this Rule? In preparing this small business economic impact statement (SBEIS), the Department of Health used the following SIC codes:

SIC	Description	Minor Impact Threshold (\$)
8011	Offices & clinics of medical doctor	66.10
8051	Skilled nurisng care facilities	195.64

SIC	Description	Minor Impact Threshold (\$)
8062	General medical & surgical hospital	396.57

SIC Industry Code and Title	No. of Businesses	No. of Employees	Average No. of Employees for Smallest Businesses	Average No. of Employees for 10% of Largest Businesses
8011 Offices & clinics of medical doctor	2821	43659	8	129
8051 Skilled nursing care facilities	281	26407	15	144
8062 General medical & surgical hospital	146	78593	11	2028

PROPOSED

4. How are Small Businesses Involved in the Development of this Rule? The Nursing Commission held two rule-writing workshops. Notices of the rule-writing workshops went to 11,000 e-mail addresses on the interested parties list, some of which represent small businesses. In addition, representatives of the long-term care association and representatives of individual hospitals were involved in these meetings.

RCW 34.05.328 applies to this rule adoption. These rules require nursing technicians to be registered and to meet all the qualifications for registration which makes the rules significant.

Hearing Location: Department of Health, Point Plaza East, 310 Israel Road S.E., Olympia, WA 98501, on May 26, 2004, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Kendra Pitzler by May 19, 2004, TDD (800) 833-6388 or (360) 236-4723.

Submit Written Comments to: Kendra Pitzler, P.O. Box 47864, Olympia, WA 98504-7864, Kendra.Pitzler@doh.wa.gov, fax (360) 236-4738, by May 21, 2004.

Date of Intended Adoption: June 11, 2004.

April 6, 2004

Cheryl Payseno, Chair

Nursing Care

Quality Assurance Commission

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-840-010 Definitions. (1) "Auxiliary services" are all nursing services provided to patients by persons other than the licensed practical nurse, the registered nurse and the nursing student.

(2) "Beginning practitioner" means a newly licensed nurse beginning to function in the nurse role.

(3) "Behavioral objectives" means the measurable outcomes of specific content.

(4) "Client" means the person who receives the services of the practical nurse or registered nurse.

(5) "Client advocate" means a supporter of client rights and choices.

(6) "Commission" means the Washington state nursing care quality assurance commission.

(7) "Competencies" means the tasks necessary to perform the standards.

(8) "Conceptual framework" means the theoretical base around which the curriculum is developed.

(9) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the commission, and it specifies conditions that must be met within a designated time to rectify the failure.

(10) "Delegation" means the licensed practical nurse or registered nurse transfers the performance of selected nursing tasks to competent individuals in selected situations. The licensed practical nurse or registered nurse delegating the task retains the responsibility and accountability for the nursing care of the client. The licensed practical nurse or registered nurse delegating the task supervises the performance of the unlicensed person;

(a) Nursing acts delegated by the licensed practical nurse or registered nurse shall:

(i) Be within the area of responsibility of the licensed practical nurse or registered nurse delegating the act;

(ii) Be such that, in the opinion of the licensed practical nurse or registered nurse, it can be properly and safely performed by the person without jeopardizing the patient welfare;

(iii) Be acts that a reasonable and prudent licensed practical nurse or registered nurse would find are within the scope of sound nursing judgment.

(b) Nursing acts delegated by the licensed practical nurse or registered nurse shall not require the unlicensed person to exercise nursing judgment nor perform acts which must only be performed by a licensed practical nurse or registered nurse, except in an emergency situation (RCW 18.79.240 (1)(b) and (2)(b)).

(c) When delegating a nursing act to an unlicensed person it is the registered nurse who shall:

(i) Make an assessment of the patient's nursing care need before delegating the task;

(ii) Instruct the unlicensed person in the delegated task or verify competency to perform or be assured that the person is competent to perform the nursing task as a result of the systems in place by the health care agency;

(iii) Recognize that some nursing interventions require nursing knowledge, judgment, and skill and therefore may not lawfully be delegated to unlicensed persons.

(11) Direction and Supervision:

(a) "Supervision" of licensed or unlicensed nursing personnel means the provision of guidance and evaluation for the accomplishment of a nursing task or activity with the initial direction of the task or activity; periodic inspection of the actual act of accomplishing the task or activity; and the authority to require corrective action.

(b) "Consulting capacity" (~~shall~~) means the recommendations to a professional entity, employed at that facility, which may be accepted, rejected, or modified. These recommendations shall not be held out as providing nursing services by the consulting nurse to the patient or public.

(c) "Direct supervision" (~~shall~~) means the licensed registered nurse is on the premises, is quickly and easily available and the patient has been assessed by the licensed registered nurse prior to the delegation of the duties to any caregiver.

(d) "Immediate supervision" (~~shall~~) means the registered nurse is on the premises and is within audible and visual range of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(e) "Indirect supervision" (~~shall~~) means the registered nurse is not on the premises but has given either written or oral instructions for the care and treatment of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(12) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

(13) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

(14) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the commission.

(15) "Good cause" as used in WAC 246-840-990 for extension of a nurse technician registration means that the nurse technician has had undue hardship such as difficulty scheduling the examination through no fault of their own, receipt of the examination results after thirty days after the nurse technician's date of graduation, or an unexpected family crisis which caused him or her to delay sitting for the examination. Failure of the examination is not "good cause."

(16) "Good standing" as applied to a nursing technician, means the nursing technician is enrolled in a registered nursing program approved by the commission and is successfully meeting all program requirements.

(17) "Immediately available" as applied to nursing technicians, means that a registered nurse who has agreed to act as supervisor is on the premises and is within audible range and available for immediate response as needed. This may include the use of two-way communication devices which allow conversation between the nursing technician and a registered nurse who has agreed to act as supervisor.

(a) In a hospital setting, a registered nurse who has agreed to act as supervisor is on the same patient care unit as the nursing technician and the patient has been assessed by the registered nurse prior to the delegation of duties to the nursing technician.

(b) In a nursing home setting, a registered nurse who has agreed to act as supervisor is in the same building and on the same floor as the nursing technician and the patient has been assessed by the registered nurse prior to the delegation of duties to the nursing technician.

(18) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

~~((16))~~ (19) "Minimum standards of competency" means the functions that are expected of the beginning level nurse.

~~((17))~~ (20) "Nurse administrator" is an individual who meets the qualifications contained in WAC 246-840-555 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

~~((18))~~ The phrase "nursing aide" used in RCW 18.79.240 (1)(c) shall mean a "nursing technician." "Nursing technician" is a nursing student currently enrolled in a commission or state board of nursing approved nursing education program and employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing. The nursing student shall use the title "nursing technician" while employed.

~~(19)~~ "Nursing student" is a person currently enrolled in an approved school of nursing. (21) "Nursing technician" means a nursing student preparing for registered nurse licensure who is employed in a hospital licensed under chapter 70.41 RCW or a nursing home licensed under chapter 18.51 RCW, and who:

(a) Is currently enrolled in good standing and attending a nursing program approved by the commission and has not graduated; or

(b) Is a graduate of a nursing program approved by the commission who graduated:

(i) Within the past thirty days; or

(ii) Within the past sixty days and has received a determination that there is good cause to continue the registration period.

(c) Approved schools for nursing technicians include the list of registered nursing programs (schools) approved by state boards of nursing as preparation for the NCLEX registered nurse examination, and listed in the NCLEX bulletin as meeting minimum standards. Approved schools do not include nontraditional schools as defined in WAC 246-840-030(3).

~~((20))~~ (22) "Philosophy" means the beliefs and principles upon which the curriculum is based.

~~((21))~~ (23) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

~~((22))~~ (24) "Provisional approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

~~((23))~~ (25) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.79.030(1).

~~((24))~~ (26) "School" means an educational unit charged with the responsibility of preparing persons to practice as

practical nurses or registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

~~((25))~~ (27) "Standards" means the overall behavior which is the desired outcome.

~~((26))~~ (28) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

~~((27))~~ (29) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the commission or a school that has never been approved by the commission.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-840 Nursing technician. The purpose of the ~~(role of)~~ nursing technician credential is to provide ~~(opportunity)~~ additional work related opportunities for students enrolled in an ADN or BSN program ~~(to gain work experience)~~, within the limits of their education, ~~(but not limited to the scope of functions of nursing assistant certified)~~ to gain valuable judgment and knowledge through expanded work opportunities.

(1) The nursing technician is as defined in WAC 246-840-010(19).

(2) The nursing technician shall have knowledge and understanding of the laws and rules regulating the nursing technician and shall function within the legal scope of ~~(nursing practice.~~

~~(3) The nursing technician))~~ their authorization under chapter 18.79 RCW and shall be responsible and accountable for ~~(practicing within the scope and guidelines of policies defined by the employing agency.~~

~~(4))~~ the specific nursing functions which they can safely perform as verified by their nursing program.

(3) The nursing technician shall work directly for the hospital or nursing home and may not be employed ((by)) in these facilities through a temporary agency.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-850 Use of nomenclature. (1) Any person who meets the ~~((qualifications))~~ definition of nursing technician under WAC 246-840-010~~((19) and 246-840-860)~~(21) shall use the title nursing technician ~~((and this title shall not be abbreviated)).~~

(2) No ~~((other))~~ person ~~((shall assume such title))~~ may practice or represent oneself as a nursing technician by use of any title or description of services without being registered under chapter 18.79 RCW, unless otherwise exempted by chapter 18.79 RCW.

AMENDATORY SECTION (Amending WSR 97-17-049, filed 8/15/97, effective 9/15/97)

WAC 246-840-860 Nursing technician criteria. To be eligible for employment as a nursing technician a student must meet the following criteria:

(1) Satisfactory completion of at least one academic term (quarter or semester) of a nursing program approved by ((a)) the commission ((or board of nursing (ADN, diploma, or BSN))). The term must have included a clinical component.

(2) Currently enrolled in a nursing commission approved program will be considered to include:

(a) All periods of regularly planned educational programs and all school scheduled vacations and holidays((-));

(b) ~~((The period of time of notification to the commission of completion of nursing education, following graduation and application for examination, not to exceed ninety days from the date of graduation.~~

(e)) Thirty days after graduation from an approved program; or

(c) Sixty days after graduation if the student has received a determination from the secretary that there is good cause to continue the registration period.

(d) Current enrollment ((will not be construed to)) does not include:

(i) Leaves of absence or withdrawal, temporary or permanent, from the nursing educational program.

(ii) ~~((Students enrolled in nursing department classes who are solely enrolled in academic nonnursing supporting course work, whether or not those courses are required for the nursing degree.~~

~~((iii)) Students who are awaiting the opportunity to reenroll in nursing courses.~~

(3) Applicants must complete seven clock hours of AIDS education as required by RCW 70.24.270 and chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-870 Functions of the nursing technician. The nursing technician is authorized only to perform specific nursing functions within the limits of their education, up to their skills and knowledge, as verified by their nursing program. The nursing technician:

(1) ~~((Shall))~~ May function only under the direct supervision of ~~((the))~~ a registered nurse who has agreed to act as supervisor and is immediately available.

(2) May gather information about patients and administer care to patients.

(3) ~~((Shall))~~ May not ~~((be responsible for performing the))~~ assume ongoing responsibility for assessments, planning, implementation, ~~((and))~~ or evaluation of the care of patients. The nursing technician may participate in all aspects of the nursing care process under the guidance of the registered nurse and within the scope of the nursing technician's education.

(4) ~~((Shall))~~ May never function ~~((as an independent practitioner,))~~ independently, act as a ~~((team leader, charge nurse, or in a supervisory capacity))~~ supervisor, or delegate

tasks to licensed practical nurses, nursing assistants, or unlicensed personnel.

(5) ~~((May administer medications only under the direct supervision of a registered nurse and within the limits described in this section. "Direct supervision" means that the registered nurse is on the premises, is quickly and easily available, and that the patients have been assessed by the registered nurse prior to the delegation of the medication duties to the nursing technician. The nursing technician shall))~~ May not administer chemotherapy, blood or blood products, intravenous medications, scheduled drugs, nor carry out procedures on central lines.

~~((There shall be written documentation from the nursing education program attesting to the nursing technician's preparation in the procedures of medication administration.))~~

(6) May not perform any task or function that does not appear on the verification sent to the nursing technician's employer by the nursing program in which the nursing technician is enrolled. This document verifies that the nursing technician has demonstrated the ability and is safe to perform these tasks and functions. If the nursing technician is requested to perform any task not verified by the nursing program, the nursing technician must inform their supervisor that the task or function is not within their scope and must not perform the task.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-880 Functions of the registered nurse supervising the nursing technician. The registered nurse who is responsible for supervising the nursing technician:

(1) Is accountable at all times for the client's safety and well-being.

(2) Is responsible at all times for the nursing process as delineated in WAC 246-840-700 and this responsibility cannot be delegated.

(3) Shall maintain at all times an awareness of the care activities of the nursing technician and of the current assessment of the patient/resident.

(4) Shall be immediately available at all times to the nursing technician ~~((and shall be physically present within the health care facility)).~~

(5) Shall have knowledge of the specific nursing functions the nursing technician is authorized to perform. The authorized functions appear on the verification sent to the nursing technician's employer by the nursing program in which the nursing technician is enrolled.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-890 ((Responsibilities)) Functions of the employing facility. In addition to the responsibilities required by RCW 18.79.360 (4)(e), the employer of the nursing technician shall:

(1) Verify the nursing technician's enrollment in a nursing ~~((education))~~ program approved by the ~~((state board of nursing or))~~ commission ~~((in the state in which the program is located)).~~

(2) Verify ((satisfactory)) that the nursing technician continues to qualify as a nursing technician and continues to be in good standing within three weeks of completion of each academic term (semester or quarter) ((within two weeks of completion date)).

(3) Obtain and maintain written documentation of the specific nursing functions that the nursing technician may perform from the approved nursing ((education)) program ((of the nursing technician's current level of education preparation and his/her knowledge and skills)).

(4) ((Assign the nursing technician to perform only to the level identified in subsection (3) of this section.)) Follow their own guidelines, policies, principles and procedures relating to nursing technicians.

(5) ((Provide the nursing technician from an educational program approved by a state board of nursing or commission other than the Washington nursing commission with board authorized information on the legal definition and parameters of the nursing technician role, as in WAC 246-840-010(19) and 246-840-840 through 246-840-870. Such information shall be provided prior to the commencement of patient care activities by the nursing technician. The facility shall obtain written verification from the nursing technician of receipt and review of this information and the facility shall retain the written verification for a minimum of three years from the last date of employment.

(6) Advise the commission of the names and addresses of the nursing technician and the name and address of the nursing education program for any and all nursing technicians employed at the facility.

(7) Identify the student nurse as a "nursing technician."

(6) Advise the department and nursing program of any practice-related action taken against the nursing technician. The employing facility shall notify the department at P.O. Box 47864, Olympia, Washington, 98504-7864.

(7) Provide training regarding the provisions of RCW 18.79.330 through 18.79.370 as specified in RCW 18.79.360 (4)(e).

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-900 ((Responsibilities)) Functions of the ((nurse administrator)) nursing program. ((The nursing administrator or designee shall:

(1) ~~Ensure that the nursing technician has been thoroughly oriented to the facility.~~

(2) ~~Ensure that WAC 246-840-890 (3), (4), (5), (6), and (7) are accomplished prior to patient care assignments.~~

(3) ~~Observe, evaluate, and document the skill level of the nursing technician in the administration of oral, intermuscular, and subcutaneous medication and nursing care skills.~~

(4) ~~Convey in writing to all facility departments the scope within which the nursing technician may practice.~~

(5) ~~Provide the supervising licensed registered nurse a written job description for the nursing technician.)~~ The nursing program in which the nursing technician is enrolled should:

(1) Provide to the employer written documentation of specific nursing functions the nursing technician may per-

form. This documentation should be based upon, and limited to, the nursing technician's education and demonstrated ability to safely perform the functions listed.

(2) Provide to the employer and the commission written documentation when a nursing technician is no longer considered to be in good standing as defined in WAC 246-840-010(16). The nursing program should notify the employer and the commission immediately if the nursing technician is no longer in good standing. Notification to the commission should be sent to P.O. Box 47864, Olympia, Washington, 98504-7864.

NEW SECTION

WAC 246-840-905 How to register as a nursing technician. (1) An individual shall complete an application for registration on an application form prepared and provided by the secretary of the department of health. This application shall be submitted to P.O. Box 47864, Olympia, Washington, 98504-7864.

(2) Every applicant shall provide:

(a) The application fee under WAC 246-840-990.

(b) Verification of seven clock hours of AIDS education as required by RCW 70.24.270 and chapter 246-12 WAC, Part 8.

(c) A signed statement from the applicant's nursing program verifying enrollment in, or graduation from, the nursing program. If the applicant has not yet graduated, this statement will include the anticipated graduation date.

(d) A signed statement from the applicant's employer or prospective employer certifying that the employer understands the role of the nursing technician and agrees to meet the requirements of RCW 18.79.360(4).

WSR 04-09-069

PROPOSED RULES

CRIMINAL JUSTICE

TRAINING COMMISSION

[Filed April 19, 2004, 2:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-06-057.

Title of Rule: WAC 139-10-210 Requirement of basic corrections training.

Purpose: Several courses were reconfigured to meet specific constituent needs. New titles and descriptions more accurately describe course focus and job classifications served.

Statutory Authority for Adoption: RCW 43.101.080 and 43.101.220.

Summary: Stakeholders were contacted by letter to advise the intended rule amendments. Proposals also listed on the agency website.

Name of Agency Personnel Responsible for Drafting and Enforcement: Al Isaac, Burien, (206) 835-7306; and Implementation: Sharon M. Tolton, Burien, (206) 835-7345.

Name of Proponent: Criminal Justice Training Commission staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Several courses were reconfigured to meet specific constituent needs. New titles and descriptions more accurately describe course focus and job classifications served.

Proposal does not change existing rules.

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

RCW 19.85.025(2), this chapter does not apply to a rule proposed for expedited adoption under **RCW 34.05.230 (1) through (8), unless a written objection is timely filed with the agency and the objection is not withdrawn.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, on June 9, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sonja Hirsch by June 7, 2004, TDD (206) 835-7300.

Submit Written Comments to: Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, fax (206) 439-3860, by June 7, 2004.

Date of Intended Adoption: June 9, 2004.

April 15, 2004
Sharon M. Tolton
Deputy Director

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-10-210 Requirement of basic corrections training. As provided in RCW 43.101.220, all full-time corrections employees of the state of Washington or of any city, county, or political subdivision of the state of Washington, shall, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored or conducted by the Washington state criminal justice training commission. This requirement to complete basic training shall be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by the commission. Requests for extension or waiver of the basic training requirement shall be submitted to the commission in writing as designated by its policies.

(1) Corrections personnel shall attend basic academy training according to job function as described below:

(a) Corrections officers academy. All employees whose primary job function is to provide for the custody, safety and security of adult prisoners in jails, penal institutions and detention facilities. Representative job classifications include, but are not limited to, custody and correctional officers.

(b) ~~((Adult services))~~ Municipal probation/classification academy. All employees whose primary job function is the case management of offenders under county/city supervision, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, community corrections officers, adult probation counselors, ~~((institution))~~ classification counselors, and psychiatric social workers.

(c) Community corrections officers academy. All employees whose primary job function is the case management in the community of adult offenders under state department of corrections supervision including, monitoring adjustment of offenders involved with in/outpatient treatment programs; counseling offenders and/or referring them for counseling or other resource/treatment programs; making home/field visits pursuant to offender classification standards. Representative job classifications include, but are not limited to, community corrections officer, community risk management specialist, hearings officers and victim advocates.

(d) Institutional corrections counselors academy. All employees whose primary job function is to provide classification and program services to adult felony offenders housed in a state institutional setting: Parole planning; work/training release and prerelease referrals; academic/vocational/work program reviews; disciplinary and living unit program reviews; risk management identification. Representative job classes include, but are not limited to, correctional counselor, classification counselor, institution risk management specialist and corrections mental health counselors.

(e) Juvenile services academy. All employees working with juveniles whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, juvenile probation and parole counselors, case aides/assistants, trackers, juvenile rehabilitation community counselors, juvenile drug court counselors, and community surveillance officers.

~~((d))~~ (f) Juvenile ((security workers)) corrections officers academy. All employees responsible for the care, custody, and safety of youth in county and state juvenile custody facilities. Representative job class includes, but ~~((is))~~ are not limited to, juvenile detention workers, juvenile corrections officers, and juvenile supervision officers ~~((, and juvenile rehabilitation residential counselors))~~.

~~((e))~~ (g) Juvenile residential counselors academy. All employees responsible for the case management, custody, counseling, supervision and application of researched based treatment to youth in state institutions. Representative job classes include, but are not limited to, juvenile residential rehabilitation counselor, juvenile residential rehabilitation counselor assistant, and juvenile rehabilitation supervisor.

(h) Work release academy. All employees responsible for the safety, custody and care of adult offenders in a work release facility. Representative job class includes, but is not limited to, work release officers ~~((and))~~, work release counselors, and work release program monitors.

(2) It shall be the responsibility of the employing agency to determine the most appropriate basic academy for an employee to attend within the guidelines set by the commission.

An agency may elect to forgo completely any basic academy training if such employee occupies a middle management or an executive position, as defined in WAC 139-10-410, 139-10-510, and 139-25-110.

(3) Failure to comply with the above requirements shall result in a notification of noncompliance from the commission directed to the individual employee, and, as appropriate,

the employing agency director, chief or sheriff, the civil service commission, and/or the state auditor's office, and the chief executive of the local unit of government.

(4) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide the commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

WSR 04-09-076
PROPOSED RULES
UNIVERSITY OF WASHINGTON

[Filed April 20, 2004, 10:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-04-016.

Title of Rule: Chapter 478-168 WAC, Regulations for the University of Washington libraries.

Purpose: To update the rules and regulations that govern the loaning of materials from the University of Washington libraries.

Statutory Authority for Adoption: RCW 28B.20.130.

Statute Being Implemented: RCW 28B.20.130.

Summary: The proposed amendments to chapter 478-168 WAC remove nonessential elements from the code that are more appropriate to the University of Washington *Libraries Operations Manual* and website. Additionally, obsolete policies have been removed and housekeeping changes made for names of units and position titles.

Reasons Supporting Proposal: The revisions more accurately reflect current policy and allow for more flexibility in meeting the needs of library users in a timely manner.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lizabeth (Betsy) A. Wilson, UW Director of Libraries, 482 Allen Library, UW, Seattle, WA, (206) 543-1763.

Name of Proponent: University of Washington, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The University of Washington libraries proposes amending chapter 478-168 WAC to make its loan code regulations more flexible (such as removing the stipulation that borrowers pay fines by cash or check only), and more amenable to current practices by publishing fees and charges on its website and in its operations manual. It is anticipated that borrower interactions with the University of Washington libraries will be simplified and more transparent.

Proposal Changes the Following Existing Rules: The proposed rule making amends the following sections of the Washington Administrative Code:

(1) WAC 478-168-160, by clarifying which campus libraries are subject to these WAC rules.

(2) WAC 478-168-180, 478-168-190 and 478-168-390, by clarifying existing language.

(3) WAC 478-168-270, by eliminating an obsolete loan category.

(4) WAC 478-168-310 and 478-168-380, by detailing where fines and charges are published and how they are set, as well as clarifying existing language.

(5) WAC 478-168-320, by eliminating restrictions on when notices are sent.

(6) WAC 478-168-325, by removing a restriction on type of payment for fines and charges.

The proposed rule making repeals WAC 478-168-170, 478-168-200, 478-168-290, 478-168-294, 478-168-298, 478-168-300, 478-168-340, 478-168-345, 478-168-350, and 478-168-360.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapter 478-168 WAC does not impose a disproportionate impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption. Chapter 478-168 WAC is not considered a significant legislative rule by the University of Washington.

Hearing Location: Room 309 Husky Union Building (HUB), University of Washington, Seattle, Washington, on May 27, 2004, at 12:00 noon.

Assistance for Persons with Disabilities: Contact UW Disability Services Office by May 13, 2004, TDD (206) 543-6452 or (206) 543-6450.

Submit Written Comments to: Rebecca Goodwin Dearnorff, Director, Rules Coordination Office, via one of the following: United States mail, University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203, campus mail Box 355509, e-mail rules@u.washington.edu, fax (206) 616-6294, by May 27, 2004.

Date of Intended Adoption: June 11, 2004.

April 16, 2004

Rebecca Goodwin Dearnorff
Director, Rules Coordination Office

AMENDATORY SECTION (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

WAC 478-168-160 University of Washington libraries—Loan code (~~for the University of Washington libraries~~)—**Purpose.** The board of regents of the University of Washington has established the following regulations which govern the lending of library material from the University of Washington libraries (excluding the Marian Gould Gallagher Law Library and the Elisabeth C. Miller Library in the center for urban horticulture).

The loan code for the University of Washington libraries is contained in WAC 478-168-160 through 478-168-390.

AMENDATORY SECTION (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

WAC 478-168-180 Identification card—Conditions of use. (1) Each borrower is responsible for obtaining an official identification card from the appropriate university office or a library borrower's card from the library cashier (~~(section, Suzzallo Library)~~).

(2) An identification card is authorized for use only by the individual whose name appears on the card.

(3) Official identification must be presented for the completion of each in-person circulation transaction.

(4) Each borrower is responsible for materials checked out on his/her University of Washington identification card or library borrower's card. Library materials are not to be loaned to others except as designated in WAC 478-168-180(6).

(5) Campus borrowers are responsible for keeping the registrar or payroll office informed of changes of address. Off-campus borrowers are responsible for keeping the ~~(libraries))~~ library cashier informed of changes of address.

(6) Each University of Washington faculty, academic personnel, administrative personnel, professional staff, visiting scholar, and other individuals as authorized by the director of university libraries, may designate up to two proxies or couriers for the purpose of picking up materials for his/her use.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-190 Disclosure of ~~((borrower))~~ library user identity. ~~((The name or address of the borrower who has or had an item checked out or who has placed a hold on an item checked out or who has placed a hold on an item will not be disclosed to other borrowers.~~

~~In cases where the normal hold and recall procedures do not meet the borrower's need, the library will attempt to expedite return of material.)~~ Unless otherwise required by law, all library records that contain information about individual users of library services are confidential.

AMENDATORY SECTION (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

WAC 478-168-270 Date library material is due. ~~((4))~~ Material is due on the date and hour specified at the time checked out or as adjusted by recall. If the hour is not specified, material is due at midnight on the date specified.

~~((2) Material checked out on indefinite loan becomes due one month from the date of issue of an indefinite loan report if the report is not signed and returned within that time. All materials on indefinite loan become due upon termination of employment with the university.)~~

AMENDATORY SECTION (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

WAC 478-168-310 Fines and charges. (1) All borrowers are subject to a uniform system of fines and charges for late return of library material and for replacement costs when required. The director of university libraries or his/her designee will set the schedule of fines and charges on a regular basis.

(2) ~~((Nonreserve fines are monetary sanctions for the late return of material requested by another borrower or library unit. Reserve))~~ The approved schedule of fines and charges will be available online and in the *Libraries Operations Manual*.

(3) Fines are monetary sanctions for the late return of material. Fines are levied only when an overdue item is returned prior to billing.

~~((3))~~ (4) Billing charges are levied to defray the costs incurred by the libraries in billing, processing sanctions, and other activities related to the recovery of material that is substantially overdue.

~~((4))~~ (5) Replacement charges are levied to pay for the replacement of substantially overdue material. The replacement charges include the cost of the material and the cost of processing the material for the shelves. All library materials, regardless of fines and fees paid, remain state property.

~~((5))~~ (6) Binding, mending and damage charges are levied to repair material, to prepare replacement materials for circulation or to compensate for the decreased value of materials due to irreparable damage.

AMENDATORY SECTION (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

WAC 478-168-320 Notices and invoices. (1) ~~((An overdue notice for nonreserve material will be sent at least one week in advance of the billing date for replacement charges.~~

(2)) All notices and invoices for library charges will be sent via United States first class, campus or electronic mail.

~~((3))~~ (2) Failure to receive a notice or invoice does not exempt the borrower from charges.

AMENDATORY SECTION (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

WAC 478-168-325 Payment of fines and charges. Fines and charges should be ~~((paid at or sent))~~ remitted to the library cashier ~~((in the Suzzallo Library))~~ unless the charges have been referred to the collection agency. ~~((Payment may be made by cash or check.))~~ Departmental purchase orders are not acceptable on the basis that fines and charges may not be appropriately paid by departmental, grant or other funds controlled by the university.

AMENDATORY SECTION (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

WAC 478-168-380 Appeal of library charges. (1) ~~((Except for cancellation of replacement charges as defined in WAC 478-168-350 (1), (2) and (3), library charges are noncancellable except as determined by the appeal procedure or in cases of library error. Appeals are adjudicated by the library fines appeals committee, a committee composed of faculty and students. The faculty member serves as chair.))~~ The library has the right to reduce or forgive fines and charges for borrowers in accordance with the guidelines specified in the *Libraries Operations Manual*. Borrowers can appeal unresolved problems to the library fines appeals committee.

(2) The libraries inform potential appellants of the availability of the appeals process at the time of billing and in all correspondence regarding the application of sanctions. ~~((Appeal of library charges may be filed by securing an~~

~~appeal form from the unit which levied the charges and submitting the completed form to the library cashier.)~~

(3) Meetings of the libraries fines appeals committee are considered brief adjudicative procedures as defined by the Administrative Procedure Act (chapter 34.05 RCW). Committee meetings are conducted in conformance with the act and other applicable laws.

(4) A completed appeals form must be submitted within six months of billing for the charges to be appealed.

AMENDATORY SECTION (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

WAC 478-168-390 Failure to pay library charges and misuse of library privileges. (1) Failure to pay library charges and/or return library material may result in:

(a) Holds being placed on student records.
 (b) Cancellation or blocking of registration for students.
 (c) Collection processing by the libraries and/or campus agencies designated by the University of Washington. Such accounts may also be reported to credit bureaus and/or litigation instituted.

(d) Revocation of borrowing privileges.
 (e) Civil or criminal action against the borrower.
 (f) Any combination thereof.
 (2) Misuse of library privileges may result in revocation of borrowing privileges by the director of university libraries or his/her designee.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 478-168-170	Library borrowers.
WAC 478-168-200	Loan periods.
WAC 478-168-290	Holds.
WAC 478-168-294	Recalls.
WAC 478-168-298	Searches.
WAC 478-168-300	Renewal of library material.
WAC 478-168-340	Replacement charges.
WAC 478-168-345	Billing charges.
WAC 478-168-350	Adjustment to replacement charges.
WAC 478-168-360	Binding charges.

WSR 04-09-087

**PROPOSED RULES
 GAMBLING COMMISSION**

[Filed April 20, 2004, 3:28 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-05-077.

Title of Rule: Amending WAC 230-40-070 Licensee to furnish all cards, chips and other services.

Purpose: The proposed amendment allows Class E and Class F licensees that do not offer player-supported jackpots to use nonlogo cards.

Statutory Authority for Adoption: RCW 9.46.070 and 9.46.0282.

Summary: Currently, this rule requires house-banked, Class F, and Class E over 5 tables, card room licensees to use logo cards. Logo cards provide a security feature so that other cards are not introduced into a game from the outside. Several Class E and Class F licensees are finding it difficult to obtain logo cards and have requested the ability to use cards without logos. Staff does not have regulatory concerns with Class E and Class F licensees using nonlogo cards, if they do not offer player-supported jackpots. House-banked card games and any games offering a player-supported jackpot should continue to use logo cards. This change will affect approximately six licensees.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Neal Nunamaker, Lacey, (360) 486-3452.

Name of Proponent: Staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995 apply to this rule adoption.

Hearing Location: LaConner Maple Hall, 108 Commercial Street, LaConner, WA 98257, (360) 466-3101, on July 9, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by July 1, 2004, TDD (360) 486-3637 or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by July 1, 2004.

Date of Intended Adoption: July 9, 2004.

April 20, 2004

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 405, filed 7/13/01, effective 1/1/02)

WAC 230-40-070 Licensee to furnish all cards, chips and other services. Each public card room and Class A social card room licensee shall furnish all chips and cards in connection with all card games conducted on its premises at

no additional charge to the players, except as provided in WAC 230-40-050(6).

Standards for chips and cards.

All chips and cards shall be of generally conventional size and design, and include safeguards that maximize the integrity of the card games. The following standards and procedures apply to this section:

(1) The licensee shall furnish chips and cards that meet the following requirements:

(a) **Chips.** Chips must include the house name or logo, clearly denote the chip value, be produced by a licensed manufacturer, and purchased from a licensed manufacturer or distributor: Provided, That the director may exempt Class A, B, C, and E licensees with five tables or less from this provision if chips are readily identifiable as having been furnished by that particular licensee and values of chips are clearly posted in the card room: Provided further, That Class D licensees are exempt from the provisions set forth in this subsection; and

(b) **Cards.** For all house-banked card games and all games offering a player-supported jackpot, the deck or decks of cards must ((include the house name or logo, be produced by a licensed manufacturer, and be purchased from a licensed manufacturer or distributor: Provided, That Class A, B, C, D, and E licensees with five tables or less are exempt from this provision. These licensees shall comply with all other requirements related to the type of games being played)) meet the following requirements:

(i) Include the house name or logo;

(ii) Be produced by a licensed manufacturer; and

(iii) Be purchased from a licensed manufacturer or distributor.

(c) **Electronic facsimiles of cards.** Electronic card facsimiles may be approved by the director for use in house-banked card games subject to the following conditions:

(i) The system shall:

(A) Produce accurate facsimiles of one or more standard decks of playing cards;

(B) Randomly shuffle the cards prior to each round of play or shoe loading;

(C) Contain a backup system for recording and display of at least five previous rounds of play;

(D) Contain security protocols which prevent unauthorized access;

(E) Provide a means of testing of computer software;

(F) Meet any additional technical standards required by the commission;

(G) Be operated only under card room internal controls specific to each system; and

(H) Be tested by a licensed game testing laboratory for compliance with these requirements.

(ii) The system shall be operated by card room personnel and shall not be designed to allow the player to play against the device.

(iii) The costs of initial laboratory testing and any additional testing required by the commission shall be paid for by the manufacturer.

Bank services.

(2) The licensee shall sell its chips to all players desiring to buy them and redeem all chips at the value for which they were sold. The licensee shall collect the money taken in on chips sold and fees collected and shall keep these funds separate and apart from all other money received by the licensee.

Selling chips for cash or check.

(3) Chips shall be sold for cash only and a licensee shall not extend credit of any nature to a person purchasing chips: Provided, That a licensee may accept a check in accordance with WAC 230-12-053 and 230-40-845. Each receipt by a person of a quantity of chips from the licensee shall be a separate transaction for the purpose of this rule. Checks received for chips retained by the licensee after close of business shall be deposited by the licensee not later than the second day following receipt upon which the licensee's bank is open for business.

Protecting the integrity of cards and chips.

(4) The licensee shall safeguard all chips and cards to assure integrity of games and banking services. Licensees shall not allow:

(a) Playing cards that have been shaved, sanded, cut, carved, or otherwise marked in any manner which may make certain cards identifiable to players other than as allowed by the rules of the particular game.

(b) Any cards or chips which are not furnished by the licensee to be used in any card game conducted upon its premises; or

(c) Any other person to buy or sell chips for use in card games upon its premises.

WSR 04-09-088
PROPOSED RULES
GAMBLING COMMISSION
[Filed April 20, 2004, 3:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-015.

Title of Rule: Amending WAC 230-30-033 Event pull-tab series—Definitions—Restrictions.

Purpose: We have received a petition for rule change from Bonanza Press, requesting an amendment to WAC 230-30-033. Petitioner requests an amendment to allow carry-over jackpots to be used in event pull-tab series. Staff does not have regulatory concerns with the proposed change.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Neal Nuna-maker, Lacey, (360) 486-3452.

Name of Proponent: Staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: LaConner Maple Hall, 108 Commercial Street, LaConner, WA 98257, (360) 466-3101, on July 9, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by July 1, 2004, TDD (360) 486-3637 or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by July 1, 2004.

Date of Intended Adoption: July 9, 2004.

April 20, 2004

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 410, filed 2/22/02, effective 7/1/02)

WAC 230-30-033 Event pull-tab series—Definitions—Restrictions. Charitable or nonprofit bingo operators may use event pull-tab series under the following definitions and restrictions.

Definitions.

(1) The following definitions apply to this section:

(a) "Event pull-tab series" means a pull-tab series that includes a predetermined number of pull-tabs which allow a player to advance to an event round;

(b) "Event round" means a secondary element of chance where the prizes are determined based on pull-tabs which match specific winning numbers drawn in a bingo game. The winning numbers must fall within numbers 1 through 75.

Manufacturing restrictions.

(2) The following manufacturing restrictions apply to this section:

(a) An event pull-tab series shall be manufactured meeting all standards of construction included in WAC 230-30-103;

(b) An event pull-tab series may include instant winning prizes in addition to event round prizes;

(c) The flare shall clearly set out the following:

(i) All prizes available, in accordance with WAC 230-30-106;

(ii) The number of chances available to advance to the event round;

(iii) How the event round winner is to be determined; and

(iv) The number of winning pull-tabs at the instant winner level, and the number of winning pull-tabs at the event round level.

Operational restrictions.

(3)(a) The event pull-tab series must be played in a charitable or nonprofit bingo hall and must be played and completed within one bingo session;

(b) Prior to putting an event pull-tab series into play, the operator must fully disclose, in plain view, when the event round (which involves the second element of chance) will take place;

(c) Event pull-tab series must be available for purchase until immediately prior to the event round, unless the game has been completely sold out;

(d) A licensed manager must be present at all times an event pull-tab series is in play, including sales of tickets and selection of winners;

(e) Event pull-tab tickets may be sold by floor workers (for example, from aprons). This method of selling pull-tabs only applies to an event pull-tab series. Detailed accounting records shall be maintained as prescribed by commission staff to track the event pull-tab tickets issued to each floor worker.

(f) ~~((The following))~~ Event pull-tab series that offer a carry-over jackpot shall meet the requirements set forth in WAC 230-30-045.

(g) Substitute flares and bonus pull-tab series are prohibited for use with event pull-tab series(:

(i) ~~Substitute flares;~~

(ii) ~~Bonus pull-tab series; and~~

(iii) ~~Carry-over jackpots).~~

WSR 04-09-090

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 20, 2004, 4:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-04-095.

Title of Rule: Amending WAC 388-505-0110 Medical assistance coverage for adults not covered under family medical programs and new WAC 388-538-063 Mandatory enrollment in managed care for GAU clients.

Purpose: The Medical Assistance Administration (MAA) is designing a medical care services management pilot project for clients who receive general assistance benefits.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.035, 74.09.522, and ESSB 5404 (section 209(15), chapter 25, Laws of 2003 1st sp.s.).

Statute Being Implemented: ESSB 5404 (section 209(15), chapter 25, Laws of 2003 1st sp.s.).

Summary: The proposed rule is designed to maximize care coordination, high-risk medical management, and

chronic care management to achieve better health outcomes for clients who receive general assistance (GAU) benefits. The medical care services management pilot project will be operated in King and Pierce counties, which contain the highest concentration of general assistance clients. The pilot project will require GAU clients in these two designated counties to be enrolled in a managed care organization contracted with MAA in order to continue their general assistance benefits. GAU scope of care and GAU medical/financial eligibility requirements are not changing. The pilot project will not be conducted as a "pilot rule-making" under chapter 34.05 RCW.

Reasons Supporting Proposal: These rules are necessary to implement a medical care services management pilot project for clients who receive general assistance benefits as established by the 2003 legislature, ESSB 5404 (section 209(15), chapter 25, [Laws of 2003] 1st sp.s.).

Name of Agency Personnel Responsible for Drafting: Wendy Boedigheimer, MAA, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1306; **Implementation and Enforcement:** Amandalei Bennett, MAA, P.O. Box 45530, Olympia, WA 98504-5530, (360) 725-1646.

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: See Summary and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendments are exempt from a small business economic impact statement (SBEIS) according to RCW 19.85.025(3) because the proposed changes are explicitly and specifically directed by the 2003 legislature (section 209(15), chapter 25, Laws of 2003).

RCW 34.05.328 does not apply to this rule adoption. The proposed rules are exempt from preparing a cost benefit analysis (CBA) according to RCW 34.05.328 (5)(b)(iii) because the proposed revisions are explicitly and specifically directed by the 2003 legislature in section 209(15), chapter 25, Laws of 2003 1st sp.s., and under RCW 34.05.328 (5)(b)(vii), exempting DSHS rules relating to client medical or financial eligibility.

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (public parking at 11th and Jefferson), 1115 Washington, Olympia, WA 98504, on May 25, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 21, 2004, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., May 25, 2004.

Date of Intended Adoption: Not sooner than May 26, 2004.

April 15, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-538-063 Mandatory enrollment in managed care for GAU clients. (1) The purpose of this section is to describe the managed care requirement for general assistance unemployable (GAU) clients mandated by the Laws of 2003, chapter 25, section 209(15).

(2) The only sections of chapter 388-538 WAC that apply to GAU clients described in this section are incorporated by reference into this section.

(3) To receive medical assistance administration (MAA) paid medical care, GAU clients must enroll in a managed care plan as required by WAC 388-505-0110(7) when they reside in a county designated as a mandatory managed care plan county.

(4) GAU clients are exempt from mandatory enrollment in managed care if they:

- (a) Are American Indian or Alaska Native (AI/AN); and
- (b) Meet the provisions of 25 U.S.C. 1603 (c)-(d) for federally recognized tribal members and their descendants.

(5) In addition to subsection (4), MAA will exempt a GAU client from mandatory enrollment in managed care or end an enrollee's enrollment in managed care in accordance with WAC 388-538-130(3) and 388-538-130(4).

(6) On a case-by-case basis, MAA may grant a GAU client's request for exemption from managed care or a GAU enrollee's request to end enrollment when, in MAA's judgment:

- (a) The client or enrollee has a documented and verifiable medical condition; and
- (b) Enrollment in managed care could cause an interruption of treatment that could jeopardize the client's or enrollee's life or health or ability to attain, maintain, or regain maximum function.

(7) MAA enrolls GAU clients in managed care effective on the earliest possible date, given the requirements of the enrollment system. MAA does not enroll clients in managed care on a retroactive basis.

(8) Managed care organizations (MCOs) that contract with MAA to provide services for GAU clients must meet the qualifications and requirements in WAC 388-538-067 and 388-538-095 (3)(a), (b), (c), and (d).

(9) MAA pays MCOs capitated premiums for GAU enrollees based on legislative allocations for the GAU program.

(10) GAU enrollees are eligible for the scope of care as described in WAC 388-529-0200 for medical care services (MCS). Other scope of care provisions that apply:

- (a) A client is entitled to timely access to medically necessary services as defined in WAC 388-500-0005;
- (b) MCOs cover the services included in the managed care contract for GAU enrollees. MCOs may, at their discretion, cover services not required under the MCO's contract for GAU enrollees;

(c) MAA pays providers on a fee-for-service basis for the medically necessary, covered medical care services not covered under the MCO's contract for GAU enrollees;

(d) Even if a service is covered by MAA on a fee-for-service basis, it is the MCO, and not MAA, from whom a GAU enrollee must obtain prior authorization before receiving the service; and

(e) A GAU enrollee may obtain emergency services in accordance with WAC 388-538-100.

(11) MAA does not pay providers on a fee-for-service basis for services covered under the MCO's contract for GAU enrollees, even if the MCO has not paid for the service, regardless of the reason. The MCO is solely responsible for payment of MCO-contracted health care services that are:

(a) Provided by an MCO-contracted provider; or

(b) Authorized by the MCO and provided by nonparticipating providers.

(12) The following services are not covered for GAU enrollees unless the MCO chooses to cover these services at no additional cost to MAA:

(a) Services that are not medically necessary;

(b) Services not included in the medical care services scope of care;

(c) Services, other than a screening exam as described in WAC 388-538-100(3), received in a hospital emergency department for nonemergency medical conditions; and

(d) Services received from a nonparticipating provider requiring prior authorization from the MCO that were not authorized by the MCO.

(13) A provider may bill a GAU enrollee for noncovered services described in subsection (12), if the requirements of WAC 388-502-0160 and 388-538-095(5) are met.

(14) The grievance and appeal process found in WAC 388-538-110 applies to GAU enrollees described in this section.

(15) The fair hearing process found in chapter 388-02 WAC and WAC 388-538-112 applies to GAU enrollees described in this section.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-505-0110 Medical assistance coverage for adults not covered under family medical programs. (1) An adult who does not meet the institutional status requirements as defined in WAC 388-513-1320 and who does not receive waiver services as described in chapter 388-515 WAC is considered for categorically needy (CN) coverage under this chapter. Persons excluded from this section have rules applied to eligibility from chapter 388-513 WAC. Under this section a person is eligible for CN coverage when the person:

(a) Meets citizenship/immigrant, residency, and Social Security number requirements as described in WAC 388-503-0505; and

(b) Has CN countable income and resources that do not exceed the income and resource standards in WAC 388-478-0080; and

(c) Is sixty-five years of age or older, or meets the blind and/or disability criteria of the federal SSI program.

(2) An adult not meeting the conditions of subsection (1)(b) is eligible for CN medical coverage if the person:

(a) Is a current beneficiary of Title II of the Social Security Act (SSA) benefits who:

(i) Was a concurrent beneficiary of Title II and Supplemental Security Income (SSI) benefits;

(ii) Is ineligible for SSI benefits and/or state supplementary payments (SSP); and

(iii) Would be eligible for SSI benefits if certain cost-of-living (COLA) increases are deducted from the client's current Title II benefit amount:

(A) All Title II COLA increases under P.L. 94-566, section 503 received by the client since their termination from SSI/SSP; and

(B) All Title II COLA increases received during the time period in subsection (1)(d)(iii)(A) of this section by the client's spouse or other financially responsible family member living in the same household.

(b) Is an SSI beneficiary, no longer receiving a cash benefit due to employment, who meets the provisions of section 1619(b) of Title XVI of the SSA;

(c) Is a currently disabled client receiving widow's or widower's benefits under section 202 (e) or (f) of the SSA if the disabled client:

(i) Was entitled to a monthly insurance benefit under Title II of the SSA for December 1983; and

(ii) Was entitled to and received a widow's or widower's benefit based on a disability under section 202 (e) or (f) of the SSA for January 1984;

(iii) Became ineligible for SSI/SSP in the first month in which the increase provided under section 134 of P.L. 98-21 was paid to the client;

(iv) Has been continuously entitled to a widow's or widower's benefit under section 202 (e) or (f) of the SSA;

(v) Would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent COLA increases provided under section 215(i) of the SSA, were disregarded;

(vi) Is fifty through fifty-nine years of age; and

(vii) Filed an application for Medicaid coverage before July 1, 1988.

(d) Was receiving, as of January 1, 1991, Title II disabled widow or widower benefits under section 202 (e) or (f) of the SSA if the person:

(i) Is not eligible for the hospital insurance benefits under Medicare Part A;

(ii) Received SSI/SSP payments in the month before receiving such Title II benefits;

(iii) Became ineligible for SSI/SSP due to receipt of or increase in such Title II benefits; and

(iv) Would be eligible for SSI/SSP if the amount of such Title II benefits or increase in such Title II benefits under section 202 (e) or (f) of the SSA, and any subsequent COLA increases provided under section 215(i) of the act were disregarded.

(e) Is a disabled or blind client receiving Title II Disabled Adult Childhood (DAC) benefits under section 202(d) of the SSA if the client:

(i) Is at least eighteen years old;

(ii) Lost SSI/SSP benefits on or after July 1, 1988, due to receipt of or increase in DAC benefits; and

(iii) Would be eligible for SSI/SSP if the amount of the DAC benefits or increase under section 202(d) of the DAC and any subsequent COL increases provided under section 215(i) of the SSA were disregarded.

(f) Is a client who:

(i) In August 1972, received:

(A) Old age assistance (OAA);

(B) Aid to blind (AB);

(C) Aid to families with dependent children (AFDC); or

(D) Aid to the permanently and totally disabled (APTD);

and

(ii) Was entitled to or received retirement, survivors, and disability insurance (RSDI) benefits; or

(iii) Is eligible for OAA, AB, AFDC, SSI, or APRD solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.

(3) An adult who does not meet the institutional status requirement as defined in WAC 388-513-1320 and who does not receive waiver services as described in chapter 388-515 WAC is considered for medically needy (MN) coverage under this chapter. Persons excluded from this section have rules applied to eligibility from chapter 388-513 WAC. Under this section a person is eligible for MN coverage when the person:

(a) Meets citizenship/immigrant, residency, and Social Security number requirements as described in WAC 388-503-0505; and

(b) Has MN countable income that does not exceed the income standards in WAC 388-478-0070, or meets the excess income spenddown requirements in WAC 388-519-0110; and

(c) Meets the countable resource standards in WAC 388-478-0070; and

(d) Is sixty-five years of age or older or meets the blind and/or disability criteria of the federal SSI program.

(4) MN coverage is available for an aged, blind, or disabled ineligible spouse of an SSI recipient. See WAC 388-519-0100 for additional information.

(5) An adult may be eligible for the alien emergency medical program as described in WAC 388-438-0110.

(6) An adult is eligible for the state-funded general assistance - expedited Medicaid disability (GA-X) program when they:

(a) Meet the requirements of the cash program in WAC 388-400-0025 and 388-478-0030; or

(b) Meet the SSI-related disability standards but cannot get the SSI cash grant due to immigration status or sponsor deeming issues.

Clients may be eligible for GA cash benefits and CN medical coverage due to different sponsor deeming requirements.

(7) An adult is eligible for the state-funded medical care services (MCS) program when the person is eligible for GAU or ADATSA program coverage as described in WAC ((388-478-0030.

~~(8) An adult is eligible for the state-funded medical indigent (MI) program when the person meets the requirements listed in WAC 388-438-0100)) 388-400-0025 and 388-800-0048. GAU clients residing in counties designated as manda-~~

tory managed care plan counties must enroll in a plan, pursuant to WAC 388-538-063.

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

WSR 04-09-095

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed April 20, 2004, 4:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-030.

Title of Rule: Chapter 308-127 WAC, Timeshare, amending WAC 308-127-160 Fees.

Purpose: The department has reviewed the rule noted and recommends amending with new reduced fee levels which will still allow for a sufficient level of revenue to defray the costs of administering the program.

Statutory Authority for Adoption: RCW 64.36.081, 43.24.023, and 43.24.086.

Statute Being Implemented: RCW 64.36.081.

Summary: Amend WAC 308-127-160 for a reduction in licensing and renewal fees.

Reasons Supporting Proposal: Amending the rule with a fee decrease will still ensure that there is a sufficient level of revenue to defray program administration costs as required under RCW 43.24.086.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Renfrow, 405 Black Lake Boulevard, Building 2, Olympia, WA 98502, (360) 664-6632.

Name of Proponent: Department of Licensing, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Fees to become effective on July 1, 2004.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amends one rule reducing fees for timeshare companies and timeshare salespersons. New reduced fees will still allow the department sufficient revenue in order to maintain the costs associated with the administration of the program.

Proposal Changes the Following Existing Rules: Amended rule will allow for a reduction in revenue collection used to offset program administration fees required according to RCW 43.24.086.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 43.24.086 requires that regulatory programs raise sufficient revenue to be self-supporting. The current level of revenue collection warrants a reduction in fees and still maintains the level of revenue required to administratively operate the program.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Build-

ing 2, Conference Room 209, Olympia, WA 98502, on May 25, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Jim Hood by May 24, 2004, TDD (360) 664-8885 or (360) 664-6632.

Submit Written Comments to: Randy Renfrow, Time-share Section, P.O. Box 9026, Olympia, WA 98507-9026, fax (360) 570-4956, e-mail pssunit@dol.wa.gov, by May 24, 2004.

Date of Intended Adoption: May 26, 2004.

April 19, 2004
Mykel D. Gable
Assistant Director

AMENDATORY SECTION (Amending WSR 04-08-003, filed 3/24/04, effective 4/24/04)

WAC 308-127-160 Fees. The following fees shall be charged under the authority of RCW 64.36.081 and 43.24.086:

(1) Registration application fees:	
Start up timeshare program including one project.	\$(1500.00) <u>1000.00</u>
Each additional project in program.	((500.00)) <u>200.00</u>
Each apartment unit in program.	((50.00)) <u>20.00</u>
The first unit of personal property in the timeshare program.	((1000.00)) <u>500.00</u>
Each additional unit of personal property in the timeshare program.	100.00
Businesses of listing or brokering resale intervals.	500.00
(2) Interval Fees:	
For each interval through one thousand.	1.00
Intervals beyond one thousand.	0.00
Each monthly filing of listings of resale intervals (in lieu of interval fees for resale intervals).	10.00
(3) Renewal fees:	
Timeshare program including one project.	((1000.00)) <u>500.00</u>
Late renewal fee for timeshare program.	2000.00
Each additional project to a maximum of five projects.	((350.00)) <u>200.00</u>
Each apartment unit - to maximum of twenty-five apartment units.	((50.00)) <u>20.00</u>

(4) Consolidation fees:	
Each additional project added.	((500.00)) <u>200.00</u>
Each additional apartment unit.	((50.00)) <u>20.00</u>
The first additional unit of personal property being consolidated.	((500.00)) <u>250.00</u>
Each additional unit of personal property added in one consolidation.	100.00
(5) Exemption fees:	
Programs consisting of a single apartment unit in a single project with fifty-two or fewer intervals.	250.00
All other types of programs.	1000.00
(6) Impound fees:	
Initial establishment of an impound, escrow, trust, or other arrangement requiring a depository.	500.00
Each required periodic report.	50.00
(7) Advertising fees:	
Each initial submission of advertisement whether or not submitted in a timely manner, and whether or not in use at the time of payment.	((100.00)) <u>25.00</u>
Examination of advertisement which are for the purpose of marketing surveys and not involving an examination of project or program instruments.	150.00
(8) Fees for persons in the business of offering commercial promotional programs:	
Registration of individual.	500.00
(9) Salespersons fees:	
Registration.	((50.00)) <u>25.00</u>
Renewal.	((50.00)) <u>25.00</u>
Transfer.	((50.00)) <u>25.00</u>

PROPOSED

PROPOSED

- (10) Fees for amendment of registration:
 - For a timely submission of an amendment filing. ((~~50.00~~))
25.00
 - Penalty fee for failure to file an amendment within twenty days of the occurrence of a materially adverse change. 500.00

(11) Inspection fees:
 Applicants and registrants shall pay the cost of inspections conducted pursuant to chapter 64.36 RCW. The inspection fees shall be paid prior to the granting of a registration or consolidation. The inspection fee shall be the actual cost to the department for conducting of the inspection.

WSR 04-09-096
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed April 20, 2004, 4:23 p.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 03-14-047.

Title of Rule: Chapter 308-129 WAC, Sellers of travel, amending WAC 308-129-110 Seller of travel registration fees.

Purpose: The department has reviewed the rule noted and recommends amending with new reduced fee levels which will still allow for a sufficient level of revenue to defray the costs of administering the program.

Statutory Authority for Adoption: RCW 19.138.170, 43.24.023, 43.24.086.

Statute Being Implemented: RCW 64.36.081.

Summary: Amend WAC 308-129-110 for a reduction in licensing and renewal fees.

Reasons Supporting Proposal: Amending the rule with a fee decrease will still ensure that there is a sufficient level of revenue to defray program administration costs as required under RCW 43.24.086.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Renfrow, 405 Black Lake Boulevard, Building 2, Olympia, WA 98502, (360) 664-6632.

Name of Proponent: Department of Licensing, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Fees to become effective on July 1, 2004.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amends one rule reducing fees. New reduced fees will still allow the department sufficient revenue in order to maintain the costs associated with the administration of the program.

Proposal Changes the Following Existing Rules:
 Amended rule will allow for a reduction in revenue collection used to offset program administration fees required according to RCW 43.24.086.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 43.24.086 requires that regulatory programs raise sufficient revenue to be self-supporting. The current level of revenue collection warrants a reduction in fees and still maintains the level of revenue required to administratively operate the program.

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, Conference Room 209, Olympia, WA 98502, on May 25, 2004, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Jim Hood by May 24, 2004, TDD (360) 664-8885 or (360) 664-6634.

Submit Written Comments to: Randy Renfrow, Seller of Travel Section, P.O. Box 9026, Olympia, WA 98507-9026, fax (360) 570-4956, e-mail plessunit@dol.wa.gov, by May 24, 2004.

Date of Intended Adoption: May 26, 2004.

April 19, 2004
 Mykel D. Gable
 Assistant Director

AMENDATORY SECTION (Amending WSR 00-01-128, filed 12/20/99, effective 1/20/00)

WAC 308-129-110 Seller of travel registration fees.
 The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Original registration fee	\$((234.00)) <u>199.00</u>
Registration renewal	((234.00)) <u>199.00</u>
Service of process fee	20.00

Branch offices are subject to a duplicate registration fee. The duplicate registration fee for each branch office shall be an amount equal to the original registration fee.

WSR 04-09-104
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed April 21, 2004, 9:16 a.m.]

Original Notice.

Title of Rule: Turfgrass Seed Commission, chapter 16-545 WAC.

Purpose: This rule-making proposal makes amendments to sections within the Washington Turfgrass Seed Commission's marketing order, chapter 16-545 WAC, to reflect recent statutory changes, while improving readability and clarity.

Statutory Authority for Adoption: RCW 15.65.047 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: During the past three legislative sessions, significant amendments were made to the commission's enabling statute, chapter 15.65 RCW. These statutory changes prompted proposed amendments to chapter 16-545 WAC. Proposed amendments expand the commission's policy and purpose statements, update the definitions, update the commission member selection process, add additional power and duties to benefit the industry, update meeting and administrative procedures, and expand the commission's information and education role. These amendments achieve consistency with the statute, as well as, improve the readability and clarity of the marketing order.

Name of Agency Personnel Responsible for Drafting: Lynn Briscoe, Olympia, Washington, (360) 902-2043; Implementation and Enforcement: Dan Ollero, Kennewick, Washington, (509) 783-4676.

Name of Proponent: Washington Turfgrass Seed Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule-making proposal makes amendments to sections within the Washington Turfgrass Seed Commission's marketing order, chapter 16-545 WAC. During the past three legislative sessions, significant amendments were made to the commission's enabling statute, chapter 15.65 RCW. These statutory changes prompted proposed amendments to chapter 16-545 WAC to achieve consistency with the statute, as well as, improve the readability and clarity of the marketing order. See Summary above. The following are the proposed amendments: New sections WAC 16-545-005 Marketing order for Washington turfgrass seed—Policy statement and 16-545-006 Marketing order purposes; amending WAC 16-545-010 Definitions and 16-545-020 Turfgrass seed board; and repealing WAC 16-545-030 Marketing order purposes.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In accordance with RCW 15.65.570, the adoption of the final amendments to chapter 16.545 WAC will be determined by a referendum vote of the affected parties.

RCW 34.05.328 does not apply to this rule adoption. Washington State Department of Agriculture is not a named agency, therefore, exempt from this provision.

Hearing Location: Washington Turfgrass Commission Administration Office, 3180 West Clearwater Avenue, Suite E, Kennewick, WA 99336, on June 4, 2004, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Virginia Walsh at (360) 902-1976, by May 28, 2004, TDD (360) 902-1996.

Submit Written Comments to: Lynn Briscoe, Commodity Commission Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, fax (360) 902-2092, e-mail lbriscoe@agr.wa.gov, by June 7, 2004, 5:00 p.m.

Date of Intended Adoption: October 25, 2004.

April 19, 2004

William E. Brookreson

Deputy Director

NEW SECTION

WAC 16-545-005 Marketing order for Washington turfgrass seed—Policy statement. (1) The production of turfgrass seed within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its turfgrass seed be properly promoted by:

(a) Enabling producers of turfgrass seed to help themselves in establishing orderly, fair, sound, efficient, and unhampered grading and standardizing of the turfgrass seed they produce; and

(b) Working towards stabilizing the agricultural industry by sustaining production of turfgrass seed within the state, the nation, and internationally.

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

(a) Enhance the reputation and image of Washington state's turfgrass seed.

(b) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's turfgrass seed.

(c) Support and engage in programs or activities that benefit the planting, production, and harvesting of turfgrass seed produced in Washington state.

(d) Support and engage in programs or activities that benefit the use of turfgrass seed by-products in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.65 RCW through the adoption of this marketing order.

(4) The Washington state turfgrass seed commodity board exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the board is authorized to speak on behalf of Washington state government with regard to turfgrass seed under the provisions of this marketing order.

NEW SECTION

WAC 16-545-006 Marketing order purposes. This marketing order is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; or increasing production efficiency of turfgrass seed in Washington state. The Washington state turfgrass seed commodity board is designated by the director to conduct the following programs in accordance with chapter 15.65 RCW:

To execute the purposes of the order, the board shall provide for a program in one or more of the following areas:

(1) Provide for research in the production, processing, irrigation, transportation, handling, or distribution of turf-

grass seed and expend the necessary funds for the purposes. Insofar as practicable, the research must be carried out by experiment stations of Washington State University, but if in the judgment of the board that the experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefore, the project may be carried out by other research agencies selected by the board.

(2) Provide for collection and dissemination of information pertaining to turfgrass seed and turfgrass seed by-products.

(3) Establish and conduct programs to develop markets for turfgrass seed by-products.

(4) Under no circumstances are any sections of this marketing order to be construed as authorizing or permitting any programs pertaining to marketing or promotion of turfgrass seed.

AMENDATORY SECTION (Amending WSR 99-02-064, filed 1/6/99, effective 2/6/99)

WAC 16-545-010 Definitions (~~of terms~~). Definitions for terms used in this chapter are also found in chapter 15.65 RCW, Washington State Agriculture Commodity Boards Act. For the purpose of this marketing order, the following additional definitions apply:

(1) "Director" means the director of agriculture of the state of Washington or the director's duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agriculture (~~Enabling Act of 1961~~) Commodity Boards Act or chapter 15.65 RCW.

(4) "Person" means any (~~person~~) individual, firm, (association or) corporation, limited liability company, trust, association, partnership, society, or any other organization of individuals or any unit or agency of local or state government.

(5) "Affected producer" means any person who produces, or causes to be produced, in commercial quantities, turfgrass seed in the state of Washington.

(6) "Commercial quantity" means all the turfgrass seed produced for sale in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing or distributing turfgrass seed not produced by the handler and shall include any lending agencies for a commodity credit corporation loan to producers. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(8) "Turfgrass seed commodity board" referred to as "board" or "commission" means the turfgrass seed commodity board formed under WAC 16-545-020.

(9) "Turfgrass seed" means Kentucky bluegrass, perennial ryegrass, tall fescue, hard fescue, slender fescue, and creeping red fescue. Forage fescue and reclamation grass seed are excluded from this order.

(10) "Turfgrass seed by-products" means turfgrass seed straw and screenings.

(11) "Marketing season" or "fiscal year" means the twelve-month period beginning on June 1 of any year and ending with the last day of May, both dates being inclusive.

(12) "Producer-handler" is both a "producer" and a "handler" with respect to turfgrass seed and is covered by this order as a producer when engaged in the business of producing turfgrass seed or a handler when engaged in processing, selling, marketing or distributing turfgrass seed. "To produce" means to act as a producer. For the purposes of the turfgrass seed marketing order, "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the turfgrass seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(13) "Affected area" or "production area" means that portion of the state of Washington located east of the summit of the Cascade Mountains.

(14) "Sell" includes offer for sale, expose for sale, and have in possession for sale, exchange, barter or trade.

(15) "Affected unit" means one pound net pay weight of turfgrass seed.

AMENDATORY SECTION (Amending WSR 99-02-064, filed 1/6/99, effective 2/6/99)

WAC 16-545-020 Turfgrass seed board. (1) **Administration.** The provisions of this order and the applicable provisions of the act is administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board consists of seven members. Five members are affected producers appointed or elected under provisions of this order. One member is an affected handler appointed by the appointed or elected producers. The director appoints one member of the board who is neither an affected producer nor an affected handler to represent the (~~department and the public~~) director. The position representing the director shall be a voting member.

(b) Each district has one board member.

(i) Positions one through four represent each of the numbered districts.

(ii) Position five represents the district with the highest reported value of production of turfgrass seed the previous three years.

(iii) Position six is a handler appointed by the appointed or elected producer(~~s~~) members of the board.

(iv) Position seven is the member (~~appointed by~~) representing the director.

(3) **Board membership qualifications.**

(a) The (~~affected~~) producer members of the board must be practical producers of turfgrass seed in the district in and for which they are nominated (~~and~~), appointed, or elected and (~~must~~) each shall be a citizen(s) and resident(s) of the state ((of Washington)), over the age of ((twenty-five)) eighteen years((, each of whom is and has)). Each producer board member must be and have been actually engaged in producing turfgrass seed within the state of Washington for a period of three years and has during that time derived a substantial portion of his or her income therefrom and who is not engaged in business as a handler or other dealer.

(b) The ~~((affected))~~ handler member of the board must be a practical handler of turfgrass seed and must be a citizen and resident of the state ~~((of Washington))~~, over the age of ~~((twenty-five))~~ eighteen years ~~((and who is and has))~~. Each handler board member must be and have been, either individually or as an officer or an employee of a corporation, firm, partnership, association or cooperative actually engaged in handling turfgrass seed within the state of Washington for a period of five years and has during that period derived a substantial portion of his or her income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) Term of office.

(a) The term of office for members of the board is three years. One-third of the membership as nearly as possible must be appointed or elected each year.

(b) Membership positions on the board are designated numerically; affected producers will have positions one through five, the affected handler will have position six and the member ~~((appointed by))~~ representing the director will have position seven.

(c) The term of office for the initial board members must be as follows:

Positions one and three - three years, ending on January 31, 2002.

Positions two and five - two years, ending on January 31, 2001.

Positions four and six - one year, ending on January 31, 2000.

(d) Except for the director's representative, no member of the board can serve more than two full consecutive three-year terms.

(e) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members in positions 1, 4, and 5 shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

(5) ~~((and election))~~ of elected or director-appointed board members.

(a) Each year the director shall call ~~((for))~~ a nomination meeting~~((s))~~ for elected and/or director-appointed producer board members in those districts whose board members term is about to expire. The meeting(s) must be held at least thirty days in advance of the date set by the director for the election or advisory vote of board members.

(b) Notice of ~~((every))~~ a nomination meeting must be published in a newspaper of general circulation within the affected district at least ten days in advance of the date of the meeting and in addition, written notice of every meeting must be given to all affected producers within the affected district according to the list maintained by the ~~((director under RCW 15.65.200 of the act))~~ board pursuant to RCW 15.65.295.

(c) Nonreceipt of notice by any interested person will not invalidate the proceedings at the nomination meeting.

(d) Any qualified affected producer may be nominated orally for membership on the board at the nomination meetings. Nominations may also be made within five days after the meeting by written petition filed with the director, signed

by at least five affected producers. ~~((At the inception of this order, nominations may be made at the issuance hearing.~~

~~((b))~~ (e) When only one nominee is nominated by the affected producers for an elected and/or director-appointed position, RCW 15.65.250 shall apply.

(f) If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the ~~((vacancy))~~ open board position(s) by mail to all affected producers. Nominating petitions for producers must be signed by at least five affected producers of the district from which the candidate will be appointed or elected. The final date for filing nominations must be at least twenty days after the notice was mailed.

(6) Election or advisory vote of board members.

(a) ~~((Members of the board must be elected by secret mail ballot within the month of January))~~ An election or advisory vote shall be conducted by secret ballot under the supervision of the director within the month of January. Each affected producer shall be entitled to one vote. ~~((Affected producer))~~

(b) Elected members of the board must be elected by a majority of the votes cast by the affected producers within the affected district. ~~((Each affected producer is entitled to one vote.~~

~~((b))~~ If a nominee does not receive a majority of the votes on the first ballot a runoff election must be held by mail in a similar manner between the two candidates for the position receiving the largest number of votes.

(c) An advisory vote shall be conducted for producer board members appointed by the director under the provision of RCW 15.65.243. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, and advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(d) Notice of every election or advisory vote for board membership must be published in a newspaper of general circulation within the affected district at least ten days in advance of the date of the election or advisory vote. At least ten days before every election or advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of the affected producers maintained by the ~~((director in accordance with RCW 15.65.200 of the act))~~ board pursuant to RCW 15.65.295. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing their qualifications.

(e) Nonreceipt of a ballot by an affected producer will not invalidate the election or advisory vote of any board member.

~~((d))~~ The appointed handler member of the initial board shall be elected by a majority of the elected members at the first meeting.

~~((7))~~ (Removal of board members. A board member may be removed by a vote of the board if that member fails to attend any three consecutive meetings of the board, duly noticed.

~~((8))~~ Vacancies ~~((prior to election))~~.

PROPOSED

(a) In the event of a vacancy on the board in an elected or commission-appointed position, the remaining members shall select a qualified person to fill the unexpired term. The appointment shall be made at the board's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

~~((9))~~ **(8) Quorum.** A majority of the members is a quorum for the transaction of all business and to execute the duties of the board.

~~((10))~~ **(9) Board compensation.** No member of the board will receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members and employees of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270.

~~((11))~~ **(10) Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and other officers as the board deems advisable.

(c) To employ and discharge at its discretion the personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to execute the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. The expenses and costs may be paid by check; draft or voucher in the form and the manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director to defray the costs of formulating the order.

(f) To establish a "turfgrass seed board marketing revolving fund" and to deposit the fund in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done under this order. The records, books and accounts must be audited at least once every five years subject to procedures and methods lawfully prescribed by the state auditor. The books and accounts must be closed as of the last day of each fiscal year of the commission. A copy of the audit shall be delivered within thirty days

after completion to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board may deem necessary. The board must pay the premium for the bond or bonds from assessments collected. The bond may not be necessary if any blanket bond covering officials or employees of the state of Washington covers any board member or employee.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year. The board, at least sixty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget.

(j) To establish by resolution a headquarters, which shall continue unless, changed by the board. All records, books and minutes of board meetings must be kept at the headquarters.

(k) To adopt rules of a technical or administrative nature for the operation of the board, under chapter 34.05 RCW (Administrative Procedure Act).

(l) To execute RCW 15.65.510 covering the obtaining of information necessary to effectuate the order and the act, along with the necessary authority and procedure for obtaining the information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States to obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To execute any other grant of authority or duty provided designees and not specifically set forth in this section.

(p) To sue or be sued.

~~((12))~~ (q) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order.

(r) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW.

(s) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies.

(t) To enter into contracts or agreements for research in the production, irrigation, and transportation of turfgrass seed.

(u) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of attorney general.

(v) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this order.

(w) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to

the production, irrigation, manufacture, regulation, and transportation of turfgrass seed including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(x) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each producer's production for a minimum three-year period pursuant to RCW 15.65.280.

(y) To maintain a list of the names and addresses of persons who handle turfgrass seed within the affected area and data on the amount and value of the turfgrass seed handled for a minimum three-year period by each person pursuant to RCW 15.65.280.

(z) To maintain a list of names and addresses of all affected persons who produce turfgrass seed and the amount, by unit, of turfgrass seed produced during the past three years pursuant to RCW 15.65.295.

(aa) To maintain a list of all persons who handle turfgrass seed and the amount of turfgrass seed handled by each person during the past three years pursuant to RCW 15.65.295.

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

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date fixed by resolution of the board and held in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the time and place of regular meetings shall be published on or before January of each year in the Washington State Register. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget must be presented for discussion at the meeting. Notice of the annual meeting must be filed in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the annual meeting must be given at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution the time, place, and manner of calling special meetings of the board with twenty-four hours written notice to the members. A board member may waive in writing his or her notice of any special meeting. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-545-030

Marketing order purposes.

WSR 04-09-105
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed April 21, 2004, 9:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-069.

Title of Rule: Chapter 308-390 WAC, Uniform commercial code.

Purpose: Make housekeeping amendments in order to bring the rules in alignment with other states and with current operating procedures.

Statutory Authority for Adoption: RCW 62A.9-409, 60.11.040, 60.13.040, 60.68.035, and 34.05.220.

Statute Being Implemented: Chapter 62A.9A RCW, RCW 60.11.040, 60.13.040, 60.68.035.

Reasons Supporting Proposal: These rules are based on model rules developed by the International Association of Commercial Administrators to promote uniform procedures across the nation and need to reflect recent resolutions made by that organization.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jon Donnellan, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1530.

Name of Proponent: Department of Licensing, Uniform Commercial Code, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The program needs to standardize its definitions and procedures with those in other states across the nation. The program also needs to amend certain rules to reflect current processes, service options, and system limitations. An amendment to WAC 308-390-602 is needed to clarify procedures and reduce filing errors related to preparer liens and processor liens.

Proposal Changes the Following Existing Rules: Repeals WAC 308-390-200 Acceptance and refusal of records.

Amends WAC 308-390-101, 308-390-102, 308-390-104, 308-390-105, 308-390-108, 308-390-201, 308-390-203, 308-390-204, 308-390-300, 308-390-302, 308-390-401, 308-390-500, 308-390-503, 308-390-505, and 308-390-602, describing procedures for filing financing statements and liens, and for searching the UCC records, including definitions, delivery, forms, payments, refusals, and errors.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 34.05.310 (4)(c), 19.85.025(3), 62A.9A-526(b). These rules are proposed to adopt national standards in accordance with Revised Article 9, section 526 "to keep the filing office rules and practices of the filing office in harmony with the rules and practices of filing offices in other jurisdictions that enact substantially this part, and to keep the technology used by the filing office compatible with the technology used by filing offices in other jurisdictions..."

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Department of Licensing is exempt from this statute.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, 2nd Floor Conference Room, Olympia, WA 98502, on June 11, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Margaret Vogeli, TDD (360) 586-2788 or (360) 664-1530.

Submit Written Comments to: Margaret Vogeli, Management Analyst, Uniform Commercial Code, P.O. Box 9660, Olympia, WA 98507-9660, fax (360) 586-4414.

Date of Intended Adoption: July 18, 2004.

April 20, 2004

Mykel D. Gable
Assistant Director

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-101 Definitions. The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule shall have the respective meanings given such terms in chapter 62A.9A RCW.

(1) "ACH account" is a method of payment via electronic funds transfer under National Automated Clearing House Association rules and agreement with the department of licensing.

(2) "Active record" means a UCC record that has not reached the one-year anniversary of its lapse date.

(3) "Address" means a name or other identifying information, either a street address, route number (may include box) or a P.O. Box number plus the city and state or country.

(4) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

(5) "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

(6) "Certified search" is a certified record of information maintained by the filing office.

(7) "Continuation" shall have the meaning prescribed by RCW 62A.9A-102(27).

(8) "Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

(9) "File number" shall have the meaning prescribed by RCW 62A.9A-519(b).

(10) "Filing office" and "filing officer" mean the department of licensing and the director of the department of licensing or designee.

(11) "Filing officer statement" means a statement entered into the filing office's information system to correct an error by the filing office.

(12) "Financing statement" shall have the meaning prescribed by RCW 62A.9A-102(39).

(13) "Image" means the image of a financing statement, or portion of a financing statement, as stored in the UCC information management system.

(14) "Inactive record" means a UCC record that has reached the first anniversary of its lapse date.

(15) "Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.

(16) "Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.

(17) "On-line services" means the interactive internet application for filing and search functions.

(18) "Organization" means a legal person who is not an individual.

(19) "Organizational number" means the identifying number issued to an entity upon the formation of that entity by the filing office in the jurisdiction of formation.

(20) "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

(21) "Secured party of record" shall have the meaning prescribed in RCW 62A.9A-511.

(22) "Termination statement" shall have the meaning prescribed by RCW 62A.9A-102(79).

(23) "UCC" means the Uniform Commercial Code as adopted in this state under chapter 62A.9A RCW.

(24) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement and shall not be deemed to refer exclusively to paper or paper-based writings.

(25) "UCC website" means the series of related internet web pages provided for on-line filing and search functions.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-102 UCC record delivery and time of filing. UCC documents may be tendered for filing at the filing office as follows:

(1) Personal delivery, at the filing office's street address ~~(during regular business hours)~~ between 8:30 a.m. and 4:30 p.m., Monday through Friday except state holidays. The file time for a UCC document delivered by this method is when the UCC document is received by the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).

(2) Express mail delivery, at the filing office's street address during regular business hours. The file time for a UCC document delivered by this method is 5:00 p.m. on the day of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of 5:00 p.m. on the next day the filing office is open for business.

(3) Postal service delivery, to the filing office's mailing address. The file time for a UCC document delivered by this method is 5:00 p.m. on the day of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered

after regular business hours or on a day the filing office is not open for business will have a filing time of 5:00 p.m. on the next day the filing office is open for business.

(4) Electronic mail and telefacsimile delivery, to the filing office's e-mail address or the filing office's fax filing telephone number, are not accepted.

(5) Electronic filing. Financing statements may be entered on-line after July 1, 2001, as described in WAC 308-390-313 and 308-390-315. The time of filing of a financing statement delivered by direct on-line access or by web page data entry is the time that the filing office's information management system analyzes the relevant transmission, determines that all the required elements of the transmission have been received in a required format, and acknowledges acceptance to that system.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-104 Forms. Only the forms prescribed by RCW 62A.9A-521 and other forms approved by the International Association of Commercial Administrators or any successor organization and/or the filing office shall be accepted.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-105 Fees. (1) The fee for filing and indexing a UCC document of one or two pages communicated on paper or in a paper-based format is \$13.28. If there are additional pages, the fee is \$1.00 for each additional page. But the fee for filing and indexing a UCC document communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be \$10.00.

(2) For an initial financing statement that indicates that it is filed in connection with a public-finance transaction or in connection with a manufactured-home transaction will be filed at the fee provided in subsection (1) of this section.

(3) UCC search fee. The fee for a UCC search request communicated on paper or in a paper-based format is \$18.80. The fee for filing and indexing a UCC search request communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be \$15.00.

(4) UCC search—Copies. The fee for a UCC search and copies of all relevant documents is \$26.57.

~~((5) UCC search—Partial copies. The fee for a UCC search and copies of first pages only is \$20.00.))~~

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-108 Overpayment and underpayment policies. (1) Overpayment. The filing officer shall refund the amount of an overpayment exceeding \$10.00 to the remitter. The filing officer shall refund an overpayment of \$9.99 or less only upon the written request of the remitter.

(2) Underpayment. Upon receipt of a document with an insufficient fee, a copy of the document shall be returned to the remitter as provided in WAC 308-390-204(2). A refund shall be delivered under separate cover.

(3) All refunds shall be made in the form of a warrant issued by the state treasurer's office. Warrants shall be redeemed within one hundred eighty days from date of issue ~~((and will not be reissued))~~.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-201 Multiple names. (1) To file multiple debtor and secured party names on a paper submittal, a filer must provide the additional names in ~~((boxes 2 or 11 only of the national UCC Financing Statement and box 7 only on the national UCC Financing Statement Amendment. Debtor names appearing in other boxes or on attachments will not be indexed. There is no limit to the number of addendum pages that may be attached.~~

~~((2) To file multiple secured party names on a paper submittal, a filer must provide the additional names in box 12 only of the national UCC Financing Statement Addendum and box 7 of the national UCC Financing Statement Amendment. Secured party names appearing in other boxes or on attachments will not be indexed. There is no limit to the number of addendum pages that may be attached))~~ designated boxes on approved addenda forms only. The approved addenda forms are UCC1Ad, UCC1Ap, and UCC3Ap. Addenda forms are approved as provided in WAC 308-390-104. The number of paper submittal addenda pages that may be attached is limited as set forth in subsection (2) of this section.

(2) The number and type of paper submittal addenda forms that may be filed and indexed is limited to the following combinations:

(a) UCC1 plus one addendum (UCC1Ad) form and/or one or two additional party (UCC1Ap) forms (permits a maximum of nine debtor and six secured party names to be indexed).

(b) UCC3 plus up to three additional party (UCC3Ap) forms (permits a maximum of ten debtor and seven secured party names to be indexed).

(3) Debtor and secured party names appearing in the incorrect boxes or on paper submittal attachments or addenda in excess of that stated in subsection (2) of this section will be accepted but not added to the index.

(4) To file and index more names than provided on the allowable number of paper submittal addenda pages, a filer may file using the Washington UCC electronic filing function on the internet. Electronic filing permits an unlimited number of names to be filed and added to the index.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-203 Acknowledgment. (1) If there is no ground for refusal of the document, an acknowledgment is prepared and sent to the address provided in box B of the national forms. If the financing statement was tendered by on-line access, the notice or acknowledgment is transmitted to the remitter by on-line response.

(2) The acknowledgment will show the financing statement as it was ~~((recorded))~~ indexed. The filer shall be responsible for verifying that the information was ~~((recorded))~~

indexed accurately. If an input error is detected, the filer must notify the filing office within ninety days of the date of filing and the record will be corrected as provided in WAC 308-390-401. ~~((If no objection to the department of licensing record is communicated by the filer within ninety days, the record will be deemed identical to the filing submitted.))~~

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-204 Grounds for refusal. (1) In addition to the grounds listed in RCW 62A.9A-516 allowing the filing officer to refuse a UCC record, the filing officer shall refuse a UCC record if:

(a) The record contains illegible information. The term "illegible" is not limited to refer only to written expressions on paper; it requires machine-readable transmission in all formats. Labels and imprints from an ink stamp are illegible.

(b) No address as defined in WAC 308-390-101 is given in the address field. ~~((As used in this section, address is deemed to include city and state.))~~

(c) The information on the financing statement form is not machine-printed. Attachments to the form, however, may be handwritten.

(d) The filing officer is unable to decipher the information provided.

(2) Procedure upon refusal. If the filing officer finds grounds to refuse a financing statement, the filing officer shall return an image of the document to the remitter and shall refund the filing fee in the form of a warrant issued by the state treasurer's office.

(3) Multiple secured parties. If the record contains more than one secured party or assignee name or address and some names or addresses are missing, the grounds for refusal shall be applied to each secured party separately.

(4) Notification of defects. Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal effectiveness of filing rests with filers and remitters and the filing office bears no responsibility for such effectiveness.

(5) Refusal errors. If, within ninety days of the date of the refusal notice, a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused, the filing officer ~~((shall))~~ will file the UCC record with the filing date and time the UCC record was originally tendered for filing. ~~((The filing officer shall also file a statement noting when and why the record was changed.))~~ A filing officer statement record relating to the relevant initial financing statement will be placed in the UCC information management system on the date that the corrective action was taken. The filing officer statement must provide the date of the correction and explain the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-300 UCC information management system. The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on active financing statements ~~((which have not lapsed))~~. The rules in this section describe the UCC information management system.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-302 Names of debtors who are individuals. For the purpose of this rule, "individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate. This rule applies to the name of a debtor or a secured party on a UCC record who is an individual.

(1) Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. A filer should place the name of a debtor with a single name (e.g., "Cher") in the last name field. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

(2) Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, when a UCC record is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.

(3) Titles and suffixes after names. Titles or indications of status such as "M.D." and "esquire" shall not be entered in the UCC information management system. Suffixes are not part of an individual's name and should not be provided by filers in UCC records. Suffixes that indicate which individual is being named, such as "senior," "junior," "I," "II," and "III," are entered in a field designated for name suffixes. In either case, they will be entered into the information management system exactly as received.

(4) Truncation—Individual names. Personal name fields in the UCC data base are fixed in length. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows:

- (a) First name: ~~((100))~~ 254 characters.
- (b) Middle name: ~~((100))~~ 254 characters.
- (c) Last name: ~~((100))~~ 254 characters.
- (d) Suffix: 10 characters.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-401 Errors of the filing officer. The filing office may correct the errors of filing officer personnel in

the UCC information management system at any time. If the correction (~~((occurs))~~) is made after the filing officer has issued a certification date that includes the filing date of corrected document, the filing officer shall ~~((file a))~~ proceed as follows. A filing officer statement record relating to the relevant initial financing statement will be placed in the UCC information management system ((identifying the record to which it relates,)) on the date that the corrective action was taken. The filing officer statement must provide the date of the correction~~((;))~~ and ~~((explaining))~~ explain the nature of the corrective action taken. The record shall be preserved ~~((as))~~ for so long as the record of the initial financing statement is preserved in the UCC information management system.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-500 Search requests and reports. General requirements. The filing officer maintains for public inspection a searchable index for all records of UCC documents. The index shall provide for the retrieval of a record by the name of the debtor~~((, the name of the secured party,))~~ and by the file number of the initial financing statement and each filed UCC document relating to the initial financing statement.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-502 Rules applied to search requests. Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following rules apply to searches:

- (1) There is no limit to the number of matches that may be returned in response to the search criteria.
- (2) No distinction is made between upper and lower case letters.
- (3) Punctuation marks and accents are disregarded.
- (4) Certain words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded ((e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing)). Those words and abbreviations are published on the Washington State List of Ending Noise Words.

(5) The word "the" at the beginning of the search criteria is disregarded.

(6) All spaces are disregarded.

(7) For first and middle names of individuals, initials are equated with all names that begin with such initials, and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. If the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name and

with any name or initial or no name or initial in the middle name field.

(8) After using the preceding rules to modify the name to be searched, the search will reveal only names of debtors that are contained in unexpired financing statements and exactly match the name requested, as modified.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-503 Optional information. A UCC search request must be submitted on an approved form and may contain any of the following information:

(1) The request may limit the records requested by limiting them by the city of the debtor, the date of filing (or a range of filing dates), or specific file number(s). A report created by the filing officer in response to such a request shall contain the statement:

"A limited search may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search."

(2) The request may ask for copies of all pages ~~((or of first pages only))~~ of UCC ~~((documents))~~ records identified on the primary search response.

(3) ~~((The request may ask for a listing of all financing statements and notices that include a named secured party in a specific city and state. Copies may not be requested.~~

(4) The request may ask for records of lien notices only~~((, or by type of lien)).~~

~~((5))~~ (4) The request may ask for all records maintained by the information management system including those that have lapsed within the last twelve months.

~~((6))~~ (5) Instructions to return results by express mail will be honored if the remitter includes a prepaid way-bill or account number and the requested mode is available to the filing office.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-505 Transition. For five years after the on-line search application is made available, a person may browse the pre RA9 UCC data base at no cost for the purpose of identifying debtor names to be searched. Instructions on how to use the browse function are provided on the UCC website. The ~~((noncertified))~~ uncertified response to a debtor name browse will include whether or not an exact name match occurred and if so, in what city the debtor resides. A data browse may not reveal all filings against the debtor searched, or may reveal filings against other debtors, and the searcher bears the risk of relying on the uncertified inquiry.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-602 Processor lien or preparer ~~((or processor lien)).~~ (1) A producer or commercial fisherman may ~~((authenticate a record evidencing a preparer or processor lien))~~ satisfy the condition in chapter 60.13 RCW that a statement evidencing the processor lien or preparer lien be filed pursuant to RCW 60.13.040 in a record, authenticated

by the producer or fisherman, by using the same filing forms and procedures outlined in this chapter for filing a financing statement, and by ~~((adding))~~ satisfying the following additional statutory requirements prescribed in RCW 60.13.040:

(a) Designate the financing statement as a statement ~~((as a preparer or processor lien))~~ filed pursuant to RCW 60.13.040 evidencing the processor lien or preparer lien by marking "Non-UCC Filing" (not AG-lien) in box 5, and ~~((naming the))~~ by stating which type of lien is claimed in box 8.

(b) ~~((Identify))~~ State the true amount or a reasonable estimate of the debt demanded after deducting all credits and offsets and the date on which payment was due for the agricultural product or fish to be charged with the lien in box 10 of the Addendum.

(c) State the name and address of the ~~((preparer,))~~ processor(s), ~~((or))~~ conditioner(s) or preparer(s) who received the agricultural product or fish to be charged with the lien in ~~((box 1))~~ boxes 1, 2 and 11, as needed.

~~((e-Identify))~~ (d) State the name and address of the lien holder in box 3.

~~((d-Describe))~~ (e) Add a description sufficient to identify the agricultural product or fish to be charged with the lien in box 4.

~~((e-))~~ (f) State the amount of the debt and the date on which payment was due in box 10 of the Addendum.

(2) (f) Include the statement that the amount claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien, and the statement that the act of filing this notice constitutes the present intention of the producer or commercial fisherman that the statements there are true and adopted by the producer or commercial fisherman as their own in box 10 of the Addendum. If you cannot include all of the information required to be included in box 10, use the additional space provided in box 16 of the Addendum with a cross-reference that it is a continuation of the information to be added to box 10.

(2) Authentication. The authorized filing of the financing statement on the approved forms, containing the additional information, and in the manner that complies with the requirements of this section is deemed to be an authenticated record by the producer or commercial fisherman as required by RCW 60.13.040(2).

(3) Where to file. File in the department of licensing as provided in WAC 308-390-102.

~~((3))~~ (4) Fee. The fees are the same as provided in WAC 308-390-105.

~~((4))~~ (5) Duration. ~~((The lien lapses five years after the date of filing unless))~~ As provided in RCW 60.13.060(1), the processor lien shall terminate twelve months after, and the preparer lien shall terminate fifty days after, the later of the date of attachment of the lien or filing of the statement, unless a suit to foreclose the lien has been filed before that time as provided in RCW 60.13.070. Thus a filed statement evidencing a processor lien or a preparer lien is not effective for five years, and need not, and may not be continued as provided in WAC 308-390-202.

~~((5))~~ (6) Mechanics of search. ~~((All liens))~~ Crop liens claimed under chapter 60.11 RCW, processor liens or preparer liens claimed under chapter 60.13 RCW for which statements have been filed in accordance with this rule, and

financing statements filed under RCW 62A.9A-310 are revealed in a search as provided in WAC 308-390-504.

WSR 04-09-109

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 03-08—Filed April 21, 2004, 10:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-22-040.

Title of Rule: Dam safety, chapter 173-175 WAC.

Purpose: The purpose of this rule amendment is to modify fees that are collected from owners of existing dams and those proposing to build new dams or modify existing dams.

Statutory Authority for Adoption: RCW 43.21A.064, 43.21A.080, 86.16.061, and 90.03.350.

Statute Being Implemented: RCW 90.03.470.

Summary: (1) Increase fees for plan review and construction inspection, and (2) apply a new fee (but previously authorized by RCW 90.03.470) for periodic inspection of high and significant hazard dams.

Reasons Supporting Proposal: Legislative action requires increase in revenues to cover new periodic inspection staff person.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Doug Johnson, 300 Desmond Drive, Lacey, WA, (360) 407-6623.

Name of Proponent: Washington Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule amendment will do two things: (1) Increase fees for plan review and construction inspection, and (2) apply a new fee (but previously authorized by RCW 90.03.470) for periodic inspection of high and significant hazard dams.

Proposal Changes the Following Existing Rules: (1) Increase fees for plan review and construction inspection, and (2) apply a new fee (but previously authorized by RCW 90.03.470) for periodic inspection of high and significant hazard dams.

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

Small Business Economic Impact Statement

INTRODUCTION: This rule amendment has been reviewed under chapter 19.85 RCW, Regulatory Fairness Act. This analysis addresses the requirement for a small business economic impact statement (SBEIS). This SBEIS reviews the proposed rule rather than the change to the rule because the change is large and the relative impact of the rule on small vs. large business remains constant.¹ These amendments have a disproportionate impact on small businesses in some sectors of the economy. Mitigation has been provided where it is legal and feasible. In so far as small businesses tend to construct, own, or operate smaller dams, the structure

of the fees will reduce the disproportionate impact to some extent.

Due to size limitations relating to the filing of documents with the code reviser, this SBEIS does not contain all of the appendices to the SBEIS that explain the agency's analysis of the data collected. Additionally, it does not contain all of the raw data used in this analysis, or all of ecology's analysis of this data. However, this information is being placed in the agency's rule-making file, and is available upon request. To obtain a copy please call, write, e-mail or fax your request to David Cummings, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6620, fax (360) 407-7162, e-mail dcum@ecy.wa.gov.

LEGISLATIVE BACKGROUND: The amendments to chapter 173-175 WAC, Dam safety, are driven by legislative instructions in the operating budget for fiscal years 2004 and 2005. The legislature addressed (1) shortfalls in revenue for the review and approval of new dam construction, for existing facility modification plans, and for construction inspection, and (2) generation of revenue for periodic safety inspection of existing dams. This included money for support of the existing Washington program and to allow progress in bringing the program up to national standards.

The existing fee structure required state general fund appropriations to cover: A significant portion of the plan review and construction permit function, and the periodic inspection program. The legislature decided to provide resources for interim activities and improvements and expressed its preference for moving to greater fee revenue support for these activities via its budget notes to the final operating budget as follows:

House Version - *Funding is provided for an additional staff person in FY 2005, to increase the inspections of high risk dams to every five years, rather than the current schedule of every six to ten years. Fees for approving new dam construction and modifications will be increased to cover the actual cost of plan reviews, and fees for periodic dam inspections will be instituted to begin covering the cost of inspections. During the 2003-05 biennium, \$243,000 in new revenue to replace the state general fund will be generated if fees are instituted before January 2004.*

Senate Version - *Funding is increased to reflect new fees for approving new dam construction and modifications to cover the actual cost of plan reviews. Fees for periodic dam inspections will be instituted to begin covering the cost of inspections.*

The amendments to chapter 173-175 WAC that the Department of Ecology is proposing are in response to these legislative directives. Process and procedure requirement language is fundamentally unchanged except for removal of obsolete provisions, clarification, and reorganization. This discussion focuses on rule changes regarding fees proposed in response to the legislative directives described here.

DEFINING THE REGULATED COMMUNITY: Ecology's inventory of dams potentially subject to this rule includes over three hundred entities. Some of the activities covered by this analysis are done by both the private and public sector. The department removed the public entities from within the electric utilities, water purveyors, irrigation districts, solid waste facilities and the like, which are not subject to this anal-

ysis. Removing these cut the size of the list approximately in half. The remainder was used to develop a set of illustrative entities for this discussion.

The remaining dam operations were reviewed by program and agency staff in order to identify the economic sector (standard industrial classification or SIC) into which these fell. In some cases, this could be done with reasonable confidence. In others, best judgment estimates were made. Some could not be identified.

Businesses use dams for a range of uses, from basic agriculture to recreation. The sectors listed below are represented at least once in the ecology dam inventory. Not every industry having at least one dam that comes under this rule is included here. In some cases, data limitations prevented inclusion of industries. However, this list was constructed to indicate the range of uses to which the dams or reservoirs might be put. Readers whose industry of interest is not included on this list should be able to find another industry performing comparable work.

Disproportionate impact can occur when small firms build large dams. In many cases, the fees implied by the revised rule would be expected to be small relative to the revenue estimated for many typical firms in these sectors; i.e., smaller projects are correlated with smaller businesses. On the other hand, relatively small businesses (as measured by employment) may choose to undertake larger projects at higher costs based on an economic/financial analysis of the effects upon their activity. In short, it has been assumed that the magnitudes and ranges of impacts displayed here are generally representative of a larger scope, and that the results here might be usable on a broader basis.

The industries (and associated SICs) examined in this analysis include:

1521	General Contractors - Single Family Dwellings
2033	Canned Fruits, Vegetables, Preserves, Jams and Jellies
2037	Frozen Fruits, Fruit Juices, and Vegetables
2411	Logging
2421	Sawmills and Planing Mills - General
2621	Paper Mills
4911	Electric Services
4953	Refuse Systems
7011	Hotels and Motels
7992	Public Golf Courses
7997	Membership Sports and Recreation Clubs
7999	Amusement and Recreation Services Not Elsewhere Classified
8641	Civic, Social, and Fraternal Associations (includes many community or homeowners associations)

Agricultural activities are significant users of water supplies provided by dams and impoundments. However, much agricultural employment is seasonal, with workers provided by third party contractors or agricultural service providers. Taxation of agriculture in Washington is likewise less comprehensive than that of nonagricultural activities. Thus, treatment of agricultural sectors in this review divides firms into small and large based on farm sales, with the largest ten percent of operations in a given sector representing large businesses.² Agricultural sectors included in this analysis are:

- 0161 Vegetables and Melons
- 0175 Deciduous Tree Fruits
- 0181 Ornamental Floriculture and Nursery Products
- 0212 Beef Cattle, Except Feedlots
- 0241 Dairy Farms

PROPOSED

Development of revenue estimates for small versus large businesses: For businesses outside the agricultural sector, information provided by the Employment Security Department and the Department of Revenue was used to develop estimates of average revenue for businesses employing fifty or fewer, versus more than fifty persons in 2002.³ The average revenue estimates are used in calculation of economic impact measures below in this text.⁴

CONSTRUCTION AND MODIFICATION PLAN REVIEW AND PERMITTING FEES: RCW 90.03.470(9) authorizes the Department of Ecology to collect the actual cost of these activities for the construction of dams and other controlling works for storage of ten acre feet or more of water. The fees are listed in Table 4 in the rule, which displays dam height (on the vertical axis) and dam crest length (horizontal axis), with the fee amount shown at the intersection of these values for a given project. For dams with heights and crest lengths between table values, the nearest listed value is used (no interpolation).

The existing fee table (at WAC 173-175-370) was developed in 1992 and was expected to yield revenue equal to 95% of actual costs based on experience at that time. The 95% figure was used to guard against overcharging. It was weighted toward larger dams (expected to average two per year) in order to keep costs down on medium and small dams.

Actual experience since 1993 has shown that the workload has been more heavily weighted toward small and medium stormwater dams. The existing fee structure does not generate the necessary revenue to cover 95% of actual costs. In fact, current fees cover only about 37% of actual costs. This, taken in conjunction with salary upgrades for engineering classifications, general pay increases, etc. has created a revenue shortfall.

The values shown in the revised permit fee table (at proposed WAC 173-175-360(2)) reflect the additional experience gained over the past decade and are aimed at restoring a revenue flow approximately equal to 95% of presently incurred costs, which is equivalent to an average of 1.3 FTE. The proposed fees are a significant part of the cost impact analysis to follow.

The discussion has focused on new projects. Fees for approving plans for modifications of existing dams, and construction inspection of such projects, are based on the table described above - but at a specified fraction - ranging from 10 to 35 to as high as 80% of Table 4 entries - of the costs found by use of the table alone. (Activities resulting in permit fees as high as 80% of the tabular value can occur if more than one element of the project is modified simultaneously.) Thus, the results and relationships discussed here would also apply in these cases, but at lower magnitudes. In cases where modifications to the dam are required by the department for safety reasons, a flat fee of \$1400 dollars is to be charged. This reduced fee is intended to reduce the impact of department-required repairs on individuals and small businesses, and to secure greater cooperation with dam owners.

Organizing the impact data: No changes are proposed to how one would obtain approval of dam construction or modification project requirements of chapter 173-175 WAC. However, the fees involved in this process have changed, and these fee changes are analyzed below.⁵ Table 1 (WAC 173-175-130 (4)(e)) contains three dam size categories - one of which must be included in the engineering design report that is part of the permit application for the construction or modification of a dam.

A set of ranges for the proposed fees was used for analysis. These are:

Fee Class By Dam Height	New Rule	Old Rule
5 feet to 14 feet	new minimum fee = \$1,400 new maximum fee = \$8,736	old minimum fee = \$500 old maximum fee = \$3,120
15 feet to 46 feet	new minimum fee = \$1,652 new maximum fee = \$26,656	old minimum fee = \$590 old maximum fee = \$9,520
50 feet or greater	new minimum fee = \$5,320 new maximum fee = \$56,000	old minimum fee = \$1,900 old maximum fee = \$20,000

The crest length in the table ranges from fifty feet up to the Table 4 maximum of 4,000 feet. In combination with the dam height limits, this generates the fee table. The division above divides the entries on Table 4 into groups of dams and applicable fees. The minimum and maximum fees, derived from Table 4 size classes, yield useful endpoints on ranges of fees for examining the issue of disproportionate impacts below.

Results: The tables in Appendix A display cost impacts on small and large companies for the SIC codes listed above. These impacts result from the imposition of the low and high fees for various dam sizes. The unit of measure is fee costs as a percentage of revenue. The following table represents only one of the SICs analyzed, and is included as an example of the work done on each SIC. Only one SIC code table is presented here due to space limitations. (See Appendix A for the remaining SICs.)

SIC 2037 FROZEN FRUITS, FRUITS JUICES, AND VEGETABLES		
	Small Firm Revenue	Large Firm Revenue
	\$3,905,093	\$52,949,998
Small Dam		
Minimum Dam Fees \$1,400	0.036%	0.003%
Maximum Dam Fees \$8,736	0.224%	0.016%
Intermediate Dam		
Minimum Dam Fees \$1,652	0.042%	0.003%
Maximum Dam Fees \$26,652	0.683%	0.050%
Large Dam		
Minimum Dam Fees \$5,320	0.136%	0.010%
Maximum Dam Fees \$56,000	1.434%	0.106%

Observations and conclusions: The fees vary based on dam height and crest length. If a small company and a large company both build the same size dam, then the impact is disproportionate when measured as a percentage of revenue. E.g., if a small firm and a large firm both build an intermediate dam with fees of \$26,652 then that fee is a larger percentage of the small firm's revenue. The relative size of revenue of large firms provides them with a scale advantage. The potential for a disproportionate impact would only disappear if the large companies generally built sufficiently larger dams than small companies.

PERIODIC SAFETY INSPECTION FEES: RCW 90.03.470(8) authorizes the collection of the actual cost of safety inspections. There is currently no fee associated with these inspections, and has not been since the 1940's. Fees charged in the 20's and 30's did not recover the full cost of the inspection including technical analysis back at the office. The original fee appears to have only covered site visits in most cases.

The policy of not charging fees for inspections was adopted in the interests of securing greater cooperation with the regulated community. This means that the costs of activities related to a complete inspection have been borne out of state general fund appropriations. It further means that the department's six to ten year inspection cycle has been unable to fully attain the national standard five year inspection cycle for high risk dams. Part of the costs of addressing this is contained within the appropriation for an additional FTE in the operating budget. This issue is also addressed via the emphasis on institution of fees to cover periodic inspection costs. Revisions to chapter 173-175 WAC addressing this issue are in proposed WAC 173-175-750 and 173-175-760, which establish fees for inspection of high and significant hazard dams. The inspection fees are prorated for the number of years in the inspection cycle.

The legislature asked ecology to move toward supporting periodic dam safety inspection programs through fees in the budget notes quoted on page one of this SBEIS and in the language of RCW 90.03.470(8). The language establishing inspections is found in proposed WAC 173-175-700 through 173-175-720 and 173-175-730.

WAC 173-175-720 and 173-175-730 cover nonroutine inspections and inspections at public request. Proposed language in WAC 173-175-750 and 173-175-760 would establish periodic inspection fees, a process by which fee adjustment occurs, and would use the fiscal growth factor in fee adjustment.

The language splits base-level fees into two categories: "High hazard dams" and "significant hazard dams." The details for each dam hazard class are in Table 3 in WAC 173-175-130. Fees are as follows:

High Hazard Dams: \$4,000 - The fee would be prorated at \$800 per year on a five year cycle.

Significant Hazard Dams: \$2,500 - The fee would be prorated at \$500 per year if a five year inspection cycle is attained. If workload or staffing requires a longer inspection cycle, dams with significant downstream hazard classifications may be placed on a ten year cycle with a total inspection fee of \$2,500 and a prorated fee of \$250 per year. See the proposed language at WAC 173-175-705.

This proration of the inspection fees is intended to mitigate the impact of the full fee for those who might have difficulty paying the entire fee at one time. It is likely that the great majority of those subject to the fee would choose to pay in installments rather than losing use of the funds involved for up to four years.

Results: Both small and large companies own dams in each hazard class. Within any given industry where both small and large companies own dams, there will be a disproportionate impact. These impacts result from the imposition of the significant or high hazard fees on firms of varying sizes. The unit of measure is fee costs as a percentage of revenue. The following table represents only one of the SICs analyzed, and is included as an example of the work done on each SIC. Only one SIC code table is presented here due to space limitations. (See Appendix C for the remaining SICs.)

SIC 0175 DECIDUOUS TREE FRUITS			
		Small Firm Revenue	Large Firm Revenue
		\$126,000	\$1,100,000
High Hazard	\$4,000	3.17%	0.36%
Significant Hazard	\$2,500	1.98%	0.23%

Observations and conclusions: If a small company and a large company both pay the same fee on the same risk level of dam, then the impact is disproportionate when measured as a percentage of revenue. E.g., if a small firm and a large firm both build a high hazard dam with fees of \$4,000 then that fee is a larger percentage of the small firm's revenue. The relative size of revenue of large firms provides them with a scale advantage. The potential for a disproportionate impact cannot be avoided. Mitigation is provided by prorating the fee over the inspection cycle.

THE FISCAL GROWTH FACTOR: Ecology will use the fiscal growth factor to adjust the fees every July.

The fiscal growth factor (FGF) is based on changes in population and price inflation. It is used to identify limits on state expenditure and on changes in fees or other sources of revenue that may be required to maintain program service levels or establish new programs. The FGF is calculated and issued as a percentage. The proposed dam safety rule directly incorporates the FGF into the fees to provide for long term stability in the revenue base.

Normally, agencies are not allowed to increase fees by more than the FGF. In this case the legislature provided a catch up window for the department to use to bring the dam safety program closer to self-support. The 2003 - 2005 operating budget (ESSB 5404.PL) contains the following proviso at Section 302(5):

Fees approved by the Department of Ecology in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

The department's proposed rules set the base fees based on actual costs incurred. Future fees would be determined via equations that explicitly incorporate the FGF and the statutory provision (RCW 43.135.055(1)) that limits the degree to which fees may increase without legislative approval.

Observations and conclusions: Given that all the fees have a disproportionate impact and given that the fiscal

PROPOSED

growth factor is a simple multiplier, the increases will, by definition have a disproportionate impact on small business.

MITIGATION AND CONCLUSIONS: Given that the department has found a disproportionate impact, mitigation is required where legal and feasible. The proposed changes to chapter 173-175 WAC are responses to legislative directives as reflected in the budget notes cited on page one of this document. The directives are to develop fee systems adequate to fund the department's activities related to review of plans and construction for new projects and modifications of existing projects. In addition, fees funding the program for periodic safety inspections of existing dams are to be employed. These directives are sufficiently explicit that only limited mitigative modifications are feasible. The department has provided the following cost minimizing features:

The periodic safety inspection fees are prorated over time. Further there are two risk categories, rather than a single fee for all dams. Thus, where small companies have lower risk dams, they will be able to have lower fees.

The construction permit fee is staggered based on size rather than being a flat fee. Further, for projects to repair safety deficiencies identified by the department, the fee is set at the lowest level on the fee table, \$1,400 (see Table 4 in WAC 173-175-370).

OUTREACH TO SMALL BUSINESSES DURING RULE DEVELOPMENT: Small businesses that currently own and operate high and significant hazard dams were mailed a "frequently asked questions (FAQ) about proposed fees for dam safety inspections" in February of 2004. After the rule-making preproposal was published, dam safety staff met with some groups that support small businesses, such as the Washington State Department of Agriculture, the National Resource Conservation Service, and local conservation districts. The dam safety office manager also made a presentation to the water resource programs Water Resource Advisory Committee (WRAC). A number of small business-related groups are members of the WRAC, such as the Small Business Association of Washington, the Washington Farm Bureau, the Washington Dairy Federation, the Association of Washington Business, the NW Food Processors Association, the Building Industry Association of Washington, the Pacific Coast Federation of Fishermen's Associations, and others. Dam safety staff have received a number of inquiries from small businesses as a result of dissemination of the contents of the WRAC briefing among their memberships. This has resulted in clarification of the need for rule making. In a few cases, the dam safety employees have eliminated future fee assessments for small businesses that own low hazard dams, who had been incorrectly classified as owning high or significant hazard dams.

- ¹ For a table summarizing the change in the fees see Appendix B.
- ² The data came from the 1997 Census of Agriculture for Washington with adjustment for agricultural commodity price changes to 2002 levels via the Index of Prices Received by Farmers published in Washington Agricultural Statistics 2002.
- ³ The Employment Security Department information provided the number of employees and employers by employment size class (e.g., 1-4, 5-9, etc. up through fifty or more). Employment served as the basis for division of the businesses between small and large. The Department of Revenue data included total business income and taxable income (e.g., gross income under the busi-

ness and occupation tax). These data allowed calculation of estimated average revenue for small and large firms.

- ⁴ Readers should recognize that this analysis uses a data set that represents conditions in one particular year – 2002. This is the latest year for which all important data is available or can be estimated with some precision. The degree to which this information represents the future obviously varies. In the meantime, it is the best information generally available that is suited for this analysis.
- ⁵ The total number of dam height/crest combinations in Table 4 is unchanged at 720.

A copy of the statement may be obtained by writing to David Cummings, phone (360) 407-6620, fax (360) 407-7162.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(a)(i) mandates that this section applies to any "significant legislative rule" of the department of ecology. RCW 34.05.328 (5)(c)(i) defines a "significant legislative rule" as a rule other than a procedural or interpretive rule that (a) adopts 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) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (c) adopts a new, or makes significant amendments to, a policy or regulatory program. Since RCW 34.05.328 (5)(c)(i) definitions of "significant legislative rule" do not apply here, RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Spokane on May 26, 2004, at 7:00 p.m., at the Department of Ecology Eastern Regional Office, 1st Floor Large Conference Room, North 4601 Monroe, Spokane, WA 99205; Wenatchee on May 27, 2004, at 7:00 p.m., at the Wenatchee Senior Activity Center, Card Room, 1312 Maple Street, Wenatchee, WA 98801; Lacey on June 1, 2004, at 7:00 p.m., at the Department of Ecology Auditorium, 300 Desmond Drive, Lacey, WA 98504; and Mount Vernon on June 3, 2004, at 7:00 p.m., at the Mount Vernon Police and Court Campus, Multipurpose Room, 1805 Continental Place, Mt. Vernon, WA 98273.

Assistance for Persons with Disabilities: Contact Judy Beitel by May 19, 2004, (360) 407-6878 or 711 (TTY) or 1-800-833-8973 (TTY).

Submit Written Comments to: David Cummings, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6620, dcum461@ecy.wa.gov, fax (360) 407-7162, by June 11, 2004, 5 p.m.

Date of Intended Adoption: August 1, 2004.

April 20, 2004

Polly Zehm

Deputy Director

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-010 Purpose and authority. These regulations provide for the comprehensive regulation and supervision of dams in order to reasonably secure safety to life and property pursuant to chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54 RCW. The purposes of these regulations are to:

- (1) Designate the types of dams to which these regulations are applicable;

(2) Provide for the design, construction, operation, maintenance, and supervision of dams in a manner consistent with accepted engineering practice;

(3) Establish and administer a program for permitting of construction work for new dams and for modifications of existing dams;

(4) Establish a fee schedule based on dam size that will reflect the actual cost to the department of engineering review of plans and specifications and for construction inspections;

(5) Establish the requirements and owner responsibilities for developing and executing plans for operation and maintenance, owner inspection and emergency actions; and

(6) ~~(Encourage owners to establish a program for the periodic inspection of their projects.)~~ Establish a program for the periodic inspection by the department of existing dams, and a fee schedule for these inspections based on downstream hazard classification and frequency of inspections. This fee schedule will reflect the actual cost to the department.

AMENDATORY SECTION (Amending Order 94-15, filed 10/24/95, effective 11/24/95)

WAC 173-175-020 Applicability. (1) These regulations are applicable to dams which can impound a volume of ten acre-feet or more of water as measured at the dam crest elevation. The ten acre-feet threshold applies to dams which can impound water on either an intermittent or permanent basis. Only water that can be stored above natural ground level ~~(and)~~ or which could be released by a failure of the dam in combination with natural ground is considered in assessing the storage volume.

The ten acre-feet threshold applies to any dam which can impound water of any quality, or which contains any substance in combination with sufficient water to exist in a liquid or slurry state at the time of initial containment.

(2) For a dam whose dam height is six feet or less and which meets the conditions of subsection (1) of this section, the department may elect to exempt the dam from these regulations.

The decision by the department to exempt a dam will be made on a case-by-case basis for those dams whose failure is not judged to pose a risk to life and minimal property damage would be expected (downstream hazard class 3).

(3) These regulations do not apply to dams that are, or will be, owned, by an agency of the federal government which has oversight on operation and maintenance and has its own dam safety program for periodic inspection and repair of safety deficiencies of completed projects. The department will continue to be the state repository for pertinent plans, reports, and other documents related to the safety of federally owned dams.

(4) These regulations do not apply to transportation facilities such as roads, highways, or rail lines which cross watercourses and exist solely for transportation purposes and which are regulated by other governmental agencies.

Those transportation facilities which cross watercourses and which have been, or will be, modified with the intention of impounding water on an intermittent or permanent basis

and which meet the conditions of subsection (1) of this section shall be subject to these regulations.

(5) These regulations do not apply to dikes or levees constructed adjacent to or along a watercourse for protection from natural flooding or for purposes of floodplain management.

(6) These regulations do not apply to concrete or steel water storage tanks.

(7) These regulations do not apply to FERC licensed projects and to FERC exempted projects. The department will continue to maintain a repository for pertinent plans, reports, and other documents related to the safety of FERC licensed and FERC exempted projects.

AMENDATORY SECTION (Amending Order 94-15, filed 10/24/95, effective 11/24/95)

WAC 173-175-030 Definitions. As used in this chapter:

"Acceptance" means acceptance by the department that the proposed plan(s) will satisfactorily address issues associated with proper operation, maintenance, inspection, or emergency action.

"Annual exceedance probability" means the chance that a specified magnitude of some phenomenon of interest, such as a flood or earthquake, is equaled or exceeded during a given year.

"Approval" means approval by the department that the proposed design, and plans and specifications conform to accepted engineering practice and department guidelines.

"Appurtenant works" means such structures as outlet works and associated gates and valves; water conveyance structures such as spillways, channels, fish ladders, tunnels, pipelines, or penstocks; powerhouse sections; and navigation locks, either in the dam or adjacent thereto.

"Authorization" means written acknowledgement from the department to proceed with proposed actions.

"Construction change order" means a revision to the department approved plans and specifications that is initiated during construction.

"Construction permit" means the permit which authorizes construction and that the project's plans and specifications and construction inspection plan have been reviewed and approved by the department.

"Construction permit process" means the sequence of activities specified in WAC 173-175-110 inclusive, beginning with the application for construction permit and ending with the submission of a report summarizing construction records.

"Crest length" means the total horizontal distance measured along the axis of the dam, at the elevation of the top of the dam, between abutments or ends of the dam. Where applicable, this includes the spillway, powerhouse sections, and navigation locks, where they form a continuous part of the impounding structure.

"Critical project element" means an element of a project whose failure could result in the uncontrolled release of the reservoir.

"Dam" means any artificial barrier and/or any controlling works, together with appurtenant works that can or does impound or divert water.

"Dam abutment" means that contact location at either end and beneath the flanks of a dam where the artificial barrier joins or faces against the natural earth or rock foundation material upon which the dam is constructed.

"Dam height" means the vertical distance from the natural bed of the stream or watercourse at the downstream toe of the impounding barrier to the maximum storage elevation. If the dam is not across a stream or watercourse, the height is measured from the lowest elevation of the outside limit of the impounding barrier to the maximum storage elevation.

"Department" means the department of ecology.

"Design step level" means an integer value between one and eight used to designate increasingly stringent design loadings and conditions for design of critical project elements. Design steps have a range in annual exceedance probability from one in five hundred at Step 1 to one in one million at Step 8.

"Downstream hazard classification" means a rating to describe the potential for loss of human life and/or property damage if the dam were to fail and release the reservoir onto downstream areas. Downstream hazard classifications of 3, 2 and 1C, 1B, 1A correspond to low, significant, and high downstream hazard classes respectively.

"Emergency condition" means a situation where life and property are at imminent risk and actions are needed within minutes or hours to initiate corrective actions and/or warn the public.

"Enlargement" means any modification of a project that will result in an increase in normal pool height and/or dam height.

"Exigency condition" means a situation where the dam is significantly underdesigned according to generally accepted engineering standards or is in a deteriorated condition and life and property are clearly at risk. Although present conditions do not pose an imminent threat, if adverse conditions were to occur, the situation could quickly become an emergency.

"FERC exempted project" means a project that is classified as exempt by the Federal Energy Regulatory Commission (FERC) under provisions of the Federal Power Act.

"FERC licensed project" means a project whose operation is licensed by the Federal Energy Regulatory Commission (FERC) under provisions of the Federal Power Act.

"Freeboard" means the vertical distance between the dam crest elevation and some reservoir level of interest.

"Hydrograph" means a graphical representation of discharge, stage, or other hydraulic property with respect to time for a particular location on a watercourse.

"Impounding barrier" means the structural element of the dam that has the primary purpose of impounding or diverting water. It may be constructed of natural and/or man-made materials.

"Incident" means the occurrence of any dam-related event where problems or conditions arise which may have posed a threat to the safety or integrity of the project or which may have posed a threat of loss of life or which resulted in loss of life.

"Inflow design flood (IDF)" means the reservoir inflow flood hydrograph used for sizing the spillways and for deter-

mining freeboard. It represents the largest flood that a given project is designed to safely accommodate.

"Maintenance" means those tasks generally accepted as routine in keeping the project and appurtenant works in a serviceable condition.

"Maximum storage elevation" means the maximum attainable water surface elevation of the reservoir pool that could occur during extreme operating conditions. This elevation normally corresponds to the crest elevation of the dam.

"Miscellaneous construction elements" means a variety of construction elements or activities such as, but not limited to: Reservoir linings; parapet walls or low berms for wave containment; minor reconstruction of isolated portions of the impounding barrier; internal drainage improvements; and erosion protection.

"Modification" means any structural alteration of a dam, its reservoir, spillway(s), outlet(s), or other appurtenant works that could significantly influence or affect the project safety.

"Normal pool height" means the vertical distance between the lowest point of the upstream toe of the impounding barrier and the normal storage elevation.

"Normal storage elevation" means the maximum elevation to which the reservoir may rise under normal operating conditions. Where the principal spillway is ungated, the normal storage elevation is usually established by the elevation of the spillway crest.

"100-year floodplain" means the area inundated during the passage of a flood with a peak discharge having a one percent chance of being ~~(equalled)~~ equaled or exceeded in any given year at a specified location on a watercourse.

"Outlet" means a conduit and/or channel structure for the controlled release of the contents normally impounded by a dam and reservoir.

"Owner" means the person holding lawful title to the dam or any person who owns or proposes to construct a dam.

"Periodic inspection" means a detailed inspection of the dam and appurtenant works conducted on regular intervals and includes, as necessary, associated engineering analyses to confirm the continued safe operation of the project.

"Person" means any individual, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

"Plans and specifications" means the detailed engineering drawings and specifications used to describe the layout, materials, construction methods, etc., for assembling a project or project element. These do not include shop drawings or other drawings prepared by the construction contractor for temporary construction support systems.

"Population at risk" means the number of people who may be present in areas downstream of a dam and could be in danger in the event of a dam failure.

"Project" means a dam and its reservoir either proposed or existing.

"Project engineer" means a professional engineer licensed in Washington, having direct supervision, as defined in WAC 196-24-095, in managing the engineering aspects of the project as representative of the owner.

"Reservoir" means any basin that contains or will contain the water impounded by a dam.

"Reservoir routing" means the procedures used to determine the attenuating effect of reservoir storage on a flood as it passes through a reservoir.

"Rule curve" means the rules and procedures used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions.

"Significant enlargement" means any modification of an existing dam that results in the dam height or normal pool height being increased by an amount greater than 5.0 feet, and which also represents a ten percent or greater increase in dam height or normal pool height over that which existed prior to the modification.

"Spillway" means a channel structure and/or conduit for the safe release of water or floodwater.

"Stop work order" means an administrative order issued to temporarily halt construction work until a problem can be resolved.

"Substantially complete" means that a plan, action, or project element requires only minor additions to be complete, and in its present state will perform the necessary functions for its intended use.

"Surficial inspection" means a visual inspection conducted to identify obvious defects or changed conditions.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-230 Declaration of construction completion. Within ~~((thirty))~~ sixty days following substantial completion of construction or modification of a dam, the project engineer shall submit to the department:

A declaration stating the project was constructed in accordance with the department approved plans and specifications and construction change orders.

The department will provide a declaration form which may be used or altered, as appropriate, by the project engineer.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-250 Construction records summary. Within one hundred twenty days following completion of construction or modification of a dam, the project engineer, as representative of the owner, shall submit a report to the department on construction activities which includes:

- (1) A summary of results from field testing of materials used in construction. The summary shall identify both representative values and the range of test values;
- (2) A discussion of any notable items encountered during construction;
- (3) One complete set of drawings describing the as-built condition of the dam. These drawings shall be submitted in both paper and electronic format.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-360 Construction permit fees for new project construction. (1) Fees for the review of plans and

specifications and for construction inspection for new project construction shall be the amounts shown in Table 4 as adjusted by the fiscal growth factor, and determined by the nearest values of dam height and crest length, in feet, which correspond to the project's planned dam height and crest length.

(2) The fees in Table 4 are automatically adjusted annually on July 1st by the fiscal growth factor as calculated under chapter 43.135 RCW. After July 1st of each year, the department shall publish the adjusted fees by providing notice on its internet site and by providing written notification by mail or electronic mail to permit applicants.

(3) Fees for the review of plans and specifications and for construction inspection for new dairy waste impoundments shall be in the amount of one thousand four hundred dollars, provided the project meets the following requirements:

(a) The facility has a low downstream hazard classification;

(b) The maximum embankment height is less than fifteen feet;

(c) The facility conforms with a set of standard plans and specifications prepared by the Natural Resource Conservation Service (NRCS) and approved by the department;

(d) The NRCS or its designee provides periodic oversight of construction to ensure that the facility conforms to the standard plans.

If the project fails to meet any of the above requirements, the standard fees as described under subsection (1) of this section shall apply.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-370 Construction permit fees for modifications of existing dams. (1) Fees for the review of plans and specifications and for construction inspections for project modifications involving significant enlargements shall be the greater of ~~((five))~~ one thousand four hundred dollars or the amount determined by those applicable percentages shown in Table 5A of the fees in Table 4, as adjusted by the fiscal growth factor. The appropriate Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in feet, which correspond to the overall dimensions of the modified dam.

(TABLE 4- CONSTRUCTION PERMIT FEES- NEW PROJECT CONSTRUCTION)

DAM- HEIGHT (FEET)	DAM CREST LENGTH (FEET)	400	500	600	700	800	1000	1500	2000	2500	3000	4000
15810	17640	18320	18720	19060	19220	19540	19730	20000	20000	20000	20000	20000
15680	16220	17320	17890	18240	18500	18720	18920	19240	19500	19720	20000	20000
15550	15100	16370	17190	17620	17900	18140	18350	18720	18990	19210	19400	20000
15420	14000	15260	15890	16410	16700	17000	17280	17620	17900	18170	18400	20000
15290	12920	14170	14800	15320	15620	15940	16210	16580	16870	17200	17400	20000
15160	11840	13090	13720	14240	14540	14860	15130	15500	15790	16120	16300	20000
15030	10760	12010	12640	13160	13460	13780	14050	14420	14700	15030	15200	20000
14900	9680	10930	11560	12080	12380	12700	12970	13340	13620	13950	14120	20000
14770	8600	9850	10480	11000	11300	11620	11890	12260	12540	12870	13040	20000
14640	7520	8770	9400	9920	10220	10540	10810	11180	11460	11790	11960	20000
14510	6440	7690	8320	8840	9140	9460	9730	10100	10380	10710	10880	20000
14380	5360	6610	7240	7760	8060	8380	8650	9020	9300	9630	9800	20000
14250	4280	5530	6160	6680	6980	7300	7570	7940	8220	8550	8720	20000
14120	3200	4450	5080	5600	5900	6220	6490	6860	7140	7470	7640	20000
14000	2120	3370	3990	4510	4810	5130	5400	5770	6050	6380	6550	20000
13870	1040	2290	2910	3430	3730	4050	4320	4690	4970	5300	5470	20000
13740	9320	10570	11200	11720	12020	12340	12610	13080	13360	13690	13860	20000
13610	8240	9490	10120	10640	10940	11260	11530	11900	12180	12510	12680	20000
13480	7160	8410	9040	9560	9860	10180	10450	10820	11100	11430	11600	20000
13350	6080	7330	7960	8480	8780	9100	9370	9740	10020	10350	10520	20000
13220	5000	6250	6880	7400	7700	8020	8290	8660	8940	9270	9440	20000
13100	3920	5170	5800	6320	6620	6940	7210	7580	7860	8190	8360	20000
12970	2840	4090	4720	5240	5540	5860	6130	6500	6780	7110	7280	20000
12840	1760	3010	3640	4160	4460	4780	5050	5420	5700	6030	6200	20000
12710	680	1930	2560	3080	3380	3700	3970	4340	4620	4950	5120	20000
12580	1600	2850	3480	4000	4300	4620	4890	5260	5540	5870	6040	20000
12450	520	1770	2400	2920	3220	3540	3810	4180	4460	4790	4960	20000
12320	4120	5370	6000	6520	6820	7140	7410	7780	8060	8390	8560	20000
12200	3040	4290	4920	5440	5740	6060	6330	6700	6980	7310	7480	20000
12070	1960	3210	3840	4360	4660	4980	5250	5620	5900	6230	6400	20000
11940	880	2130	2760	3280	3580	3900	4170	4540	4820	5150	5320	20000
11810	7720	8970	9600	10120	10420	10740	11010	11380	11660	12030	12200	20000
11680	6640	7890	8520	9040	9340	9660	9930	10300	10580	10910	11080	20000
11550	5560	6810	7440	7960	8260	8580	8850	9220	9500	9830	10000	20000
11420	4480	5730	6360	6880	7180	7500	7770	8140	8420	8750	8920	20000
11300	3400	4650	5280	5800	6100	6420	6690	7060	7340	7670	7840	20000
11170	2320	3570	4200	4720	5020	5340	5610	5980	6260	6590	6760	20000
11040	1240	2490	3120	3640	3940	4260	4530	4900	5180	5510	5680	20000
10910	1600	2850	3480	4000	4300	4620	4890	5260	5540	5870	6040	20000
10780	520	1770	2400	2920	3220	3540	3810	4180	4460	4790	4960	20000
10650	4120	5370	6000	6520	6820	7140	7410	7780	8060	8390	8560	20000
10520	3040	4290	4920	5440	5740	6060	6330	6700	6980	7310	7480	20000
10400	1960	3210	3840	4360	4660	4980	5250	5620	5900	6230	6400	20000
10270	880	2130	2760	3280	3580	3900	4170	4540	4820	5150	5320	20000
10140	7720	8970	9600	10120	10420	10740	11010	11380	11660	12030	12200	20000
10010	6640	7890	8520	9040	9340	9660	9930	10300	10580	10910	11080	20000
9880	5560	6810	7440	7960	8260	8580	8850	9220	9500	9830	10000	20000
9750	4480	5730	6360	6880	7180	7500	7770	8140	8420	8750	8920	20000
9620	3400	4650	5280	5800	6100	6420	6690	7060	7340	7670	7840	20000
9500	2320	3570	4200	4720	5020	5340	5610	5980	6260	6590	6760	20000
9370	1240	2490	3120	3640	3940	4260	4530	4900	5180	5510	5680	20000
9240	680	1930	2560	3080	3380	3700	3970	4340	4620	4950	5120	20000
9110	5720	6970	7600	8120	8420	8740	9010	9380	9660	10030	10200	20000
8980	4640	5890	6520	7040	7340	7660	7930	8300	8580	8910	9080	20000
8850	3560	4810	5440	5960	6260	6580	6850	7220	7500	7830	8000	20000
8720	2480	3730	4360	4880	5180	5500	5770	6140	6420	6750	6920	20000
8600	1400	2650	3280	3800	4100	4420	4690	5060	5340	5670	5840	20000
8470	320	1470	2100	2620	2920	3240	3510	3880	4160	4490	4660	20000
8340	2120	3370	4000	4520	4820	5140	5410	5780	6060	6390	6560	20000
8210	1040	2290	2910	3430	3730	4050	4320	4690	4970	5300	5470	20000
8080	9320	10570	11200	11720	12020	12340	12610	13080	13360	13690	13860	20000
7950	8240	9490	10120	10640	10940	11260	11530	11900	12180	12510	12680	20000
7820	7160	8410	9040	9560	9860	10180	10450	10820	11100	11430	11600	20000
7700	6080	7330	7960	8480	8780	9100	9370	9740	10020	10350	10520	20000
7570	5000	6250	6880	7400	7700	8020	8290	8660	8940	9270	9440	20000
7440	3920	5170	5800	6320	6620	6940	7210	7580	7860	8190	8360	20000
7310	2840	4090	4720	5240	5540	5860	6130	6500	6780	7110	7280	20000
7180	1760	3010	3640	4160	4460	4780	5050	5420	5700	6030	6200	20000
7050	680	1930	2560	3080	3380	3700	3970	4340	4620	4950	5120	20000
6920	5720	6970	7600	8120	8420	8740	9010	9380	9660	10030	10200	20000
6800	4640	5890	6520	7040	7340	7660	7930	8300	8580	8910	9080	20000
6670	3560	4810	5440	5960	6260	6580	6850	7220	7500	7830	8000	20000
6540	2480	3730	4360	4880	5180	5500	5770	6140	6420	6750	6920	20000
6410	1400	2650	3280	3800	4100	4420	4690	5060	5340	5670	5840	20000
6280	320	1470	2100	2620	2920	3240	3510	3880	4160	4490	4660	20000
6150	2120	3370	4000	4520	4820	5140	5410	5780	6060	6390	6560	20000
6020	1040	2290	2910	3430	3730	4050	4320	4690	4970	5300	5470	20000
5900	9320	10570	11200	11720	12020	12340	12610	13080	13360	13690	13860	20000
5770	8240	9490	10120	10640	10940	11260	11530	11900	12180	12510	12680	20000
5640	7160	8410	9040	9560	9860	10180	10450	10820	11100	11430	11600	20000
5510	6080	7330	7960	8480	8780	9100	9370	9740	10020	10350	10520	20000
5380	5000	6250	6880	7400	7700	8020	8290	8660	8940	9270	9440	20000
5250	3920	5170	5800	6320	6620	6940	7210	7580	7860	8190	8360	20000
5120	2840	4090	4720	5240	5540	5860	6130	6500	6780	7110	7280	20000
5000	1760	3010	3640	4160	4460	4780	5050	5420	5700	6030	6200	20000
4870	680	1930	2560	3080	3							

TABLE 4. CONSTRUCTION PERMIT FEES - NEW PROJECT CONSTRUCTION

Dam Height (ft)	CREST LENGTH (FEET)															
	50	100	150	200	250	300	350	400	500	600	700	800	1000	1500	2000	4000
400	44268	49392	51296	52444	53368	54096	54712	55244	56000	56000	56000	56000	56000	56000	56000	56000
300	38304	45416	48496	50092	51072	51800	52416	52976	53872	54600	55216	55776	56000	56000	56000	56000
250	34020	42280	45836	48132	49336	50344	50988	51520	52416	53172	53788	54320	55216	56000	56000	56000
200	28280	37128	42000	44492	46508	47964	48776	49532	50652	51380	51996	52556	53452	55076	56000	56000
180	25004	34636	39452	42700	44632	46284	47684	48384	49616	50568	51184	51716	52612	54264	55412	56000
160	21644	31892	36792	40152	42644	44212	45584	46816	48356	49336	50204	50792	51688	53340	54488	56000
150	20020	30352	35252	38640	41356	43120	44464	45668	47684	48664	49504	50260	51184	52836	53984	56000
140	18396	28224	33600	37100	39704	41972	43288	44464	46480	47936	48776	49504	50652	52276	53452	56000
130	16828	25928	31920	35336	37996	40152	42056	43204	45164	46816	47992	48720	49924	51688	52864	55664
120	15260	23520	29876	33460	36204	38304	40152	41804	43764	45388	46816	47852	49084	51072	52220	55020
110	13720	21168	27272	31500	34104	36372	38136	39704	42336	43904	45276	46480	48160	50400	51548	54348
100	12236	18872	24304	28840	31920	34076	35980	37548	40180	42308	43624	44800	46844	49364	50792	53592
95	11508	17724	22848	27328	30828	32872	34748	36428	38976	41216	42784	43932	45920	48804	50400	53200
90	10780	16604	21392	25592	29148	31696	33460	35084	37772	39928	41832	43008	44968	48244	49812	51296
85	10052	15484	19964	23884	27440	30296	32172	33740	36512	38584	40460	42084	43988	47656	48496	48496
80	9352	14392	18564	22204	25536	28448	30856	32368	35028	37240	39032	40656	42980	45696	45696	45696
75	8652	13328	17164	20552	23632	26488	28896	30968	33516	35784	37576	39144	41888	42896	42896	42896
70	7952	12264	15792	18900	21756	24360	26824	28896	31976	34132	36036	37604	40096	40096	40096	40096
65	7280	11228	14448	17304	19880	22288	24556	26684	30184	32424	34272	35924	37296	37296	37296	37296
60	6608	10192	13132	15708	18060	20244	22316	24248	27804	30660	32452	34020	34496	34496	34496	34496
55	5964	9184	11844	14168	16296	18256	20104	21840	25116	28028	30464	31696	31696	31696	31696	31696
50	5320	8204	10556	12656	14532	16296	17948	19488	22428	25116	27608	28896	28896	28896	28896	28896
46	4816	7420	9576	11452	13160	14756	16240	17668	20300	22736	25060	26656	26656	26656	26656	26656
42	4312	6664	8596	10276	11816	13244	14588	15848	18228	20412	22484	24416	24416	24416	24416	24416
38	3836	5908	7616	9128	10500	11760	12964	14084	16184	18144	19964	21728	22176	22176	22176	22176
34	3360	5208	6692	8008	9212	10332	11368	12348	14196	15904	17528	19040	19936	19936	19936	19936
30	2912	4480	5768	6916	7952	8904	9800	10668	12264	13748	15120	16436	17696	17696	17696	17696
28	2688	4144	5320	6384	7336	8232	9044	9828	11312	12684	13944	15176	16576	16576	16576	16576
26	2464	3808	4900	5852	6720	7532	8288	9016	10360	11620	12796	13916	15456	15456	15456	15456
24	2296	3444	4452	5320	6132	6860	7560	8232	9464	10584	11676	12684	14336	14336	14336	14336
22	2156	3136	4032	4816	5544	6216	6832	7448	8540	9576	10556	11452	13188	13216	13216	13216
20	1988	2800	3612	4312	4956	5572	6132	6664	7644	8596	9436	10276	11816	12096	12096	12096
18	1848	2492	3192	3836	4396	4928	5432	5908	6776	7616	8372	9100	10472	10976	10976	10976
16	1708	2240	2800	3360	3836	4312	4760	5152	5936	6636	7336	7952	9156	9856	9856	9856
15	1652	2156	2604	3108	3584	4004	4424	4788	5516	6188	6804	7392	8512	9296	9296	9296
14	1596	2044	2408	2884	3304	3696	4088	4424	5096	5712	6300	6832	7868	8736	8736	8736
13	1540	1932	2268	2660	3052	3416	3752	4088	4704	5264	5796	6300	7224	8176	8176	8176
12	1512	1820	2156	2436	2800	3108	3444	3724	4284	4816	5292	5768	6608	7616	7616	7616
11	1484	1736	2016	2268	2548	2828	3108	3388	3892	4368	4816	5236	6020	7056	7056	7056
10	1456	1652	1876	2128	2324	2548	2800	3052	3500	3920	4340	4704	5404	6496	6496	6496
9	1428	1568	1764	1960	2156	2324	2520	2716	3136	3500	3864	4200	4816	5936	5936	5936
8	1400	1512	1652	1792	1988	2128	2268	2408	2744	3080	3388	3696	4228	5376	5376	5376
7	1400	1456	1540	1680	1792	1932	2072	2184	2380	2660	2940	3192	3668	4732	4816	4816
6	1400	1428	1484	1568	1652	1764	1848	1960	2156	2296	2492	2716	3108	4004	4256	4256
5	1400	1400	1428	1484	1540	1596	1680	1736	1904	2044	2184	2296	2576	3304	3696	3696

PROPOSED

(2) Fees for the review of plans and specifications and for construction inspection for project modifications not involving significant enlargements shall be the greater of ((five)) one thousand four hundred dollars or the amount determined by those applicable percentages shown in Table 5B of the fees in Table 4, as adjusted by the fiscal growth factor. The appropriate Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in

feet, which correspond to the overall dimensions of the modified dam.

(3) Fees for the review of plans and specifications and for construction inspection for repair of a dam with safety deficiencies as required by the department shall be one thousand four hundred dollars.

(4) Fees for the review of plans and specifications and for construction inspection for the removal or partial removal

of a dam with safety deficiencies for the purpose of eliminating a public safety hazard shall be the minimum fee of ten dollars.

~~((4))~~ (5) Fees for the review of plans and specifications and for construction inspection for the planned abandonment and reclamation of dams and reservoir areas used in mining operations shall be the minimum fee of ~~((five))~~ one thousand four hundred dollars.

TABLE 5. FEES FOR MODIFICATIONS OF DAMS

MODIFICATION FEE AS PERCENTAGE OF FEE FOR NEW DAM CONSTRUCTION

FEATURES MODIFIED	TABLE 5A MODIFICATIONS INVOLVING SIGNIFICANT ENLARGEMENTS	TABLE 5B MODIFICATIONS NOT INVOLVING SIGNIFICANT ENLARGEMENTS
Spillway(s)	35%	25%
Impounding Barrier	35%	25%
Appurtenant Works and Miscellaneous Construction Elements	10%	10%

AMENDATORY SECTION (Amending Order 94-15, filed 10/24/95, effective 11/24/95)

WAC 173-175-390 Payment of construction permit fees. (1) The amount of the construction permit fee will be determined by the department based upon procedures contained in WAC 173-175-360 and 173-175-370 and information contained in the construction plans.

(a) An initial payment, which may represent all or a portion of the construction permit fee shall be paid in conjunction with the submittal of the construction permit application described in WAC 173-175-120. The amount of the initial payment shall be:

(i) Ten dollars for the removal of a dam with safety deficiencies as described in WAC 173-175-370(3); or

(ii) ~~((Five))~~ One thousand four hundred dollars for construction of a new dam or modification of an existing dam or project.

(b) The balance of the fee amount (less the initial payment above) is to be paid following notification by the department of the balance due.

(c) All fees collected are nonrefundable.

(2) No fee shall be required for the review of conceptual plans which describe proposed repairs or improvements to existing dams to correct safety deficiencies. The normal construction permit process will apply at the time plans and specifications are submitted to the department.

(3) No additional fees shall be required for plan and specification changes and resubmittals required by the department as part of the review process.

(4) No additional fees shall be required for review of construction change orders.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-500 Operation and maintenance. (1) The owner shall develop and maintain a current operation and maintenance (O&M) manual.

The manual shall describe procedures for operation of the project under normal and extreme reservoir inflow conditions and provide technical guidance and procedures for monitoring, inspection, and long-term maintenance. Information on the development of the O&M manual is contained in the department's *Dam Safety Guidelines*. The O&M manual shall include, as a minimum, the following items:

(a) Identification of the individual(s) responsible for implementing the plan;

(b) A project data sheet describing the pertinent features of the dam and reservoir, including the spillway(s), outlet works, and appurtenant structures and their locations at the dam site;

(c) The rules and procedures (rule curve) used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions;

(d) A description of each hydraulic element used to regulate or release water, including information on proper operation and scheduled maintenance;

(e) A listing of the items requiring periodic monitoring, the frequency of monitoring and procedures for monitoring, measurement, and recordkeeping;

(f) A listing of the items requiring periodic maintenance and procedures for conducting and documenting maintenance and recording of problems;

(g) A listing of items to be inspected or test operated, the frequency and procedures for conducting the same and for documenting the findings.

(2) It shall be the duty and responsibility of the owner to, at all times, operate and maintain the dam and all appurtenant works in a safe manner and condition and follow the method and schedule of operation of the dam as outlined in the O&M manual.

~~(3) ((For dams constructed before July 1, 1992, owners are required to develop an O&M manual by December 31, 1997.~~

~~In those cases where a failure of the dam could pose a threat to life (downstream hazard classes 1A, 1B, 1C, and 2), the O&M manual shall be submitted to the department for review and acceptance.~~

~~(4)) Any proposed changes to the O&M manual which could have an effect on public or project safety must be submitted to the department for review and acceptance before implementation.~~

~~(4) The O&M manual must be updated within one hundred eighty days after a periodic inspection has been completed by the department.~~

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-510 Inspection by owner. ~~((4))~~ Owners are required to evaluate the safety of their dam(s) and all appurtenant works and to make modifications, as become

PROPOSED

necessary, to reasonably secure safety to life and property. To accomplish this, owners are:

~~((a)) (1) Required to conduct annual surficial inspections and to maintain records of their findings, including records of actions taken to correct problem conditions. ((Copies of such records shall be provided to the department upon request.))~~

The annual surficial inspections may be conducted by the owner or by agent(s) designated by the owner, or by a professional engineer.

~~((b) Encouraged to implement a program for the periodic inspection of their project(s) on a five-year frequency to be conducted by a professional engineer.~~

~~(c) Required to notify the department at least thirty days in advance of when periodic inspections are scheduled to allow department engineers to participate in the inspection.~~

~~(d)) (2) Owners are required to submit a copy of the ((engineering report(s))) annual inspection checklist and other documents which contain the findings((, conclusions, and recommendations)) resulting from the ((periodic)) annual inspection within thirty days following the completion ((of the various documents)).~~

~~((2) In order to correct safety deficiencies and exigency conditions, owners are required to take actions and make modifications as prescribed by the department to preserve the structural stability and integrity of the project and attain levels of safety in accordance with accepted engineering practice.~~

~~(3) The department may elect to conduct periodic inspections of particular projects to reasonably secure safety to life and property.~~

~~(a) The department will give at least thirty days advance notice of the date of the periodic inspection and advise the owner of any requirements such as gates or valves that are to be operated during the inspection.~~

~~(b) Owners are required to develop an Operation and maintenance manual (WAC 173-175-500) and an Emergency action plan (WAC 173-175-520) within one hundred eighty days following completion of a periodic inspection conducted by the department.)~~

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-520 Emergency action plans. (1) In those cases where a failure of the dam could pose a threat to life (downstream hazard classes 1A, 1B, 1C, and 2), the owner shall develop and maintain an emergency action plan (EAP) acceptable to the department.

(a) The EAP shall describe procedures for responding to unusual or emergency situations and procedures for detecting, evaluating, communicating, and initiating notification or warning of individuals who may be at risk in downstream and upstream areas. Information on the development of an EAP is contained within the department's *Dam Safety Guidelines*.

(b) It shall be the duty and responsibility of the owner to implement the EAP when conditions warrant and to follow the method and schedule contained within the EAP.

~~(c) ((For dams constructed before July 1, 1992, owners are required to develop an EAP and to submit it to the department for review and acceptance by December 31, 1997.~~

~~(i)) Owners are required to coordinate the development of the EAP with representatives from the local emergency services staff, state department of community development, emergency management division, and appropriate local authorities.~~

~~((ii)) (d) Copies of the completed EAP must be provided to the state emergency management division, local emergency services office, and to the department.~~

(2) Any proposed changes to the EAP which could have an affect on public or project safety must be submitted to the department for review and acceptance before implementation.

(3) Owners are required to exercise components of the EAP as needed to confirm the viability of the plan.

(4) The department will coordinate and solicit review comments from the local emergency services office and the state emergency management division on the acceptability of proposed EAPs. Those comments will constitute the primary basis for accepting or requesting modifications to a proposed EAP.

(5) The EAP must be updated within one hundred eighty days after a periodic inspection has been completed by the department.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-610 Emergencies. (1) When, in the opinion of the department, an emergency condition exists which poses an imminent threat to ((life)) public safety, the department may take such action as necessary to eliminate or mitigate the hazard and potential consequences. The dam owner or the owner's agent(s) may be directed to take actions, and if that failing, the department may take control of the project and take actions, including, but not limited to:

(a) Altering the operation of the project;

(b) Lowering the reservoir water level;

(c) Draining the reservoir;

(d) Making emergency repairs or modifications to the project;

(e) Enlisting the services of federal, state, or local authorities to make emergency repairs or modifications to the project;

(f) Breaching the dam.

(2) All costs incurred by the department as a result of taking control of the project will be charged to the owner.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-620 Enforcement. (1) In enforcement of this chapter, the department may impose such sanctions as appropriate under authorities vested in it, including but not limited to, the issuance of regulatory orders under RCW 86.16.081 and 43.27A.190 and civil penalties under RCW 86.16.081 and 90.03.600.

(2) Any dam which is found to be under construction or recently constructed without prior approval of the plans and

specifications is in violation of RCW 90.03.350 and will be presumed to be a public nuisance. The owner will not be allowed to fill the reservoir or continue to operate the reservoir until the structural integrity and safety of the facility can be demonstrated to the satisfaction of the department. In addition:

(a) Regulatory orders may be issued to enforce the restriction of reservoir filling and fines may be levied at one hundred to five thousand dollars per day (~~up to an amount equal to one hundred fifty percent of the amount the owner would have been charged under the construction permit fee schedule listed in this chapter~~);

(b) Owners are required to submit as-built drawings and all available documentation describing the manner in which the dam or portion thereof was constructed;

(c) If the structural integrity and safety of a dam project cannot be demonstrated or confirmed to the satisfaction of the department, the owner shall not commence or resume normal operation of the project until all outstanding issues or problems are resolved to the satisfaction of the department. To accomplish the above, the department may:

(i) Order the outlet works to remain fully open and not allow filling of the reservoir;

(ii) Restrict reservoir water levels or reservoir operation;

(iii) Order the breaching of the impounding barrier;

(iv) Take other measures as appropriate to reasonably assure safety to life and property.

(d) If, in the opinion of the department, the owner is unwilling or incapable of resolving the outstanding safety issues in a timely manner, the department may take action to have the dam abated as prescribed by law under RCW 90.03.350.

(3)(a) In order to correct safety deficiencies and exigency conditions as identified by the department on existing dams, owners are required to take actions as prescribed by the department to preserve the structural stability and integrity of the project and attain levels of safety in accordance with accepted engineering practice.

(b) If the owner does not take action to correct safety issues in a timely manner, regulatory orders may be issued to require modifications, and to restrict the filling of the reservoir until all outstanding issues or problems are resolved to the satisfaction of the department.

(c) If the owner continues to be unwilling or incapable of resolving the outstanding safety issues, the department may take action to have the dam abated as prescribed by law under RCW 90.03.350.

PART SIX PERIODIC INSPECTION PROGRAM

NEW SECTION

WAC 173-175-705 Periodic inspection by the department. (1) As authorized by RCW 43.21A.064, the department has the authority to conduct routine periodic inspections of all existing dams with high and significant downstream hazard classifications to reasonably secure safety to life and property.

• Dams with high downstream hazard classifications will be inspected every five years.

• Dams with significant downstream hazard classifications will be inspected every five years, or ten years if workload or staffing necessitates a longer cycle between inspections.

• Dams classified as low hazard are not included in the periodic inspection program.

(a) The department will give at least thirty days notice of the date of the periodic inspection and advise the owner of any requirements such as gates or valves that are to be operated during the inspection.

(b) Fees shall be charged for periodic inspections conducted by the department. The amount of the fee and owner requirements for the fee payment are described in WAC 173-175-755 through 173-175-775.

Dam classification

(2) The downstream hazard classification of existing dams shall be determined by the department in accordance with WAC 173-175-130, Table 3.

(3) The classification of each dam shall be reviewed during each periodic or other inspection and may be changed as the result of such inspection.

Components of a periodic inspection

(4) Each periodic inspection shall consist of, but not be limited to, the following:

(a) Review and analysis of available data on the design, construction, operation, and maintenance of the dam and its appurtenances;

(b) Visual inspection of the dam and its appurtenances, the downstream area, and all other areas affected by the structure;

(c) Evaluation of the safety of the dam and its appurtenances, which may include assessment of the hydrologic and hydraulic capabilities, structural stabilities, seismic stabilities, and any other condition which could constitute a hazard to the integrity of the structure;

(d) Evaluation of the downstream hazard classification;

(e) Evaluation of the operation, maintenance, and inspection procedures employed by the owner and/or operator; and

(f) Review of the emergency action plan for the dam including review and/or update of dam breach inundation maps.

(5) The department shall prepare a written safety inspection report that describes the findings from the inspection and lists remedial actions that must be taken to ensure the continued safety of the dam.

(6) The department shall provide the dam owner with a copy of the written report of the periodic inspection. The dam owner must correct any identified safety deficiencies in a timely manner.

NEW SECTION

WAC 173-175-725 Nonroutine inspections by department. (1) The department may perform nonroutine inspections of dams with any downstream hazard classification, separate from the periodic inspection program. The pur-

poses for these inspections include, but are not limited to, the following:

- (a) Determining downstream hazard classification;
 - (b) Condition inspections during or immediately after emergencies such as floods or earthquakes;
 - (c) When problems or conditions arise that may pose a threat to the integrity of the dam;
 - (d) Obtaining routine monitoring data and information.
- (2) No fees shall be charged to the dam owner for non-routine inspections.

NEW SECTION

WAC 173-175-735 Inspection at public request. (1)

The department may inspect a dam if a complaint from the public is received that states that a dam:

- (a) Impounds ten or more acre-feet of water at the dam crest level; and
 - (b) Is endangering public safety or property, or has been constructed without prior department approval.
- (2) The department shall provide a copy of the written report of findings to the complainant and dam owner.
- (3) The dam owner shall be required to correct any identified safety deficiencies or exigency conditions in a timely manner.
- (4) Dams found to be under construction or recently built without prior approval of the plans and specifications will be subject to enforcement actions as described under WAC 173-175-620(2).
- (5) No fees shall be charged to the dam owner for inspections at public request.

**PART SEVEN
PERIODIC INSPECTION FEES**

NEW SECTION

WAC 173-175-755 Periodic inspection fees. The department is required by RCW 90.03.470(8) to collect in advance the actual cost, including the expense incident thereto, of the inspection of any dam to insure safety to life and property. Fee amounts contained in this section represent the department's true estimate of the cost of performing periodic dam safety inspections as described in WAC 173-175-705, and reflect the department's commitment to fully recover all eligible expenses.

NEW SECTION

WAC 173-175-765 Periodic inspection fee schedule.

(1) The inspection fee amounts are based on the downstream hazard classification of the dam, as determined by the department, and incorporate the fiscal growth factor calculated under chapter 43.135 RCW. The inspection fees for each five-year inspection are prorated on an annual basis.

(a) Equation 1 below is used to calculate the annual inspection fees.

$$\text{Annual Inspection Fee} = (\text{COST}_{\text{FGF}}) \div (\text{Cycle}) \quad \text{Equation 1}$$

Where:

- (i) Cycle = number of years between inspections, with five years being the minimum.
- (ii) FGF = an annual fiscal growth factor expressed as a percentage, as determined under chapter 43.135 RCW.
- (iii) COST_{FGF} = cost of inspection in dollars including a fiscal growth factor. The cost is obtained by multiplying the inspection cost in the preceding year by the current year's fiscal growth factor as follows:

$$\text{COST}_{\text{FGF}} = \text{Previous year's cost} \times [1 + (\text{FGF})] \quad \text{Equation 2}$$

(b) For implementation of the fiscal growth factor, the base year for dam inspection fees will be fiscal year 2004, ending June 30, 2004. In the base year, the FGF will be zero.

(c) The cost for an inspection by the department in the base year will be as follows:

- (i) \$4000.00 for dams with high downstream hazard classifications, with a prorated annual fee of \$800.00 for a five-year inspection cycle.
- (ii) \$2500.00 for dams with significant downstream hazard classifications, with a prorated annual fee of \$500.00 if a five-year inspection cycle is implemented, or \$250.00 if a ten-year inspection cycle is implemented.

(2) **Inspection fee for impoundments with multiple dams.** For reservoirs or impoundments with a main dam and one or more saddle dams, a single annual inspection fee will be charged for the facility. The dam with the highest downstream hazard rating will be used for fee computation.

(3) **Inspection fee for multicell impoundments.** For multicell impoundments, such as wastewater lagoons, where two or more cells are located side-by-side or share a common embankment, a single annual inspection fee will be charged for the facility. The cell with the highest downstream hazard classification will be used for fee computation.

(4) **Inspection fee for nonroutine inspections.** For nonroutine inspections as described in WAC 173-175-725, no fees will be charged to the dam owner.

(5) **Inspection fee for inspections at public request.** For inspections done at public request, as described in WAC 173-175-735, no fees will be charged to the dam owner.

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

NEW SECTION

WAC 173-175-775 Periodic inspection fee computation.

(1) The department shall charge inspection fees based on the fee schedule contained in WAC 173-175-765. After July 1st of each year, the department shall publish the adjusted fees by providing notice on its internet site, and by providing written notification by mail or electronic mail to owners of high and significant hazard dams. The inspection fees must be received by the department within forty-five days after the department mails a billing statement.

(2) Inspection fee computation. Computation of fees shall begin on the first day of each fiscal year. In the case of new dams not previously covered by the inspection program, fee computation begins on the first day of each fiscal year following completion of construction.

PROPOSED

NEW SECTION

WAC 173-175-785 Periodic inspection fee payments.

(1) The applicable permit fee shall be paid by check or money order payable to the department of ecology and mailed to the following address:

Department of Ecology
Dam Safety Inspection Fee Program
P.O. Box 5128
Lacey, Washington 98509-5128.

(2) In the event a check is returned due to insufficient funds, the department shall consider the permit fee to be unpaid.

(3) **Delinquent accounts.** Permit holders are considered delinquent in the payment of fees if the fees are not received by the first invoice billing due date. Delinquent accounts will be processed in the following manner:

(a) Municipal and government entities shall be notified by certified mail that they have ninety days to bring the delinquent account up-to-date. Regulatory orders may be issued to enforce a restriction of reservoir filling until all delinquent fees are paid on accounts that remain delinquent after ninety days.

(b) Nonmunicipal or nongovernment permit holders shall be notified by the department by certified mail that they have ninety days to bring the delinquent account up-to-date. Accounts that remain delinquent after ninety days will be turned over for collection. In addition, a surcharge totaling twenty percent of the delinquent amount owed will also be added. The surcharge is to recover the costs for collection. If the collection agency fails to recover the delinquent fees after twelve months, the department may issue regulatory orders to enforce restriction of reservoir filling until all delinquent fees are paid.

NEW SECTION

WAC 173-175-795 Periodic inspection fees for transfer of ownership or control. The department shall charge inspection fees from the dam owner on record with the department. In the event that ownership or control of a dam is transferred, it shall not be the responsibility of the department to transfer funds between a new and previous dam owner, and the department shall not refund fee charges prospectively in the event of a transfer. Fees paid by a previous dam owner shall be deemed to satisfy the corresponding fee payment requirements of a new dam owner. Agreements between a new and previous dam owner are not binding on the department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-175-070 Effective date.

PROPOSED

WSR 04-09-033
EXPEDITED RULES
DEPARTMENT OF LICENSING

[Filed April 13, 2004, 1:45 p.m.]

Title of Rule: Chapter 308-56A WAC, Certificate of title—Motor vehicles, etc., specifically WAC 308-56A-075 Multiple legal owners.

Purpose: To show how multiple owners of a vehicle are listed on a vehicle certificate of ownership.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: RCW 46.01.110.

Summary: Question 3 is worded incorrectly, the removal of "has been satisfied" after "ownership" in the question is needed.

Reasons Supporting Proposal: Sentence is not worded properly.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This would clean up language to the WAC.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule provides explanation of how multiple legal owners must be shown on a vehicle certificate of ownership. There will be no effect on the rule. Word clean up only.

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 Katherine Iyall Vasquez, Department of Licensing, Policy and Projects Office, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, Highways-Licenses Building, 1125 Washington Street S.E., Olympia, WA 98507, AND RECEIVED BY June 21, 2004.

April 12, 2004

Robert Smith

for Steve Boruchowitz, Manager
 Policy and Projects Office

AMENDATORY SECTION (Amending WSR 03-10-097, filed 5/7/03, effective 6/7/03)

WAC 308-56A-075 Multiple legal owners. (1) **Can more than one legal owner show as security interest on the certificate of ownership?** Yes, however, this is subject to the limited amount of space available in the department's computer system for legal owner's name information.

(2) **How are additional legal owner's interest shown on the certificate of ownership?** Additional legal owners are shown directly after the first legal owner. Only the address of the first legal owner will be shown on the certificate of ownership.

(3) **If the security interest has been satisfied with one of the legal owners shown on a certificate of ownership (~~has been satisfied~~), how is their interest released?** When the security interest of one of the legal owners shown on a certificate of ownership has been satisfied that interest must be released on the certificate of ownership or a department approved release of interest form. The remaining legal owner(s) must, within ten days of receiving the properly released certificate of ownership, apply for reissuance of the certificate of ownership showing the remaining legal owner's name and address.

WSR 04-09-046

EXPEDITED RULES

**DEPARTMENT OF
 FISH AND WILDLIFE**

[Filed April 15, 2004, 11:03 a.m.]

Title of Rule: SEPA rules.

Purpose: Make name change.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Corrects name of department.

Reasons Supporting Proposal: Name change.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA 98501-1091, (360) 902-2930; Implementation: Greg Hueckel, 1111 Washington Street, Olympia, WA 98501-1091, (360) 902-2416; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA 98501-1091, (360) 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes "fisheries" to "the department."

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 Evan Jacoby, Rules Coordinator, Department of Fish and Wildlife, 600 Capitol Way

North, Olympia, WA 98501-1091, AND RECEIVED BY
June 21, 2004.

April 15, 2004
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 84-144, filed
9/18/84, effective 10/19/84)

WAC 220-100-110 Adoption by reference—Substantial compliance. Except as modified by this chapter, ((fisheries)) the department adopts the SEPA guidelines as adopted by the department of ecology (chapter 197-11 WAC) and as modified or amended from time to time. Substantial compliance with these guidelines shall constitute compliance with this chapter.

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 Rules Coordinator, Rules and Policies Assistance Unit, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, AND RECEIVED BY 5:00 p.m., June 21, 2004.

April 15, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-01-073,
filed 12/14/01, effective 1/14/02)

WAC 388-475-1050 Healthcare for workers with disabilities (HWD)—Program requirements. This section describes requirements a person must meet to be eligible for the healthcare for workers with disabilities (HWD) program.

(1) To qualify for the HWD program, a person must:

(a) Meet the general requirements for a medical program described in WAC 388-503-0505 (3)(a) through (f);

(b) Be age sixteen through sixty-four;

(c) Meet the federal disability requirements described in WAC 388-475-1150;

(d) Have net income at or below two hundred twenty percent of the federal poverty level (FPL) (see WAC 388-478-0075 for FPL amounts for medical programs); and

(e) Be employed full or part time (including self-employment) as described in WAC 388-475-1200.

(2) To determine net income, the department applies the following rules to total gross household income in this order:

(a) Deduct income exclusions described in WAC ((388-450-0020)) 388-475-0800, 388-475-0820, 388-475-0840, and 388-475-0860; and

(b) Follow the CN income rules described in:

(i) WAC ((388-450-0005 (3) and (4), ~~Income—Ownership and availability~~)) 388-475-0600, SSI-related medical—Definition of income;

(ii) WAC ((388-450-0085, ~~Self-employment income—Allowable expenses~~)) 388-475-0650, SSI-related medical—Available income;

(iii) WAC ((388-450-0150 (1), (2), (3), and (5), ~~SSI-related income allocation~~)) 388-475-0700(1) through (5), SSI-related medical—Income eligibility;

(iv) WAC ((388-450-0210 (4)(b), (e), and (h), ~~Countable income for medical programs~~)) 388-475-0750, SSI-related medical—Countable unearned income; and

(v) WAC 388-506-0620, SSI-related medical clients((; and

(vi) WAC ~~388-511-1130, SSI-related income availability~~)).

(3) The HWD program does not require an asset test.

(4) Once approved for HWD coverage, a person must pay his/her monthly premium in the following manner to continue to qualify for the program:

WSR 04-09-091

EXPEDITED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 20, 2004, 4:16 p.m.]

Title of Rule: WAC 388-475-1050 Healthcare for workers with disabilities (HWD)—Program requirements and 388-475-1250 Healthcare for workers with disabilities (HWD)—Premium payments.

Purpose: To correct obsolete Washington Administrative Code (WAC) cross references that are outdated due to the new rules for supplemental security income (SSI)-related Medicaid programs adopted on April 7, 2004, as WSR 04-09-002, 04-09-003, 04-09-004, and 04-09-005.

Statutory Authority for Adoption: RCW 74.08.090, 34.05.353 (1)(c).

Statute Being Implemented: RCW 74.04.050, section 1902 (a)(10)(A)(ii) of the Social Security Act of 1924.

Summary: This housekeeping action corrects the outdated WAC cross-references without changing the effect of the rules.

Reasons Supporting Proposal: The amended rules will ensure that people are referred to the correct WAC sections.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stephen Kozak, MAA, P.O. Box 45534, Olympia, WA 98507-5534, (360) 725-1321.

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: See Purpose, Summary, and Reasons Supporting Proposal above.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL

(a) The department calculates the premium for HWD coverage according to WAC 388-475-1250;

(b) If a person does not pay four consecutive monthly premiums, the person is not eligible for HWD coverage for the next four months and must pay all premium amounts owed before HWD coverage can be approved again; and

(c) Once approved for HWD coverage, a person who experiences a job loss can choose to continue HWD coverage through the original twelve months of eligibility, if the following requirements are met:

(i) The job loss results from an involuntary dismissal or health crisis; and

(ii) The person continues to pay the monthly premium.

AMENDATORY SECTION (Amending WSR 02-01-073, filed 12/14/01, effective 1/14/02)

WAC 388-475-1250 Healthcare for workers with disabilities (HWD)—Premium payments. This section describes how the department calculates the premium amount a person must pay for healthcare for workers with disabilities (HWD) coverage. This section also describes program requirements regarding the billing and payment of HWD premiums.

(1) When determining the HWD premium amount, the department counts only the income of the person approved for the program. It does not count the income of another household member.

(2) When determining countable income used to calculate the HWD premium, the department applies the following rules:

(a) Income is considered available and owned when it is:

(i) Received; and

(ii) Can be used to meet the person's needs for food, clothing, and shelter, except as described in WAC ((~~388-511-1130~~) 388-475-0600(5), 388-475-0650, and 388-475-0700(1)).

(b) Loans and certain other receipts are not considered to be income as described in 20 C.F.R. Sec. 416.1103, e.g., direct payment by anyone of a person's medical insurance premium or a tax refund on income taxes already paid.

(3) The HWD premium amount equals a total of the following (rounded down to the nearest whole dollar):

(a) Fifty percent of unearned income above the medically needy income level (MNIL) described in WAC 388-478-0070; plus

(b) Five percent of total unearned income; plus

(c) Two point five percent of earned income after first deducting sixty-five dollars.

(4) When determining the premium amount, the department will use the current income amount until a change in income is reported and processed.

(5) A change in the premium amount is effective the month after the change in income is reported and processed.

(6) For current and ongoing coverage, the department will bill for HWD premiums during the month following the month in which coverage is approved.

(7) For retroactive coverage, the department will bill the HWD premiums during the month following the month in

which coverage is requested and necessary information is received.

(8) If initial coverage for the HWD program is approved in a month that follows the month of application, the first monthly premium includes the costs for both the month of application and any following month(s).

(9) As described in WAC 388-475-1050 (4)(b), the department will close HWD coverage after four consecutive months for which premiums are not paid in full.

(10) If a person makes only a partial payment toward the cost of HWD coverage for any one month, the person remains one full month behind in the payment schedule.

(11) The department first applies payment for current and ongoing coverage to any amount owed for such coverage in an earlier month. Then it applies payment to the current month and then to any unpaid amount for retroactive coverage.

EXEDITED



WSR 04-08-017
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed March 29, 2004, 9:26 a.m., effective May 1, 2004]

Date of Adoption: March 25, 2004.

Purpose: To create a more consistent notice of construction process throughout the state of Washington and to facilitate the United States Environmental Protection Agency's approval of the state implementation plan.

Citation of Existing Rules Affected by this Order: Repealing Sections 6.06, 6.07, and 6.08 (Regulation I); and amending Sections 1.07, 3.04, 6.03, 6.09, 9.03, 9.04, 9.08 and 12.03 (Regulation I); and Section 2.07 (Regulation III).

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 04-04-083 on February 3, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 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: May 1, 2004.

March 26, 2004

Gerry Pade

Engineer

AMENDATORY SECTION

REGULATION I SECTION 1.07 DEFINITIONS

When used herein:

~~((a)) **ACTUAL EMISSIONS** means the average rate at which the source actually emitted air contaminants during the 2-year period preceding a specific date, and which is representative of normal source operations. To account for unusual circumstances such as strikes, the Control Officer may approve or require the use of another time period that is more representative of normal operations than is the immediately preceding 2-year period.~~

~~((b))~~ **(a) AGENCY** means the Puget Sound Clean Air Agency.

~~((e))~~ **(b) AIR CONTAMINANT** means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

~~((d))~~ **(c) AIR POLLUTION** means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with

enjoyment of life and property. Air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

~~((e)) **ALLOWABLE EMISSIONS** means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to a federally enforceable permit that limits the operating rate, or hours of operation, or both) and the most stringent of the following:~~

~~(1) Any applicable standard under 40 CFR Parts 60, 61, and 63;~~

~~(2) Any applicable emission standard under Regulation I, II, or III;~~

~~(3) Any applicable State Implementation Plan emission standard, including those with a future compliance date; or~~

~~(4) Any applicable emission standard specified in an Order of Approval or operating permit, including those with a future compliance date.)~~

~~((f))~~ **(d) AMBIENT AIR** means the ((portion of the atmosphere, external to buildings, to which the general public has access)) surrounding outside air.

~~((g)) **BEST AVAILABLE CONTROL TECHNOLOGY** means technology that will result in an emission standard, including a visible emission standard, based on the maximum degree of reduction which the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts, and other costs, determines is achievable for such source through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each air contaminant. In no event shall application of the best available control technology result in emissions of any air contaminant that would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, and 63. The Agency may prescribe a design, equipment, work practice, or operational standard, or combination thereof, to meet the requirements of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results.)~~

~~((h))~~ **(e) BOARD** means the Board of Directors of the Puget Sound Clean Air Agency.

~~((i))~~ **(f) COMBUSTIBLE REFUSE** means solid or liquid combustible waste material.

~~((j)) **COMMENCED CONSTRUCTION** means that the owner or operator has all the necessary preconstruction approvals or permits and either has begun, or has caused to begin, a continuous program of actual on-site construction of the source or has entered into binding agreements or contractual obligations to undertake construction of the source which cannot be canceled or modified without substantial loss to the owner or operator.)~~

~~((k))~~ **(g) CONTROL EQUIPMENT** means any device which prevents or controls the emission of any air contaminant.

~~((l))~~ **(h) CONTROL OFFICER** means the Air Pollution Control Officer of the Puget Sound Clean Air Agency.

~~((m))~~ (i) EMISSION means a ~~((direct or indirect))~~ release of ~~((any))~~ air contaminants into the ambient air.

~~((n))~~ (j) EMISSION STANDARD means a requirement established under the Federal Clean Air Act (FCAA) or chapter 70.94 RCW that limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction~~((s))~~ and any design, equipment, work practice, or operational standard adopted ~~((promulgated))~~ under the FCAA or chapter 70.94 RCW.

~~((o))~~ (k) EQUIPMENT or EMISSIONS UNIT means any part of a stationary source or source that emits or would have the potential to emit any pollutant subject to regulation under the federal Clean Air Act, chapter 70.94 or 70.98 RCW ~~((or portable device or any part thereof that emits or may emit any air contaminant into the atmosphere))~~.

~~((p))~~ FACILITY means the sum total of all of the pollutant emitting activities that belong to the same industrial grouping (as defined by major groups in the Standard Industrial Classification Manual, NTIS Order No. PB 87-100012), are located on one or more contiguous or adjacent properties, and are owned or operated by the same person or persons under common control~~((s))~~.

~~((q))~~ (l) FUEL BURNING EQUIPMENT means equipment that produces hot air, hot water, steam, or other heated fluids by external combustion of fuel.

~~((r))~~ FUGITIVE DUST means particulate matter or any visible air contaminant other than uncombined water that is not collected by a capture system and emitted from a stack, but is released to the atmosphere at the point of generation.

~~((s))~~ FUGITIVE EMISSION means an emission that does not pass and that could not reasonably pass through a stack, chimney, or other functionally equivalent opening~~((s))~~.

~~((t))~~ (m) GASOLINE means a petroleum distillate that is a liquid at standard conditions and has a true vapor pressure greater than 4 pounds per square inch absolute at 20°C, and is used as a fuel for internal combustion engines. Also any liquid sold as a vehicle fuel with a true vapor pressure greater than 4 pounds per square inch absolute at 20°C shall be considered "gasoline" for purpose of this regulation. ~~((volatile organic compound having a true vapor pressure greater than 1.5 pounds per square inch (10.3 kPa) at 68°F (20°C), that is a liquid at a temperature of 68°F (20°C) and a barometric pressure of 29.92 inches of mercury (101.325 kPa), and is used as a fuel for internal combustion engines.))~~

~~((u))~~ (n) GASOLINE STATION means any site dispensing gasoline into ~~((fuel tanks of))~~ motor vehicle~~((s))~~, marine vessel~~((s))~~, or aircraft fuel tanks from stationary storage tanks.

~~((v))~~ (o) HAZARDOUS AIR POLLUTANT means any air pollutant listed in or pursuant to section 112(b) of the federal Clean Air Act, 42 U.S.C. §7412.

~~((w))~~ INSTALLATION means the placement, assemblage, or construction of equipment or control equipment at the premises where the equipment or control equipment will be used, and includes all preparatory work at such premises.

~~((x))~~ LOWEST ACHIEVABLE EMISSION RATE means that rate of emissions that reflects either the most stringent emission standard that is contained in the implementa-

tion plan of any state for such class or category of source unless the owner or operator of the proposed source demonstrates that such emission standards are not achievable, or the most stringent emission standard that is achieved in practice by such class or category of source, whichever is more stringent.

~~((y))~~ MAJOR MODIFICATION means a modification of a major source that would increase the actual emissions of any air contaminant for which the area is designated nonattainment by more than the following:

Air Contaminant	Tons/Year
Carbon Monoxide	100.0
Volatile Organic Compounds	40.0
Nitrogen Oxides	40.0
PM ₁₀	15.0
Sulfur Dioxide	40.0
Lead	0.6

In determining whether the thresholds defining a major modification have been exceeded, the emissions permitted under Orders of Approval issued to the facility since the designation of nonattainment that were not major modifications, and all fugitive emission increases that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility since the designation of nonattainment may be subtracted from this amount provided that any credits so applied are then considered to have been used. For modifications of an individual piece of equipment, the baseline shall be the source's actual emissions or allowable emissions, whichever is smaller. (Note: volatile organic compounds and nitrogen oxides are the air contaminants for which an area is designated nonattainment for ozone.)

~~((z))~~ MAJOR SOURCE means a facility that emits or has the potential to emit 100 tons per year or more of any air contaminant subject to regulation under the federal Clean Air Act. In determining whether the threshold defining a major source has been exceeded all fugitive emissions that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility may be subtracted from this amount provided that any credits so applied are then considered to have been used.

~~((aa))~~ MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the U.S. EPA Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.

~~((bb))~~ MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY EMISSION LIMITATION FOR NEW SOURCES means the emission limitation that is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and that reflects the maximum degree of reduction in emissions that the Agency, taking into consideration the cost of achieving such emission

PERMANENT

reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by the constructed or reconstructed major source.

~~((cc))~~ **MODIFICATION** means any physical change in, or change in the method of operation of, a source, except an increase in the hours of operation or production rates (not otherwise prohibited) or the use of an alternative fuel or raw material that the source is approved to use under an Order of Approval or operating permit, that increases the amount of any air contaminant emitted or that results in the emission of any air contaminant not previously emitted.)

~~((dd))~~ **(p) MOTOR VEHICLE** means any operating vehicle or one capable of being operated that has its own self-contained sources of motive power, is designed for the transportation of people or property, and is of the type for which a license is required for operation on a highway.

~~((ee))~~ **(q) MULTIPLE CHAMBER INCINERATOR** means a furnace for the destruction of waste consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

~~((ff))~~ **NONATTAINMENT AREA** means a geographic area designated by the United States Environmental Protection Agency that violates a primary or secondary national ambient air quality standard.)

~~((gg))~~ **(r) OWNER OR OPERATOR** means the person who owns, leases, supervises, or operates the equipment or control equipment.

~~((hh))~~ **PARTICULATE MATTER** means any material, except water in an uncombined form, that is, has been, or is likely to become airborne and exists as a liquid or a solid at a temperature of 68°F (20°C) and a barometric pressure of 29.92 inches of mercury (101.325 kPa.)

~~((ii))~~ **(s) PERSON** means ~~((and includes any))~~ an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

~~((jj))~~ **PM₁₀** means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

~~((kk))~~ **POTENTIAL TO EMIT** means the maximum capacity of a facility to emit an air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility to emit an air contaminant, including control equipment and restrictions on the hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable.)

~~((ll))~~ **(t) REASONABLY AVAILABLE CONTROL TECHNOLOGY or RACT** means the lowest emission standard that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. **RACT** (~~Reasonably available control technol-~~

~~ogy~~) is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

~~((mm))~~ **(u) REFUSE BURNING EQUIPMENT** means equipment employed to burn any solid or liquid combustible refuse.

~~((nn))~~ **(v) SOURCE** means ~~((a building, structure, equipment, control equipment, or facility that emits or may emit any air contaminant into the atmosphere.))~~ all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related group of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same 2-digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 supplement.

~~((oo))~~ **STANDARD CONDITIONS** means a temperature of 68°F and a barometric pressure of 29.92 inches of mercury.

~~((pp))~~ **TOTAL ALLOWABLE EMISSIONS** means allowable emissions, including the emissions from all Orders of Approval issued to the facility since the designation of nonattainment that were not major modifications, and all fugitive emissions that can be reasonably quantified.)

~~((qq))~~ **(w) TOXIC AIR CONTAMINANT or TAC** means ~~((an air contaminant listed in Appendix A of Regulation III.))~~ any Class A or Class B toxic air pollutant listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

~~((rr))~~ **(x) TRUE VAPOR PRESSURE** means the equilibrium partial pressure of ~~((an organic))~~ a petroleum liquid as ~~((t))~~ determined by methods described in American Petroleum Institute Bulletin 2517, "Evaporative Loss from External Floating Roof Tanks", May 1996(~~t~~)).

~~((ss))~~ **(y) URBANIZED AREA** means those portions of King, Pierce, Kitsap, and Snohomish Counties designated as urbanized areas by the U.S. Department of Commerce, Bureau of the Census.

~~((tt))~~ **(z) VOLATILE ORGANIC COMPOUND or VOC** means an organic compound that participates in atmospheric photochemical reactions(~~(- This excludes all compounds determined to have negligible photochemical reactivity by the U.S. Environmental Protection Agency and listed) as defined in 40 CFR 51.100(s) in effect ((July 1, 1998)) as of~~

the federal regulation reference date listed in Section 3.25 of this regulation herein incorporated by reference.

AMENDATORY SECTION

REGULATION I SECTION 3.04 REASONABLY AVAILABLE CONTROL TECHNOLOGY

(a) Reasonably Available Control Technology (RACT) is required for all existing sources.

(b) RACT for each source category containing 3 or more sources shall be determined by rule, except as provided in Section 3.04(c) of this regulation.

(c) Source-specific RACT determinations may be performed under any of the following circumstances:

(1) For replacement of existing control equipment under ~~(Section 6.07(e)(4))~~ Article 6 of this regulation;

(2) When required by the federal Clean Air Act;

(3) For sources in source categories containing fewer than 3 sources;

(4) When an air quality problem, for which the source is a contributor, justifies a source-specific RACT determination prior to development of a categorical RACT rule; or

(5) When a source-specific RACT determination is needed to address either specific air quality problems, for which the source is a significant contributor, or source-specific economic concerns.

(d) Under any of the circumstances listed in Section 3.04(c) of this regulation, the Control Officer or a duly authorized representative shall have the authority to perform a source-specific RACT analysis or to order the owner or operator to perform the analysis and submit the results to the Agency.

(e) In the event that the Agency performs a source-specific RACT analysis of a source, the Agency shall assess a fee against that source to cover the cost of performing the analysis. The fee for an analysis performed by the Agency shall be \$5,000.00. (Replacement of control equipment under Section 3.04 (c)(1) shall be subject to the notice of construction review fees under Section 6.04, in lieu of a RACT fee under this section.) This fee shall be due and payable within 30 days of the date of the invoice and shall be deemed delinquent if not fully paid within 90 days of the invoice.

(f) Where current controls are determined to be less than RACT, the Agency shall define RACT for that source or source category and issue a rule or a regulatory order under Section 3.03 of this regulation requiring the installation of RACT.

(g) Emission standards and other requirements contained in rules or regulatory orders in effect at the time of operating permit issuance shall be considered RACT for purposes of permit issuance or renewal.

NEW SECTION

REGULATION I SECTION 6.01 COMPONENTS OF NEW SOURCE REVIEW PROGRAM

(a) In addition to the provisions of this regulation, the Agency adopts by reference and enforces the following provisions of the new source review program established by the Washington State Department of Ecology:

WAC 173-400-030

Definitions. (effective 9/15/01)

WAC 173-400-081

Startup and shutdown. (effective 9/20/93)

WAC 173-400-110

New source review. (effective 9/15/01)

(3) and (6)-(10)

WAC 173-400-112

Requirements for new sources in nonattainment areas. (effective 9/15/01)

WAC 173-400-113

Requirements for new sources in attainment or unclassifiable areas. (effective 9/15/01)

WAC 173-400-114

Requirements for replacement or substantial alteration of emission control technology at an existing stationary source. (effective 9/15/01)

WAC 173-400-117

Special protection requirements for federal Class I areas. (effective 9/15/01)

WAC 173-400-171

Public involvement. (effective 9/15/01)

WAC 173-400-200

Creditable stack height and dispersion techniques. (effective 3/22/91)

WAC 173-460-020

Definitions. (effective 2/14/94)

WAC 173-460-040

New source review. (effective 2/14/94)

(3)-(10)

WAC 173-460-050

Requirement to quantify emissions. (effective 2/14/94)

WAC 173-460-060

Control technology requirements. (effective 8/21/98)

WAC 173-460-070

Ambient impact requirement. (effective 9/18/91)

WAC 173-460-080

Demonstrating ambient impact compliance. (effective 2/14/94)

WAC 173-460-090

Second tier analysis. (effective 2/14/94)

(b) The Washington State Department of Ecology is the permitting agency for the Prevention of Significant Deterioration (PSD) program under WAC 173-400-141, and for primary aluminum smelters, kraft pulp mills, and sulfite pulp mills.

(c) The Washington State Department of Health is the permitting agency for radionuclides under chapter 246-247 WAC.

(d) The Energy Facility Site Evaluation Council (EFSEC) is the permitting agency for large natural gas and oil pipelines, electric power plants above 350 megawatts, new oil refineries or large expansions of existing facilities, and underground natural gas storage fields under chapter 463-39 WAC.

AMENDATORY SECTION
REGULATION I SECTION 6.03 NOTICE OF CONSTRUCTION

(a) It shall be unlawful for any person to cause or allow the establishment of a new source, or the replacement or substantial alteration of control equipment installed on an existing source, unless a "Notice of Construction application" has been filed and an "Order of Approval" has been issued (~~under Section 6.07 of this regulation~~) by the Agency. The exemptions in Sections 6.03 (b) and (c) of this regulation shall not apply to:

(1) Any project that qualifies as construction, reconstruction, or modification of an affected facility within the meaning of 40 CFR Part 60 (New Source Performance Standards), except for Subpart AAA (New Residential Wood Heaters), Subpart BB (Kraft Pulp Mills), and Subpart S (Primary Aluminum Reduction Plants); and for relocation of affected facilities under Subpart I (Hot Mix Asphalt Facilities) and Subpart OOO (Nonmetallic Mineral Processing Plants) for which an Order of Approval has been previously issued by the Agency;

(2) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants), except for Subpart B (Radon from Underground Uranium Mines), Subpart H (Emissions of Radionuclides other than Radon from Department of Energy Facilities), Subpart I (Radionuclides from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H), Subpart K (Radionuclides from Elemental Phosphorus Plants), Subpart Q (Radon from Department of Energy Facilities), Subpart R (Radon from Phosphogypsum Stacks), Subpart T (Radon from Disposal of Uranium Mill Tailings), Subpart W (Radon from Operating Mill Tailings), and for demolition and renovation projects subject to Subpart M (Asbestos);

(3) Any project that qualifies as a new source as defined under 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories), except for the provisions of Subpart M ((National Perchloroethylene Air Emission Standards for)) Dry Cleaning Facilities pertaining to area source perchloroethylene dry cleaners, ((and)) Subpart LL (Primary Aluminum Reduction Plants), and the provisions of Subpart S (Pulp and Paper Industry) and Subpart MM (Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicemical Pulp Mills) pertaining to kraft and sulfite pulp mills;

(4) Any new major stationary source or major modification as defined under WAC 173-400-030((-even if a combination of exempt equipment));

(5) Any new major source of hazardous air pollutants;

(6) Any major modification, including those subject to the Prevention of Significant Deterioration requirements under WAC 173-400-113;

(7) Any Phase II acid rain facility;) and

(5) ~~((8))~~ Any stationary source previously exempted from review that is cited by the Agency for causing air pollution under Section 9.11 of this regulation.

(b) **Notifications.** A Notice of Construction application and Order of Approval are not required for the following new

sources, provided that a complete notification is filed with the Agency prior to initial startup:

Liquid Storage and Transfer

(1) Storage tanks used exclusively for:

(A) Gasoline and having a rated capacity of 1,001-19,999 gallons, PROVIDED THAT they are installed in accordance with the current California Air Resources Board Executive Orders;

(B) Organic liquids with a true vapor pressure of 2.2-4.0 psia and having a rated capacity of 20,000-39,999 gallons; or

(C) Organic liquids with a true vapor pressure of 0.5-0.75 psia and having a rated capacity \geq 40,000 gallons.

(2) Loading and unloading equipment used exclusively for the storage tanks exempted above, including gasoline dispensers at gasoline stations.

Relocation of Portable Batch Plants

(3) Relocation of the following portable facilities: asphalt batch plants, nonmetallic mineral processing plants, rock (or concrete) crushers, and concrete batch plants for which an Order of Approval has been previously issued by the Agency. *All the conditions in the previously issued Order of Approval remain in effect.*

Dry Cleaning

(4) Unvented, dry-to-dry, dry-cleaning equipment that is equipped with refrigerated condensers to recover the cleaning solvent.

Printing

(5) Non-heatset, web offset presses and wholesale, sheet-fed offset presses (lithographic or letterpress) using exclusively soy-based or kerosene-like oil-based inks, fountain solutions with \leq 6% VOC by volume or \leq 8.5% if refrigerated to $<60^{\circ}\text{F}$, and cleaning solvents with a vapor pressure \leq 25mm Hg or a VOC content \leq 30% by volume.

Water Treatment

(6) Industrial and commercial wastewater evaporators (except flame impingement) used exclusively for wastewater generated on-site that meets all discharge limits for disposal into the local municipal sewer system (including metals, cyanide, fats/oils/grease, pH, flammable or explosive materials, organic compounds, hydrogen sulfide, solids, and food waste). *A letter from the local sewer district documenting compliance is required in order to use this exemption.*

Sanding Equipment

(7) Sanding equipment controlled by a fabric filter with an airflow of 2,000-5,000 cfm and an air-to-cloth ratio of $<3.5:1$ (for ~~((mechanical))~~ reverse-air or manual cleaning) or $<12:1$ (for pulse-jet cleaning).

Ventilation and Control Equipment

(8) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes controlled by a fabric filter with an airflow of 2,000-5,000 cfm and an air-to-cloth ratio of $<3.5:1$ (for mechanical) or $<12:1$ (for pulse-jet cleaning).

(9) Replacement of existing paint spray booths. *All the conditions in the previously issued Order of Approval remain in effect.*

Miscellaneous

(10) Any source not otherwise exempt under Section 6.03(c) of this regulation that has been determined through review of a Notice of Construction application by the Control Officer not to warrant an Order of Approval because it has a de minimis impact on air quality and does not pose a threat to human health or the environment.

(c) **Exemptions.** A Notice of Construction application and Order of Approval are not required for the following new sources, provided that sufficient records are kept to document the exemption:

Combustion

(1) Fuel-burning equipment (except when combusting pollutants generated by a non-exempt source) having a rated capacity:

(A) <10 million Btu per hour heat input burning exclusively distillate fuel oil, natural gas, propane, butane (or any combination thereof);

(B) <0.5 million Btu per hour heat output burning waste-derived fuel (including fuel oil not meeting the specifications in Section 9.08 of this regulation); or

(C) <1 million Btu per hour heat input burning any other fuel.

(2) All stationary gas turbines with a rated heat input <10 million Btu per hour.

(3) Stationary internal combustion engines having a rated capacity:

(A) <50 horsepower output;

(B) Used solely for instructional purposes at research, teaching, or educational facilities; or

(C) Portable or standby units operated <500 hours per year, PROVIDED THAT they are not operated at a facility with a power supply contract that offers a lower rate in exchange for the power supplier's ability to curtail energy consumption with prior notice.

(4) Relocation of portable, stationary internal combustion engines or gas turbines for which an Order of Approval has been previously issued by the Agency.

(5) All nonroad compression ignition engines subject to 40 CFR Part 89.

Metallurgy

(6) Crucible furnaces, pot furnaces, or induction furnaces with a capacity $\leq 1,000$ pounds, PROVIDED THAT no sweating or distilling is conducted, and PROVIDED THAT only precious metals, or an alloy containing >50% aluminum, magnesium, tin, zinc, or copper is melted.

(7) Crucible furnaces or pot furnaces with a capacity ≤ 450 cubic inches of any molten metal.

(8) Ladles used in pouring molten metals.

(9) Foundry sand-mold forming equipment.

(10) Shell core and shell-mold manufacturing machines.

(11) Molds used for the casting of metals.

(12) Die casting machines with a rated capacity $\leq 1,000$ pounds that are not used for copper alloys.

(13) Equipment used for heating metals immediately prior to forging, pressing, rolling, or drawing, if any combustion equipment is also exempt.

(14) Forming equipment used exclusively for forging, rolling, or drawing of metals, if any combustion equipment is also exempt.

(15) Heat treatment equipment used exclusively for metals, if any combustion equipment is also exempt.

(16) Equipment used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing, or diffusion treating of metals, if any combustion equipment is also exempt.

(17) Atmosphere generators used in connection with metal heat-treating processes.

(18) Sintering equipment used exclusively for metals other than lead, PROVIDED THAT no coke or limestone is used, if any combustion equipment is also exempt.

(19) Welding equipment and oxygen/gaseous fuel cutting equipment.

(20) Soldering or brazing, or equipment, including brazing ovens.

(21) Equipment used exclusively for surface preparation, passivation, deoxidation, and/or stripping that uses materials containing ≤ 50 grams of VOC per liter, or containing exclusively formic acid, acetic acid, phosphoric acid, sulfuric acid, $\leq 12\%$ hydrochloric acid, alkaline oxidizing agents, hydrogen peroxide, salt solutions, sodium hydroxide, and/or water and associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from this equipment. (This exemption does not include anodizing, hard anodizing, chemical milling, circuit board etching using ammonia-based etchant, electrocleaning, or the stripping of chromium, except sulfuric acid and/or boric acid anodizing with a total bath concentration of $\leq 20\%$ by weight and using $\leq 10,000$ amp-hours per day, or phosphoric acid anodizing with a bath concentration of $\leq 15\%$ by weight of phosphoric acid and using $\leq 20,000$ amp-hours per day.)

(22) Equipment used exclusively for electrolytic plating (except the use of chromic and/or hydrochloric acid) or electrolytic stripping (except the use of chromic, hydrochloric, nitric, or sulfuric acid) of brass, bronze, copper, iron, tin, zinc, precious metals, and associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from this equipment.

Ceramics and Glass

(23) Kilns used for firing ceramic-ware or artwork, if any combustion equipment is also exempt.

(24) Porcelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces, or vitreous enameling drying ovens, if any combustion equipment is also exempt.

(25) Hand glass melting furnaces, electric furnaces, and pot furnaces with a capacity $\leq 1,000$ pounds of glass.

(26) Heat-treatment equipment used exclusively for glass, if any combustion equipment is also exempt.

(27) Sintering equipment used exclusively for glass PROVIDED THAT no coke or limestone is used, if any combustion equipment is also exempt.

Plastics and Rubber and Composites

(28) Equipment used exclusively for conveying and storing plastic pellets.

(29) Extrusion equipment used exclusively for extruding rubber or plastics where no organic plasticizer is present, or for pelletizing polystyrene foam scrap.

(30) Equipment used for extrusion, compression molding, and injection molding of plastics, PROVIDED THAT the VOC content of all mold release products or lubricants is $\leq 1\%$ by weight.

(31) Injection or blow-molding equipment for rubber or plastics, PROVIDED THAT no blowing agent other than compressed air, water, or carbon dioxide is used.

(32) Presses or molds used for curing, post-curing, or forming composite products and plastic products, PROVIDED THAT the blowing agent contains no VOC or chlorinated compounds.

(33) Presses or molds used for curing or forming rubber products and composite rubber products with a ram diameter ≤ 26 inches, PROVIDED THAT it is operated at $\leq 400^\circ\text{F}$.

(34) Ovens used exclusively for the curing or forming of plastics or composite products, where no foam-forming or expanding process is involved, if any combustion equipment is also exempt.

(35) Ovens used exclusively for the curing of vinyl plastisols by the closed-mold curing process, if any combustion equipment is also exempt.

(36) Equipment used exclusively for softening or annealing plastics, if any combustion equipment is also exempt.

(37) Hot wire cutting of expanded polystyrene foam and woven polyester film.

(38) Mixers, roll mills, and calendars for rubber or plastics where no material in powder form is added and no organic solvents, diluents, or thinners are used.

Material Working and Handling

(39) Equipment used for buffing (except tire buffers), polishing, carving, cutting, drilling, grinding, machining, planing, pressing, routing, sawing, stamping, or turning of wood, ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, glass, silicon, semiconductor wafers, carbon, graphite, or composites.

(40) Hand-held sanding equipment.

(41) Sanding equipment controlled by a fabric filter with an airflow of $< 2,000$ cfm.

(42) Equipment used exclusively for shredding of wood (e.g., tub grinders, hammermills, hoggers), or for extruding, pressing, handling, or storage of wood chips, sawdust, or wood shavings.

(43) Paper shredding and associated conveying systems and baling equipment.

(44) Hammermills used exclusively to process aluminum and/or tin cans.

(45) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

Abrasive Blasting

(46) Portable abrasive blasting equipment used at a temporary location to clean bridges, water towers, buildings, or similar structures, PROVIDED THAT any blasting with sand (or silica) is performed with $\geq 66\%$ by volume water.

(47) Portable vacuum blasting equipment using steel shot and vented to a fabric filter.

(48) Hydroblasting equipment using exclusively water as the abrasive.

(49) Abrasive blasting cabinets vented to a fabric filter, PROVIDED THAT the total internal volume of the cabinet is ≤ 100 cubic feet.

(50) Shot peening operations, PROVIDED THAT no surface material is removed.

Cleaning

(51) Non-refillable, hand-held aerosol spray cans of solvent.

(52) Steam-cleaning equipment.

(53) Unheated liquid solvent tanks used for cleaning or drying parts:

(A) With a solvent capacity ≤ 10 gallons and containing $\leq 5\%$ by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof;

(B) Using a solvent with a true vapor pressure ≤ 0.6 psi containing $\leq 5\%$ by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof;

(C) With a remote reservoir and using a solvent containing $\leq 5\%$ by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof; or

(D) With a solvent capacity ≤ 2 gallons (~~and containing $\leq 5\%$ by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof~~).

(54) Hand-wipe cleaning.

Coating, Resin, and Adhesive Application

(55) Powder-coating equipment.

(56) Portable coating equipment and pavement stripers used exclusively for the field application of architectural coatings and industrial maintenance coatings to stationary structures and their appurtenances or to pavements and curbs.

(57) High-volume low-pressure (HVLP) spray-coating equipment having a cup capacity ≤ 8 fluid ounces, PROVIDED THAT it is not used to coat > 9 square feet per day and is not used to coat motor vehicles or aerospace components.

(58) Airbrushes having a cup capacity ≤ 2 fluid ounces and an airflow of 0.5-2.0 cfm.

(59) Hand-held aerosol spray cans having a capacity of ≤ 1 quart of coating.

(60) Spray-coating equipment used exclusively for application of automotive undercoating materials with a flash point $> 100^\circ\text{F}$.

(61) Ovens associated with an exempt coating operation, if any combustion equipment is also exempt.

(62) Ovens associated with a coating operation that are used exclusively to accelerate evaporation, if any combustion equipment is also exempt. (Note: The coating operation is not necessarily exempt.)

(63) Radiation-curing equipment using ultraviolet or electron beam energy to initiate a chemical reaction forming a polymer network in a coating.

(64) Hand lay, brush, and roll-up resins equipment and operations.

(65) Equipment used exclusively for melting or applying of waxes or natural and synthetic resins.

(66) Hot-melt adhesive equipment.

(67) Any adhesive application equipment that exclusively uses materials containing <1% VOC by weight and <0.1% HAP.

(68) Equipment used exclusively for bonding of linings to brake shoes, where no organic solvents are used.

Printing

(69) Retail, sheet-fed, non-heatset offset presses (lithographic or letter-press).

(70) Presses using exclusively UV-curable inks.

(71) Presses using exclusively plastisols.

(72) Presses using exclusively water-based inks (<1.5 lb VOC per gallon, excluding water, or <10% VOC by volume) and cleaning solvents without VOC.

(73) Presses used exclusively for making proofs.

(74) Electrostatic, ink jet, laser jet, and thermal printing equipment.

(75) Ovens used exclusively for exempt printing presses, if any combustion equipment is also exempt.

Photography

(76) Photographic process equipment by which an image is reproduced upon material sensitized by radiant energy, excluding equipment using perchloroethylene.

Liquid Storage and Transfer

(77) Storage tanks permanently attached to a motor vehicle.

(78) Storage tanks used exclusively for:

(A) Liquefied gases, including any tanks designed to operate in excess of 29.7 psia without emissions;

(B) Asphalt at a facility other than an asphalt roofing plant, asphalt processing plant, or petroleum refinery;

(C) Any liquids (other than asphalt) that also have a rated capacity $\leq 1,000$ gallons;

(D) Organic liquids (other than gasoline or asphalt) that also have a rated capacity <20,000 gallons;

(E) Organic liquids (other than asphalt) with a true vapor pressure <2.2 psia (e.g., ASTM spec. fuel oils and lubricating oils) that also have a rated capacity <40,000 gallons;

(F) Organic liquids (other than asphalt) with a true vapor pressure <0.5 psia that also have a rated capacity $\geq 40,000$ gallons;

(G) Sulfuric acid or phosphoric acid with an acid strength $\leq 99\%$ by weight;

(H) Nitric acid with an acid strength $\leq 70\%$ by weight;

(I) Hydrochloric acid or hydrofluoric acid tanks with an acid strength $\leq 30\%$ by weight;

(J) Aqueous solutions of sodium hydroxide, sodium hypochlorite, or salts, PROVIDED THAT the surface of the solution contains $\leq 1\%$ VOC by weight;

(K) Liquid soaps, liquid detergents, vegetable oils, fatty acids, fatty esters, fatty alcohols, waxes, and wax emulsions;

(L) Tallow or edible animal fats intended for human consumption and of sufficient quality to be certifiable for United States markets;

(M) Water emulsion intermediates and products, including latex, with a VOC content $\leq 5\%$ by volume or a VOC composite partial pressure of ≤ 0.1 psi at 68°F; or

(N) Wine, beer, or other alcoholic beverages.

(79) Loading and unloading equipment used exclusively for the storage tanks exempted above.

(80) Loading and unloading equipment used exclusively for transferring liquids or compressed gases into containers having a rated capacity <60 gallons, except equipment transferring >1,000 gallons per day of liquid with a true vapor pressure >0.5 psia.

(81) Equipment used exclusively for the packaging of sodium hypochlorite-based household cleaning or pool products.

Mixing

(82) Mixing equipment, PROVIDED THAT no material in powder form is added and the mixture contains <1% VOC by weight.

(83) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.

(84) Equipment used exclusively for the manufacture of water emulsions of waxes, greases, or oils.

(85) Equipment used exclusively for the mixing and packaging of lubricants or greases.

(86) Equipment used exclusively for manufacturing soap or detergent bars, including mixing tanks, roll mills, plodders, cutters, wrappers, where no heating, drying, or chemical reactions occur.

(87) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form, PROVIDED THAT the solution contains <1% VOC by weight.

(88) Batch mixers with a rated working capacity ≤ 55 gallons.

(89) Batch mixers used exclusively for paints, varnishes, lacquers, enamels, shellacs, printing inks, or sealers, PROVIDED THAT the mixer is equipped with a lid that contacts $\geq 90\%$ of the rim.

Water Treatment

(90) Oil/water separators, except those at petroleum refineries.

(91) Water cooling towers and water cooling ponds not used for evaporative cooling of process water, or not used for evaporative cooling of water from barometric jets or from barometric condensers, and in which no chromium compounds are contained.

(92) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.

(93) Municipal sewer systems, including wastewater treatment plants and lagoons, PROVIDED THAT they do not use anaerobic digesters or chlorine sterilization. This exemption does not include sewage sludge incinerators.

(94) Soil and groundwater remediation projects involving <15 pounds per year of benzene or vinyl chloride, <500 pounds per year of perchloroethylene, and <1,000 pounds per year of toxic air contaminants.

Landfills and Composting

(95) Passive aeration of soil, PROVIDED THAT the soil is not being used as a cover material at a landfill.

(96) Closed landfills that do not have an operating, active landfill gas collection system.

(97) Non-commercial composting.

Agriculture, Food, and Drugs

(98) Equipment used in agricultural operations, in the growing of crops, or the raising of fowl or animals.

(99) Insecticide, pesticide, or fertilizer spray equipment.

(100) Equipment used in retail establishments to dry, cook, fry, bake, or grill food for human consumption, including charbroilers, smokehouses, barbecue units, deep fat fryers, cocoa and nut roasters, but not including coffee roasters.

(101) Cooking kettles (other than deep frying equipment) and confection cookers where all the product in the kettle is edible and intended for human consumption.

(102) Bakery ovens with a total production of yeast leavened bread products <10,000 pounds per operating day, if any combustion equipment is also exempt.

(103) Equipment used to dry, mill, grind, blend, or package <1,000 tons per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch.

(104) Equipment used to convey, transfer, clean, or separate <1,000 tons per year of dry food products or waste from food production operations.

(105) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere, or that handle <1,000 tons per year.

(106) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices, coffee, flavor, fragrance extraction, dried flowers, or spices, PROVIDED THAT no organic solvents are used in the process.

(107) Equipment used to convey or process materials in bakeries or used to produce noodles, macaroni, pasta, food mixes, and drink mixes where products are edible and intended for human consumption, PROVIDED THAT no organic solvents are used in the process. This exemption does not include storage bins located outside buildings.

(108) Brewing operations at facilities producing <3 million gallons per year of beer.

(109) Fermentation tanks for wine (excluding tanks used for the commercial production of yeast for sale).

(110) Equipment used exclusively for tableting, or coating vitamins, herbs, or dietary supplements, PROVIDED THAT no organic solvents are used in the process.

(111) Equipment used exclusively for tableting or packaging pharmaceuticals and cosmetics, or coating pharmaceutical tablets, PROVIDED THAT no organic solvents are used.

Quarries, Nonmetallic Mineral Processing Plants, and Concrete and Asphalt Batch Plants

(112) Portable sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers ≤ 150 tons per hour.

(113) Fixed sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers ≤ 25 tons per hour.

(114) Common clay plants and pumice plants with a cumulative rated capacity of all initial crushers of ≤ 10 tons per hour.

(115) Mixers and other ancillary equipment at concrete batch plants (or aggregate product production facilities) with a rated capacity <15 cubic yards per hour.

(116) Concrete mixers with a rated working capacity of ≤ 1 cubic yard.

(117) Drilling or blasting (explosives detonation).

(118) Asphaltic concrete crushing/recycling equipment with a throughput <5,000 tons per year.

Construction

(119) Asphalt paving application.

(120) Asphalt (hot-tar) roofing application.

(121) Building construction or demolition, except that notification of demolitions is required under Section 4.03 of Regulation III.

Ventilation and Control Equipment

(122) Comfort air-conditioning systems, or ventilating systems (forced or natural draft), PROVIDED THAT they are not designed or used to control air contaminants generated by, or released from, sources subject to Notice of Construction.

(123) Refrigeration units, except those used as, or in conjunction with, air pollution control equipment.

(124) Refrigerant recovery and/or recycling units, excluding refrigerant reclaiming facilities.

(125) Emergency ventilation systems used exclusively to contain and control emissions resulting from the failure of a compressed gas storage system.

(126) Emergency ventilation systems used exclusively to scrub ammonia from refrigeration systems during process upsets or equipment breakdowns.

(127) Negative air machines equipped with HEPA filters used to control asbestos emissions from demolition/renovation activities.

(128) Portable control equipment used exclusively for storage tank degassing.

(129) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes controlled by a fabric filter with an airflow <2,000 cfm.

(130) Control equipment used exclusively for sources that are exempt from Notice of Construction under Section 6.03(c) of this regulation.

(131) Routine maintenance, repair, or similar parts replacement of control equipment.

Testing and Research

(132) Laboratory testing and quality assurance/control testing equipment used exclusively for chemical and physical analysis, teaching, or experimentation, including non-production bench scale research equipment.

Miscellaneous

(133) Single-family and duplex dwellings.

(134) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment, if any combustion equipment used to power such equipment is also exempt.

(135) Equipment, including dryers, used exclusively for dyeing, stripping, or bleaching of textiles where no organic

solvents, diluents, or thinners are used, if any combustion equipment used to power such equipment is also exempt.

(136) Chemical vapor sterilization equipment where no ethylene oxide is used, and with a chamber volume of ≤ 2 cubic feet used by healthcare facilities.

(137) Ozone generators that produce < 1 pound per day of ozone.

(138) Fire extinguishing equipment.

(d) Each Notice of Construction application and Section 6.03(b) notification shall be submitted on forms provided by the Agency and shall be accompanied by the appropriate fee as required by Section 6.04 of this regulation. Notice of Construction applications shall also include any additional information required to demonstrate that the requirements of ~~((Section 6.07 of))~~ this Article ~~((regulation))~~ are met. Notice of Construction applications shall also include an environmental checklist or other documents demonstrating compliance with the State Environmental Policy Act.

~~((e) Within 30 days of receipt of a Notice of Construction application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application.))~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Puget Sound Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

REGULATION I SECTION 6.06 PUBLIC NOTICE

REPEALER

REGULATION I SECTION 6.07 ORDER OF APPROVAL - ORDER TO PREVENT CONSTRUCTION

REPEALER

REGULATION I SECTION 6.08 EMISSION REDUCTION CREDIT BANKING

AMENDATORY SECTION

REGULATION I SECTION 6.09 NOTICE OF COMPLETION

Within 30 days of completion of the installation or modification of a stationary ~~((an air contaminant))~~ source subject to the provisions of ~~((Section 6.07))~~ Article 6 of this regulation, the owner or operator or applicant shall file a Notice of Completion with the Agency. Each Notice of Completion shall be submitted on a form provided by the Agency, and shall specify the date upon which operation of the stationary source has commenced or will commence.

AMENDATORY SECTION

REGULATION I SECTION 9.03 EMISSION OF AIR CONTAMINANT: VISUAL STANDARD

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour, which is:

(1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Section 9.03 (a)(1).

(b) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point of the plume nearest the point of emission.

(c) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.

(d) This section shall not apply to solid fuel burning devices, permitted fire training facilities, permitted obscurant usage during military training operations, outdoor fires, motor vehicles when operated on public roads, aircraft, or equipment subject to Section 9.04 of this regulation.

(e) This section shall not apply to equipment with an alternate opacity standard issued under Section 3.03 or Article 6 of this regulation ~~((Section 6.07))~~ that is based upon a correlation with the particulate concentration and that accurately indicates a violation of the applicable particulate emission standards in Section 9.09 of this regulation.

AMENDATORY SECTION

REGULATION I SECTION 9.04 OPACITY STANDARDS FOR EQUIPMENT WITH CONTINUOUS OPACITY MONITORING SYSTEMS

(a) Applicability. This section shall apply to all equipment required to be equipped with a continuous emission monitoring system for opacity.

(b) It shall be unlawful for any person to cause or allow the operation of any of the following equipment unless equipped with a continuous emission monitoring system for opacity:

(1) Cement kilns;

(2) Clinker coolers;

(3) Glass furnaces, rated at greater than 1 ton per hour, that burn fuel;

(4) Fuel burning equipment, rated at 100 million Btu per hour or greater, that burns wood, coal, or residual oil; and

(5) Refuse burning equipment rated at greater than 12 tons per day.

(c) It shall be unlawful for any person to cause or allow the emission of any air contaminant from any equipment subject to this section during any hour that:

(1) Averages greater than 5% opacity; or

(2) Contains any consecutive 6-minute period averaging greater than 20% opacity.

(d) Section 9.04 (c)(1) shall not apply to:

(1) Glass furnaces that are tested annually for compliance with the applicable particulate emission standard in Section 9.09 of this regulation; or

(2) Equipment with an alternate opacity standard issued under Section 3.03 or Article 6 of this regulation ~~((Section 6.07))~~ that is based upon a correlation with the particulate concentration and that accurately indicates a violation of the

applicable particulate emission standards in Section 9.09 of this regulation.

(e) This section shall not apply to sources controlled by a venturi scrubber, provided that:

(1) The source is tested annually for compliance with the applicable particulate emission standard in Section 9.09 of this regulation;

(2) The pressure drop across the scrubber is continuously monitored and recorded; and

(3) The scrubbing liquid flow rate and temperature are continuously monitored and recorded.

(f) This section shall not apply to fuel burning equipment that burns residual oil less than 31 days per year, provided that the source implements an alternate opacity monitoring plan issued under Section 3.03 or Article 6 of this regulation ((Section 6.07)).

AMENDATORY SECTION

REGULATION I SECTION 9.08 FUEL OIL STANDARDS

(a) It shall be unlawful for any person to cause or allow the combustion of oil in fuel burning equipment or refuse burning equipment that exceeds any of the following limits unless that person has obtained an Order of Approval from the Agency in accordance with Article 6 of this regulation ((Section 6.07 of this Regulation)):

Ash	0.1% (maximum)
Sulfur	1.0% (maximum for used oil)
Sulfur	2.00% (maximum for fuel oil)
Lead	100 ppm (maximum)
Arsenic	5 ppm (maximum)
Cadmium	2 ppm (maximum)
Chromium	10 ppm (maximum)
Total Halogens	1,000 ppm (maximum)
Polychlorinated Biphenyls (PCBs)	2 ppm (maximum)
Flash Point	100°F (minimum)

(b) It shall be unlawful for any person to sell or make available for sale any oil in excess of the limits of this section to any person who has not obtained an Order of Approval from the Agency in accordance with Article 6 of this regulation ((Section 6.07 of this Regulation)). Any person who sells or makes available for sale such oil shall submit a report to the Agency within 15 days of the end of the month that includes the name and address of the recipient, the amount of oil delivered, and the concentration of contaminants therein.

(c) The provisions of this section shall not apply to:

(1) Ocean-going vessels;

(2) Used oil burned in space heaters that have a maximum heat output of not greater than 0.5 million Btu per hour; and

(3) Persons in the business of collecting used oil from residences when under authorization by a city, county, or the utilities and transportation commission.

AMENDATORY SECTION

REGULATION I SECTION 12.03 CONTINUOUS EMISSION MONITORING SYSTEMS

(a) Continuous Monitoring. It shall be unlawful for any person to cause or allow the operation of any equipment required to have a continuous emission monitoring system unless the emissions are continuously monitored in accordance with the requirements of this section.

(b) Data Recovery. The owner or operator shall recover valid hourly monitoring data for at least 95% of the hours that the equipment (required to be monitored) is operated during each calendar month except for:

(1) Periods of monitoring system downtime, provided that the owner or operator demonstrates to the Control Officer that the downtime was not a result of inadequate design, operation, or maintenance, or any other reasonably preventable condition, and any necessary repairs to the monitoring system are conducted in a timely manner; and

(2) Periods authorized under Section 3.03 or Article 6 of this regulation ((Section 6.07)).

(c) Quality Assurance. The owner or operator shall install a continuous emission monitoring system that meets the performance specification in 40 CFR Part 60, Appendix B in effect at the time of its installation, and shall operate this monitoring system in accordance with the quality assurance procedures in Appendix F of 40 CFR Part 60 in effect July 1, 1997, and the U.S. Environmental Protection Agency's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring Systems" (EPA 340/1-86-010).

(d) Data Recording. Monitoring data commencing on the clock hour and containing at least 45 minutes of monitoring data shall be reduced to 1-hour averages. Monitoring data for opacity shall also be reduced to 6-minute averages. All monitoring data shall be included in these averages except for data collected during calibration drift tests and cylinder gas audits, and for data collected subsequent to a failed quality assurance test or audit.

(e) Data Retention: The owner or operator shall retain all monitoring data averages for at least 2 years, including copies of all reports submitted to the Agency and records of all repairs, adjustments, and maintenance performed on the monitoring system. All such data collected after October 1, 1998 shall be retained for at least 5 years.

(f) Data Reporting. The owner or operator shall submit a monthly report to the Agency within 30 days after the end of the month in which the data were recorded. This report shall include:

(1) The date, time period, magnitude (in the units of the standard) and cause of each emission that exceeded an applicable emission standard;

(2) The date and time of all actions taken to correct the problem, including any actions taken to minimize the emissions during the exceedance and any actions taken to prevent its recurrence;

(3) The number of hours that the equipment (required to be monitored) operated each month and the number of valid

PERMANENT

hours of monitoring data that the monitoring system recovered each month;

(4) The date, time period, and cause of each failure to meet the data recovery requirements of Section 12.03(b) and any actions taken to ensure adequate collection of such data;

(5) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least 90% of the hours that the equipment (required to be monitored) was operated each day;

(6) The results of all cylinder gas audits conducted during the month; and

(7) A certification of truth, accuracy, and completeness signed by an authorized representative of the owner or operator.

(g) **Relative Accuracy Tests.** All relative accuracy tests shall be subject to the provisions of Section 3.07 of this regulation.

(h) **Exemptions.** The data recording and reporting requirements of Sections 12.03(d) and 12.03(f) shall not apply to continuous VOC monitoring systems required under Section 2.05 of Regulation II. Further, relative accuracy tests shall not be required of these monitoring systems and may be waived for any other monitoring system not otherwise subject to 40 CFR Part 60, Appendix F, provided that the owner or operator demonstrates to the Control Officer that the emissions are consistently below 10% of the applicable emission standard.

AMENDATORY SECTION

REGULATION III SECTION 2.07 EVALUATING THE IMPACTS OF TOXIC AIR CONTAMINANTS

(a) **Applicability.** This section describes the procedures that shall be used for quantifying emissions and analyzing impacts of toxic air contaminants in order to meet the requirements for new or modified toxic air contaminant sources (see Article 6 (~~Section 6.07(e)~~) of Regulation I) and for existing toxic air contaminant sources (see Section 2.05 of this r((R))egulation).

(b) **Quantifying Emissions of Toxic Air Contaminants.**

(1) The owner or operator of a new or modified toxic air contaminant source subject to Article 6 (~~Section 6.07(e)~~) of Regulation I shall quantify toxic air contaminant emissions that may be discharged to the atmosphere after applying the required control technology, and shall submit this information as part of a Notice of Construction and Application for Approval.

(2) The owner or operator of an existing toxic air contaminant source subject to Section 2.05 of this r((R))egulation shall, upon request by the Agency, quantify toxic air contaminant emissions emitted by the facility and submit that information within 30 days.

(3) The following assumptions shall be made when quantifying toxic air contaminant emissions:

(A) Each toxic air contaminant is introduced into the atmosphere in an unaltered form continuously, at the maximum concentration known to exist at the source unless there is reliable data to the contrary or there is a physical or legal restriction.

(B) Dioxin and furan emissions shall be combined as one toxic air contaminant, equivalent in potency to 2,3,7,8-tetrachlorodibenzo-p-dioxin.

(C) Benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, and benzo(a)pyrene shall be combined as one toxic air contaminant, equivalent in potency to benzo(a)pyrene.

(c) **Analyzing Impacts of Toxic Air Contaminants.** The air quality impact analysis for toxic air contaminant sources shall be performed using one of the following procedures:

(1) The EPA guideline dispersion model, TSCREEN, shall be used to demonstrate that the predicted concentration of each contaminant is below the corresponding Acceptable Source Impact Level listed in Appendix A of this r((R))egulation. Stack parameters shall be submitted with the notice of construction application, or, for existing sources, within 30 days after the Agency requests the information. The maximum 1-hour concentration calculated by the model shall be converted with a persistence factor of 0.4 to a 24-hour average concentration or 0.08 to an annual average concentration;

(2) The owner or operator shall submit a more comprehensive evaluation including the use of other EPA guideline models and more accurate emission estimation techniques to demonstrate that the predicted concentration of each contaminant is below the corresponding Acceptable Source Impact Level listed in Appendix A of this r((R))egulation in all areas where the general public has access; or

(3) If predicted ambient concentrations are not below the Acceptable Source Impact Levels listed in Appendix A of this r((R))egulation, the owner or operator shall submit a risk analysis following the procedures in WAC 173-460-090(4), which demonstrates that emissions from the source will not cause air pollution. New or modified sources shall also comply with supplemental requirements of the Department of Ecology as specified in WAC 173-460-090 and 173-460-100.

WSR 04-09-002

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 7, 2004, 4:06 p.m., effective June 1, 2004]

Date of Adoption: April 7, 2004.

Purpose: Chapter 388-475 WAC, SSI-Related Medical—Part 1 of 4, SSI-related medical eligibility rules are being combined into one Washington Administrative Code (WAC) chapter, chapter 388-475 WAC, for easier reference. In some instances, the rules have been rewritten according to the clear writing standards of the Governor's Executive Order 97-02.

New sections WAC 388-475-0050 General information, 388-475-0100 CN medical eligibility, 388-475-0150 MN medical eligibility, 388-475-0200 Definition of resources, 388-475-0250 Ownership and availability of resources, and 388-475-0300 Resources eligibility.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090.

Adopted under notice filed as WSR 03-20-076 on September 29, 2003.

Changes Other than Editing from Proposed to Adopted Version:

- WAC 388-475-0050(1) and subsection (b) were changed to clarify that clients must be either aged, blind or disabled, but not all three. Subsection (1) now reads: "The department provides medical benefits under the categorically needy (CN) and medically needed (MN) SSI-related programs for SSI-related people, meaning those who meet at least one of the federal SSI program criteria as being: "At the end of subsection (b)(ii), the connector", or; "was added.
- WAC 388-475-0100(3): Clarifying that an ineligible spouse of an SSI recipient may be determined eligible for family medical program if meeting eligibility criteria. The subsection now reads: "An ineligible spouse of an SSI recipient is ineligible for noninstitutional SSI-related CN benefits. If an ineligible spouse of an SSI recipient has dependent children in the home, eligibility may be determined for family medical programs."
- WAC 388-475-0150(6), changed "a" to "an" in the second sentence, after "For..."

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 6, 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 6, Amended 0, Repealed 0.

Effective Date of Rule: June 1, 2004.

April 7, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-475-0050 SSI-related medical—General information. (1) The department provides medical benefits under the categorically needy (CN) and medically needy (MN) SSI-related programs for SSI-related people, meaning those who meet at least one of the federal SSI program criteria as being:

- (a) Age sixty-five or older;
- (b) Blind with:

(i) Central visual acuity of 20/200 or less in the better eye with the use of a correcting lens; or

(ii) A field of vision limitation so the widest diameter of the visual field subtends an angle no greater than twenty degrees.

(c) Disabled:

(i) "Disabled" means unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, which:

(A) Can be expected to result in death; or

(B) Has lasted or can be expected to last for a continuous period of not less than twelve months; or

(C) In the case of a child seventeen years of age or younger, if the child suffers from any medically determinable physical or mental impairment of comparable severity.

(ii) Decisions on SSI-related disability are subject to the authority of:

(A) Federal statutes and regulations codified at 42 USC Sec 1382c and 20 CFR, parts 404 and 416, as amended; and

(B) Controlling federal court decisions, which define the OASDI and SSI disability standard and determination process.

(2) A denial of Title II or Title XVI federal benefits by SSA solely due to failure to meet the blindness or disability criteria is binding on the department unless the applicant's:

(a) Denial is under appeal in the reconsideration stage in SSA's administrative hearing process, or SSA's appeals council; or

(b) Medical condition has changed since the SSA denial was issued.

(3) The department considers a client who meets the special requirements for SSI status under Sections 1619(a) or 1619(b) of the Social Security Act as an SSI recipient. Such a client is eligible for CN medical coverage under WAC 388-474-0005.

(4) Individuals referred to in subsection (1) must also meet appropriate eligibility criteria found in the following WAC and EA-Z Manual sections:

(a) For all programs:

(i) WAC 388-408-0055, Medical assistance units;

(ii) WAC 388-416-0015, Categorically needy and WAC 388-416-0020, Medically needy certification periods;

(iii) Program specific requirements in chapter 388-475 WAC;

(iv) WAC 388-490-0005, Verification;

(v) WAC 388-503-0505, General eligibility requirements for medical programs;

(vi) WAC 388-505-0540, Assignment of rights and cooperation;

(vii) Chapter 388-561 WAC, Trusts, annuities and life estates.

(b) For LTC programs:

(i) Chapter 388-513 WAC, Long-term care services

(ii) Chapter 388-515 WAC, Waiver services.

(c) For MN, chapter 388-519 WAC, Spenddown;

(d) For HWD, program specific requirements in chapter 388-475 WAC.

(5) Aliens who qualify for Medicaid benefits, but are determined ineligible because of alien status may be eligible for programs as specified in WAC 388-438-0110.

PERMANENT

(6) The department pays for a client's medical care outside of Washington according to WAC 388-501-0180.

(7) The department follows income and resource methodologies of the Supplemental Security Income (SSI) program defined in federal law when determining eligibility for SSI-related medical or Medicare Cost Savings programs unless the department adopts rules that are less restrictive than those of the SSI program.

(8) Refer to WAC 388-418-0025 for effects of changes on medical assistance for redetermination of eligibility.

NEW SECTION

WAC 388-475-0100 SSI-related medical—Categorically needy (CN) medical eligibility. (1) Categorically needy (CN) coverage is available for an SSI-related client who:

(a) Meets the criteria in WAC 388-475-0050, SSI-related medical—General information; or

(b) Meets the criteria for the state-funded general assistance - expedited Medicaid disability (GA-X) program by meeting the:

(i) Requirements of the cash program in WAC 388-400-0025 and 388-478-0030; or

(ii) SSI-related disability standards but who cannot get the SSI cash grant due solely to immigration status or sponsor deeming issues.

(2) To be eligible for SSI-related CN medical programs, a person must also have:

(a) Countable income and resources at or below the SSI-related CN medical monthly standard (refer to WAC 388-478-0080) or be eligible for an SSI cash grant but choose not to receive it; or

(b) Countable resources at or below the SSI resource standard and income above the SSI-related CN medical monthly standard, but the countable income falls below that standard after applying special income disregards as described in WAC 388-475-880; or

(c) Met requirements for long-term care (LTC) CN income and resource requirements that are found in chapter 388-513 and 388-515 WAC if wanting LTC or waiver services.

(3) An ineligible spouse of an SSI recipient is not eligible for noninstitutional SSI-related CN medical benefits. If an ineligible spouse of an SSI recipient has dependent children in the home, eligibility may be determined for family medical programs.

NEW SECTION

WAC 388-475-0150 SSI-related medical—Medically needy (MN) medical eligibility. (1) Medically needy (MN) medical coverage is available for any of the following:

(a) A person who is SSI-related and not eligible for CN medical coverage because they have countable income that is above the CN income standard (or for long-term care (LTC) clients, above the special income limit (SIL));

(i) Their countable income is at or below MN standards, leaving them with no spenddown requirement; or

(ii) Their countable income is above MN standards requiring them to spenddown their excess income (see sub-

section (4) below). See WAC 388-475-0500 through 388-475-0800 for rules on determining countable income, and WAC 388-478-0080 for program standards or chapter 388-513 WAC for institutional standards.

(b) An SSI-related ineligible spouse of an SSI recipient;

(c) An adult who meets SSI program criteria but is not eligible for the SSI cash grant due to immigration status or sponsor deeming. See WAC 388-424-0010 for limits on eligibility for aliens;

(d) A person who meets the MN LTC services requirements of chapter 388-513 WAC and WAC 388-515-1540;

(e) A person who lives in an alternate living facility and meets the requirements of WAC 388-513-1305; or

(f) A person who meets resource requirements as described in chapter 388-475 WAC, elects and is certified for hospice services per chapter 388-551 WAC.

(2) Clients whose countable resources are above the SSI resource standards are not eligible for MN noninstitutional medical benefits. See WAC 388-475-0200 through 388-475-0550 to determine countable resources.

(3) Clients who qualify for services under long term care have different criteria and may spend down excess resources to become eligible for LTC institutional or waiver medical benefits. Refer to WAC 388-513-1315 and 388-513-1395.

(4) A client with income over the medically needy income limit (MNIL) may become eligible for MN coverage when they have incurred medical expenses that are equal to the excess income. This is the process of meeting spenddown. Refer to chapter 388-519 WAC for spenddown information.

(5) A client may be eligible for medical coverage for up to three months immediately prior to the month of application, if the client:

(a) Met all eligibility requirements for the months being considered; and

(b) Received medical services covered by Medicaid during that time.

(6) A client eligible for MN without a spenddown is certified for up to twelve months. For an MN client with spenddown, refer to WAC 388-519-0110. For a long-term care MN client, refer to WAC 388-513-1305 and 388-513-1315.

(7) A client must reapply for each certification period. There is no continuous eligibility for MN. Although each additional certification period requires a new application, if the medical benefits have been closed less than thirty days, an eligibility review form may be used to reapply.

NEW SECTION

WAC 388-475-0200 SSI-related medical—Definition of resources. (1) A resource is any cash, other personal property, or real property that an applicant, recipient or other financially responsible person:

(a) Owns;

(b) Has the right, authority, or power to convert to cash (if not already cash); and

(c) Has the legal right to use for his/her support and maintenance.

(2) The value of a resource may change. However, the property (personal or real) still remains a resource.

(3) Some assets are not resources. Any asset that does not meet the criteria in subsection (1) above is not a resource.

(4) When an SSI-related client owns a bank account or time deposit jointly with others who are also SSI-related clients, we consider the funds as being available to the SSI-related individuals in equal shares, unless sufficient evidence to the contrary is provided.

(5) When an SSI-related client owns a bank account or time deposit jointly with others who are not SSI-related, we consider all funds in the joint account as available to the client unless sufficient evidence to the contrary is provided.

(6) When an SSI-related client jointly owns either real or personal property other than bank accounts or time deposits, the department considers that the client owns and has available only his or her fractional interest in the property unless sufficient evidence to the contrary is provided.

(7) A resource is countable toward the resource limit only if it is available and is not excluded.

NEW SECTION

WAC 388-475-0250 SSI-related medical—Ownership and availability of resources. (1) Personal or real property is available to the client if the client, client's spouse or other financially responsible person:

- (a) Owns the property;
- (b) Has the authority to convert the property into cash;
- (c) Can expect to convert the property to cash within twenty working days; and
- (d) May legally use the property for his/her support.

(2) A resource is considered available on the first day of the month following the month of receipt unless a rule about a specific type of resource provides for a different time period.

(3) A resource, which ordinarily cannot be converted to cash within twenty working days, is considered unavailable as long as a reasonable effort is being made to convert the resource to cash.

(4) A client may provide evidence showing that a resource is unavailable. A resource is not counted if a client shows sufficient evidence that the resource is unavailable.

(5) We do not count the resources of victims of family violence, as defined in WAC 388-452-0010, when:

- (a) The resource is owned jointly with members of the former household;
- (b) Availability of the resource depends on an agreement of the joint owner; or
- (c) Making the resource available would place the client at risk of harm.

(6) The value of a resource is its fair market value minus encumbrances.

(7) Refer to WAC 388-470-0060 to consider additional resources when an alien has a sponsor.

NEW SECTION

WAC 388-475-0300 SSI-related medical—Resources eligibility. (1) A client must be resource eligible on the first moment of the first day of the month, and is then eligible for the entire month. If the total of the client's countable resources is above the resource standard on the first moment

of the first day of the month, the client is ineligible for non-institutional medical benefits for that entire month regardless of resource status at the time of application during that month. For long-term care eligibility see chapter 388-513 WAC.

(2) An excluded resource converted to another excluded resource remains excluded.

(3) Cash received from the sale of an excluded resource becomes a countable resource the first of the month following conversion unless the cash is;

- (a) Used to replace the excluded resource; or
- (b) Invested in another excluded resource in the same month or within the longer time allowed for home sales under WAC 388-475-0350; or
- (c) Spent.

(4) The unspent portion of a nonrecurring lump sum payment is counted as a resource on the first of the month following its receipt with the following exception: the unspent portion of any Title II (SSA) or Title XVI (SSI) retroactive payment is excluded as a resource for six months following the month of receipt. These exclusions apply to lump sums received by the client, client's spouse or other any other person who is financially responsible for the client.

(5) Clients applying for SSI-related medical coverage for long-term care (LTC) services must meet different resource rules. See chapter 388-513 WAC for LTC rules.

(6) The transfer of a resource without adequate consideration does not affect medical program eligibility except for LTC and waiver services programs. In those programs, the transfer may make a client ineligible for medical benefits for a period of time. See WAC 388-513-1364 through 388-513-1366 for LTC rules.

WSR 04-09-003

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 7, 2004, 4:08 p.m., effective June 1, 2004]

Date of Adoption: April 7, 2004.

Purpose: Chapter 388-475 WAC, SSI-Related Medical—Part 2 of 4, SSI-related medical eligibility rules are being combined into one Washington Administrative Code (WAC) chapter, chapter 388-475 WAC, for easier reference. In some instances, the rules have been rewritten according to the clear writing standards of the Governor's Executive Order 97-02.

New sections WAC 388-475-0350 Property and contracts, 388-475-0400 Vehicles excluded as resources, 388-475-0450 Life insurance excluded as a resource, and 388-475-0500 Burial funds, contracts, and spaces excluded as resources. Repealing WAC 388-470-0040 Additional excluded resources for SSI-related medical assistance.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-470-0040.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090.

Adopted under notice filed as WSR 03-20-077 on September 29, 2003.

Changes Other than Editing from Proposed to Adopted Version:

- WAC 388-475-0350 (6), (7): Dates changed from "2003" to "2004" to reflect date of WAC implementation.
- WAC 388-475-0450 (3) and (4): Wording changed to clarify meaning of life insurance policies with potential to have cash surrender value. The subsections now read: "(3) If the total face value of all policies with a CSV potential that a person owns on the same insured is equal to or less than fifteen hundred dollars, the resource is excluded. (4) If the total face value of all policies with a CSV potential that a person owns on the same insured is more than fifteen hundred dollars, the total CSV of the policies is counted toward the resource limit, unless the client designates such policies as burial funds. If they are designated as burial funds, they must be evaluated under the burial fund exclusion described in WAC 388-475-0500."
- WAC 388-475-0500 (4) and (8): Subsection (4) wording "(a) and (b)" was removed after "described in subsection (2)" to clarify that this subsection applies to all of subsection (2) of this WAC; subsection (8)(c): Two subsections (iii) and (iv) were erroneously deleted from the proposed rule sent to public hearing from previous drafts, listing burial related resource exclusions. These are added back in, and read: "(iii) Arrangements for the opening and closing of the gravesite; and (iv) Contracts for care and maintenance of the gravesite."

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 4, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 0, Repealed 1.

Effective Date of Rule: June 1, 2004.

April 7, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-475-0350 SSI-related medical—Property and contracts excluded as resources. (1) The department

does not count the following resources when determining eligibility for SSI-related medical assistance:

- (a) A client's household goods and personal effects;
- (b) One home (which can be any shelter), including the land on which the dwelling is located and all contiguous property and related out-buildings in which the client has ownership interest, when:
 - (i) The client uses the home as his or her primary residence; or
 - (ii) The client's spouse lives in the home; or
 - (iii) The client does not currently live in the home but the client or his/her representative has stated the client intends to return to the home; or
 - (iv) A relative, who is financially or medically dependent on the client, lives in the home and the client, client's representative, or dependent relative has provided a written statement to that effect.
- (c) The value of ownership interest in jointly owned real property is an excluded resource for as long as sale of the property would cause undue hardship to a co-owner due to loss of housing. Undue hardship would result if the co-owner:
 - (i) Uses the property as his or her principal place of residence;
 - (ii) Would have to move if the property were sold; and
 - (iii) Has no other readily available housing.
- (2) Cash proceeds from the sale of the home described in subsection (1)(b) above are not considered if the client uses them to purchase another home by the end of the third month after receiving the proceeds from the sale.
- (3) An installment contract from the sale of the home described in subsection (1)(b) above is not a resource as long as the person plans to use the entire down payment and the entire principal portion of a given installment payment to buy another excluded home, and does so within three full calendar months after the month of receiving such down payment or installment payment.
- (4) The value of sales contracts is excluded when the:
 - (a) Current market value of the contract is zero,
 - (b) Contract cannot be sold, or
 - (c) Current market value of the sales contract combined with other resources does not exceed the resource limits.
- (5) Sales contracts executed before December 1, 1993, are exempt resources as long as they are not transferred to someone other than a spouse.
- (6) A sales contract for the sale of the client's principal place of residence executed between December 1, 1993 and May 31, 2004 is considered an exempt resource unless it has been transferred to someone other than a spouse and it:
 - (a) Provides interest income within the prevailing interest rate at the time of the sale;
 - (b) Requires the repayment of a principal amount equal to the fair market value of the property; and
 - (c) The term of the contract does not exceed thirty years.
- (7) A sales contract executed on or after June 1, 2004 on a home that was the principal place of residence for the client at the time of institutionalization is considered exempt as long as it is not transferred to someone other than a spouse and it:

(a) Provides interest income within the prevailing interest rate at the time of the sale;

(b) Requires the repayment of a principal amount equal to the fair market value of the property within the anticipated life expectancy of the client; and

(c) The term of the contract does not exceed thirty years.

(8) Payments received on sales contracts of the home described in subsection (1)(b) above are treated as follows:

(a) The interest portion of the payment is treated as unearned income in the month of receipt of the payment;

(b) The principal portion of the payment is treated as an excluded resource if reinvested in the purchase of a new home within three months after the month of receipt;

(c) If the principal portion of the payment is not reinvested in the purchase of a new home within three months after the month of receipt, that portion of the payment is considered a liquid resource as of the date of receipt.

(9) Payments received on sales contracts described in subsection (4) are treated as follows:

(a) The principal portion of the payment on the contract is treated as a resource and counted toward the resource limit to the extent retained at the first moment of the month following the month of receipt of the payment; and

(b) The interest portion is treated as unearned income the month of receipt of the payment.

(10) For sales contracts that meet the criteria in subsections (5), (6), or (7) but do not meet the criteria in subsections (3) or (4), both the principal and interest portions of the payment are treated as unearned income in the month of receipt.

(11) Property essential to self-support is not considered a resource within certain limits. The department places property essential to self-support in several categories:

(a) Real and personal property used in a trade or business (income-producing property), such as:

- (i) Land,
- (ii) Buildings,
- (iii) Equipment,
- (iv) Supplies,
- (v) Motor vehicles, and
- (vi) Tools.

(b) Nonbusiness income-producing property, such as:

- (i) Houses or apartments for rent, or
- (ii) Land, other than home property.

(c) Property used to produce goods or services essential to an individual's daily activities, such as land used to produce vegetables or livestock, which is only used for personal consumption in the individual's household. This includes personal property necessary to perform daily functions including vehicles such as boats for subsistence fishing and garden tractors for subsistence farming, but does not include other vehicles such as those that qualify as automobiles (cars, trucks).

(12) The department will exclude an individual's equity in real and personal property used in a trade or business (income producing property listed in subsection (11)(a) above) regardless of value as long as it is currently in use in the trade or business and remains used in the trade or business.

(13) The department excludes up to six thousand dollars of an individual's equity in nonbusiness income-producing

property listed in subsection (11)(b) above, if it produces a net annual income to the individual of at least six percent of the excluded equity.

(a) If a person's equity in the property is over six thousand dollars, only the amount over six thousand dollars is counted toward the resource limit, as long as the net annual income requirement of six percent is met on the excluded equity.

(b) If the six percent requirement is not met due to circumstances beyond the person's control, and there is a reasonable expectation that the activities will again meet the six percent rule, the same exclusions as in subsection (13)(a) above apply.

(c) If a person has more than one piece of property in this category, each is looked at to see if it meets the six percent return and the total equities of all those properties are added to see if the total is over six thousand dollars. If the total is over the six thousand dollars limit, the amount exceeding the limit is counted toward the resource limit.

(d) The equity in each property that does not meet the six percent annual net income limit is counted toward the resource limit, with the exception of property that represents the authority granted by a governmental agency to engage in an income-producing activity if it is:

(i) Used in a trade or business or nonbusiness income-producing activity; or

(ii) Not used due to circumstances beyond the individual's control, e.g., illness, and there is a reasonable expectation that the use will resume.

(14) Property used to produce goods or services essential to an individual's daily activities is excluded if the individual's equity in the property does not exceed six thousand dollars.

(15) Personal property used by an individual for work is not counted, regardless of value, while in current use, or if the required use for work is reasonably expected to resume.

(16) Interests in trust or in restricted Indian land owned by an individual who is of Indian descent from a federally recognized Indian tribe or held by the spouse or widow/er of that individual, is not counted if permission of the other individuals, the tribe, or an agency of the federal government must be received in order to dispose of the land.

NEW SECTION

WAC 388-475-0400 SSI-related medical—Vehicles excluded as resources. (1) For SSI-related medical programs, a vehicle is defined as anything used for transportation. In addition to cars and trucks, a vehicle can include boats, snowmobiles, and animal-drawn vehicles.

(2) One vehicle is excluded regardless of its value, if it is used to provide transportation for the individual or a member of the individual's household:

(a) For employment;

(b) For the treatment of a specific or regular medical problem;

(c) For transportation of or modified for operation by a handicapped person; or

(d) Because of climate, terrain, distance, or similar factors to perform essential daily activities.

(3) If no vehicle is excluded under subsection (2), the department excludes up to five thousand dollars of the current fair market value of one vehicle as a resource. If the current fair market value of the vehicle exceeds five thousand dollars, the excess is counted toward the resource limit.

(4) A vehicle used as the client's primary residence is excluded as the home, and does not count as the one excluded vehicle.

(5) All other vehicles, except those excluded under WAC 388-475-0350 (11) through (14), are treated as nonliquid resources and the equity value is counted toward the resource limit.

NEW SECTION

WAC 388-475-0450 SSI-related medical—Life insurance excluded as a resource. (1) The department excludes life insurance policies that do not have or cannot accrue a cash surrender value (CSV) in determining whether owned policies exceed the life insurance exclusion limits for resources and in determining burial fund exclusion limits.

(2) Policies owned by each spouse are evaluated and counted separately.

(3) If the total face value of all policies with a CSV potential that a person owns on the same insured is equal to or less than fifteen hundred dollars, the resource is excluded.

(4) If the total face value of all policies with a CSV potential that a person owns on the same insured is more than fifteen hundred dollars, the total CSV of the policies is counted toward the resource limit, unless the client designates such policies as burial funds. If they are designated as burial funds, they must be evaluated under the burial fund exclusion described in WAC 388-475-0500.

NEW SECTION

WAC 388-475-0500 SSI-related medical—Burial funds, contracts and spaces excluded as resources. (1) For the purposes of this section, burial funds are funds set aside and clearly designated solely for burial and related expenses and kept separate from all other resources not intended for burial. These include:

- (a) Revocable burial contracts;
- (b) Revocable burial trusts;
- (c) Installment contracts for purchase of a burial space on which payments are still owing;
- (d) Other revocable burial arrangements. The designation is effective the first day of the month in which the person intended the funds to be set aside for burial.

(2) The following burial funds are excluded as resources for the client and spouse up to fifteen hundred dollars each when set aside solely for the expenses of burial or cremation and expenses related to the burial or cremation, and the funds are either:

- (a) An installment contract for purchase of a burial space that is not yet paid in full; or
- (b) In a revocable burial contract, burial trust, cash accounts, or other financial instrument with a definite cash value.

(3) Interest earned in burial funds and appreciation in the value of excluded burial arrangements in subsection (2)(a)

and (b) above are excluded from resources and are not counted as income if left to accumulate and become part of the separate burial fund.

(4) The fifteen hundred dollar exclusion for burial funds described in subsection (2) above is reduced by:

(a) The face value of life insurance with CSV excluded in WAC 388-475-0450; and

(b) Amounts in an irrevocable burial trust, or other irrevocable arrangement available to meet burial expenses, or burial space purchase agreement installment contracts on which money is still owing. If these reductions bring the balance of the available exclusion to zero, no additional funds can be excluded as burial funds.

(5) An irrevocable burial account, burial trust, or other irrevocable burial arrangement, set aside solely for burial and related expenses is not considered a resource. The amount set aside must be reasonably related to the anticipated death-related expenses in order to be excluded.

(6) A client's burial funds are no longer excluded when they are mixed with other resources that are not related to burial.

(7) When excluded burial funds are spent for other purposes, the spent amount is added to other countable resources and any amount exceeding the resource limit is considered available income on the first of the month it is used. The amount remaining in the burial fund remains excluded.

(8) Burial space and accessories for the client and any member of the client's immediate family described in subsection (9) of this section are excluded. Burial space and accessories include:

- (a) Conventional gravesites;
- (b) Crypts, niches, and Mausoleums;
- (c) Urns, caskets and other repositories customarily used for the remains of deceased persons;
- (d) Necessary and reasonable improvements to the burial space including, but not limited to:
 - (i) Vaults and burial containers;
 - (ii) Headstones, markers and plaques;
 - (iii) Arrangements for the opening and closing of the gravesite; and
 - (iv) Contracts for care and maintenance of the gravesite.

(e) A burial space purchase agreement that is currently paid for and owned by the client is also defined as a burial space. The entire value of the purchase agreement is excluded; as well as any interest accrued, which is left to accumulate as part of the value of the agreement. The value of this agreement does not reduce the amount of burial fund exclusion available to the client.

(9) Immediate family, for the purposes of subsection (8) of this section includes the client's:

- (a) Spouse;
- (b) Parents and adoptive parents;
- (c) Minor and adult children, including adoptive and stepchildren;
- (d) Siblings (brothers and sisters), including adoptive and stepsiblings;
- (e) Spouses of any of the above.

None of the family members listed above, need to be dependent on or living with the client, to be considered immediate family members.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-470-0040 Additional excluded resources for SSI-related medical assistance.

WSR 04-09-004
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 7, 2004, 4:10 p.m., effective June 1, 2004]

Date of Adoption: April 7, 2004.

Purpose: Chapter 388-475 WAC, SSI-Related Medical—Part 3 of 4, SSI-related medical eligibility rules are being combined into one Washington Administrative Code (WAC) chapter, chapter 388-475 WAC, for easier reference. In some instances, the rules have been rewritten according to the clear writing standards of the Governor's Executive Order 97-02.

New sections WAC 388-475-0550 All other excluded resources, 388-475-0600 Definition of income, 388-475-0650 Available income, 388-475-0700 Income eligibility, and 388-475-0750 Countable unearned income. Repealing WAC 388-511-1130 SSI-related income availability.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-511-1130.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090.

Adopted under notice filed as WSR 03-20-078 on September 29, 2003.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-475-0550 (2)(a): Structural wording of the statement was confusing so was rewritten for clarification, and now reads: "(a) Payments received by the client, spouse, or any other person financially responsible for the client;"

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 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 5, Amended 0, Repealed 1.

Effective Date of Rule: June 1, 2004.

April 7, 2004

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

NEW SECTION

WAC 388-475-0550 SSI-related medical—All other excluded resources. All resources described in this section are excluded resources for SSI-related medical programs. Unless otherwise stated, interest earned on the resource amount is counted as unearned income.

(1) Resources necessary for a client who is blind or disabled to fulfill a department approved self-sufficiency plan.

(2) Retroactive payments from SSI or RSDI, including benefits a client receives under the interim assistance reimbursement agreement with the Social Security Administration, are excluded for six months following the month of receipt. This exclusion applies to:

(a) Payments received by the client, spouse, or any other person financially responsible for the client;

(b) SSI payments for benefits due for the month(s) before the month of continuing payment;

(c) RSDI payments for benefits due for a month that is two or more months before the month of continuing payment; and

(d) Proceeds from these payments as long as they are held as cash, or in a checking or savings account. The funds may be commingled with other funds, but must remain identifiable from the other funds for this exclusion to apply. This exclusion does not apply once the payments have been converted to any other type of resource.

(3) All resources specifically excluded by federal law, such as those described in subsections (4) through (11) as long as such funds are identifiable.

(4) Payments made under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(5) Payments made to Native Americans as listed in 20 CFR 416.1182, Appendix to subpart K, section IV, paragraphs (b) and (c), and in 20 CFR 416.1236.

(6) The following Native American/Alaska Native funds are excluded resources:

(a) Resources received from a Native Corporation under the Alaska Native Claims Settlement Act, including:

(i) Shares of stock held in a regional or village corporation;

(ii) Cash or dividends on stock received from the Native Corporation up to two thousand dollars per person per year;

(iii) Stock issued by a native corporation as a dividend or distribution on stock;

(iv) A partnership interest;

(v) Land or an interest in land; and

(vi) An interest in a settlement trust.

(b) All funds contained in a restricted Individual Indian Money (IIM) account.

(7) Restitution payment and any interest earned from this payment to persons of Japanese or Aleut ancestry who were relocated and interned during war time under the Civil Liber-

ties Act of 1988 and the Aleutian and Pribilof Islands Restitution Act.

(8) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims.

(9) Payments or interest accrued on payments received under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents.

(10) Payments from:

(a) The Dutch government under the Netherlands' Act on Benefits for Victims of Persecution (WUV).

(b) The Victims of Nazi Persecution Act of 1994 to survivors of the Holocaust.

(c) Susan Walker vs. Bayer Corporation, et al., 96-C-5024 (N.D. Ill.) (May 8, 1997) settlement funds.

(d) Ricky Rey Hemophilia Relief Fund Act of 1998 P.L. 105-369.

(11) The unspent social insurance payments received due to wage credits granted under sections 500 through 506 of the Austrian General Social Insurance Act.

(12) Earned income tax credit refunds and payments are excluded as resources during the month of receipt and the following month.

(13) Payments from a state administered victim's compensation program for a period of nine calendar months after the month of receipt.

(14) Cash or in-kind items received as a settlement for the purpose of repairing or replacing a specific excluded resource are excluded:

(a) For nine months. This includes relocation assistance provided by state or local government.

(b) Up to a maximum of thirty months, when:

(i) The client intends to repair or replace the excluded resource; and

(ii) Circumstances beyond the control of the settlement recipient prevented the repair or replacement of the excluded resource within the first or second nine months of receipt of the settlement.

(c) For an indefinite period, if the settlement is from federal relocation assistance.

(d) Permanently, if the settlement is assistance received under the Disaster Relief and Emergency Assistance Act or other assistance provided under a federal statute because of a catastrophe which is declared to be a major disaster by the President of the United States, or is comparable assistance received from a State or local government or from a disaster assistance organization. Interest earned on this assistance is also excluded from resources. Any cash or in-kind items received as a settlement and excluded under this subsection are considered as available resources when not used within the allowable time periods.

(15) Insurance proceeds or other assets recovered by a Holocaust survivor as defined in WAC 388-470-0026(4).

(16) Pension funds owned by an ineligible spouse. Pension funds are defined as funds held in a(n):

(a) Individual retirement account (IRA) as described by the IRS code; or

(b) Work-related pension plan (including plans for self-employed individuals, known as Keogh plans).

(17) Cash payments received from a medical or social service agency to pay for medical or social services are excluded for one calendar month following the month of receipt.

(18) SSA- or DVR-approved plans for achieving self-support (PASS) accounts, allowing blind or disabled individuals to set aside resources necessary for the achievement of the plan's goals, are excluded.

(19) Food and nutrition programs with federal involvement. This includes Washington Basic Food, school reduced and free meals and milk programs and WIC.

(20) Gifts to, or for the benefit of, a person under eighteen years old who has a life-threatening condition, from an organization described in section 501 (c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of that Code, as follows:

(a) In-kind gifts that are not converted to cash; or

(b) Cash gifts up to a total of two thousand dollars in a calendar year.

(22) Veteran's payments made to, or on behalf of, natural children of Vietnam veterans regardless of their age or marital status, for any disability resulting from spina bifida suffered by these children.

(23) The following are among assets that are not considered resources and as such are neither excluded nor counted:

(a) Home energy assistance/support and maintenance assistance;

(b) Retroactive in-home supportive services payments to ineligible spouses and parents; and

(c) Gifts of domestic travel tickets. For a more complete list please see POMS @ <http://policy.ssa.gov/poms.nsf/lnx/0501130050>.

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 388-475-0600 SSI-related medical—Definition of income. (1) Income is anything an individual receives in cash or in-kind that can be used to meet his/her needs for food, clothing, or shelter. Income can be earned or unearned.

(2) Some receipts are not income because they do not meet the definition of income above, including:

(a) Cash or in-kind assistance from federal, state, or local government programs whose purpose is to provide medical care or services;

(b) Some in-kind payments that are not food, clothing or shelter coming from nongovernmental programs whose purposes are to provide medical care or medical services;

(c) Payments for repair or replacement of an exempt resource;

(d) Refunds or rebates for money already paid;

(e) Receipts from sale of a resource; and

(f) Replacement of income already received. See 20 CFR 416.1103 for a more complete list of receipts that are not income.

(3) Earned income includes the following types of payments:

(a) Gross wages and salaries, including garnished amounts;

- (b) Commissions and bonuses;
- (c) Severance pay;
- (d) Other special payments received because of employment;

(e) Net earnings from self-employment (WAC 388-475-0840 describes net earnings);

(f) Self-employment income of tribal members unless the income is specifically exempted by treaty;

(g) Payments for services performed in a sheltered workshop or work activities center;

(h) Royalties earned by an individual in connection with any publication of his/her work and any honoraria received for services rendered; or

(i) In-kind payments made in lieu of cash wages, including the value of food, clothing or shelter.

(4) Unearned income is all income that is not earned income. Some types of unearned income are:

(a) Annuities, pensions, and other periodic payments;

(b) Alimony and support payments;

(c) Dividends and interest;

(d) Royalties (except for royalties earned by an individual in connection with any publication of his/her work and any honoraria received for services rendered which would be earned income);

(e) Capital gains;

(f) Rents;

(g) Benefits received as the result of another's death to the extent that the total amount exceeds the expenses of the deceased person's last illness and burial paid by the recipient;

(h) Gifts;

(i) Inheritances; or

(j) Prizes and awards.

(5) Some items which may be withheld from income, but the department considers as received income are:

(a) Federal, state, or local income taxes;

(b) Health or life insurance premiums;

(c) SMI premiums;

(d) Union dues;

(e) Penalty deductions for failure to report changes;

(f) Loan payments;

(g) Garnishments;

(h) Child support payments, court ordered or voluntary (WAC 388-475-0900 has an exception for deemors);

(i) Service fees charged on interest-bearing checking accounts;

(j) Inheritance taxes;

(k) Guardianship fees if presence of a guardian is not a requirement for receiving the income.

(6) Countable income, for the purposes of this chapter, means all income that is available to the individual:

(a) If it cannot be excluded, and

(b) After deducting all allowable disregards and deductions.

NEW SECTION

WAC 388-475-0650 SSI-related medical—Available income. (1) Income is considered available to a client at the earliest of when it is:

(a) Received, or

(b) Credited to an individual's account, or

(c) Set aside for his or her use, or

(d) Can be used to meet the client's needs for food, clothing or shelter.

(2) Anticipated nonrecurring lump sum payments are treated as income in the month received, with the exception of those listed in WAC 388-475-0700(5), and any remainder is considered a resource in the following month.

(3) Re-occurring income is considered available in the month of normal receipt, even if the financial institution posts it before or after the month of normal receipt.

(4) In-kind income received from anyone other than a legally responsible relative is considered available income only if it is earned income.

NEW SECTION

WAC 388-475-0700 SSI-related medical—Income eligibility. (1) In order to be eligible, a client is required do everything necessary to obtain any income to which they are entitled including (but not limited to):

(a) Annuities,

(b) Pensions,

(c) Unemployment compensation,

(d) Retirement, and

(e) Disability benefits; even if their receipt makes the client ineligible for department services, unless the client can provide evidence showing good reason for not obtaining the benefits.

The department does not count this income until the client begins to receive it.

(2) Income is budgeted prospectively for all medical programs.

(3) Anticipated nonrecurring lump sum payments other than retroactive SSI/SSDI payments are considered income in the month received, subject to reporting requirements in WAC 388-418-0007(4). Any unspent portion is considered a resource the first of the following month.

(4) The department follows income and resource methodologies of the Supplemental Security Income (SSI) program defined in federal law when determining eligibility for SSI-related medical or Medicare Savings programs unless the department adopts rules that are less restrictive than those of the SSI program.

(5) Exceptions to the SSI income methodology:

(a) Lump sum payments from a retroactive SSDI benefit, when reduced by the amount of SSI received during the period covered by the payment, are not counted as income;

(b) Unspent retroactive lump sum money from SSI or SSDI is excluded as a resource for six months following receipt of the lump sum; and

(c) Both the principal and interest portions of payments from a sales contract, that meet the definition in WAC 388-475-0350(10), are unearned income.

(6) To be eligible for categorically needy (CN) SSI-related medical coverage, a client's countable income cannot exceed the CN program standard described in:

(a) WAC 388-478-0065 through 388-478-0085 for non-institutional medical unless living in an alternate living facility; or

(b) WAC 388-513-1305(2) for noninstitutional CN benefits while living in an alternate living facility; or

(c) WAC 388-513-1315 for institutional and waiver services medical benefits.

(7) To be eligible for SSI-related medical coverage provided under the medically needy (MN) program, a client must:

(a) Have countable income at or below the MN program standard as described in WAC 388-478-0070; or

(b) Satisfy spenddown requirements described in WAC 388-519-0110, or

(c) Meet the requirements for noninstitutional MN benefits while living in an alternate living facility (ALF). See WAC 388-513-1305(3) and 388-515-1540.

NEW SECTION

WAC 388-475-0750 SSI-related medical—Countable unearned income. The department counts unearned income for SSI-related medical programs as follows:

(1) The total amount of benefits to which a client is entitled is available unearned income even when the benefits are:

(a) Reduced through the withholding of a portion of the benefit amount to repay a legal obligation;

(b) Garnished to repay a debt, other legal obligation, or make any other payment such as payment of Medicare premiums.

(2) Payments received on a loan:

(a) Interest paid on the loan amount is considered unearned income; and

(b) Payments on the loan principal are not considered income. However, any amounts retained on the first of the following month are considered a resource.

(3) Money borrowed by a person, which must be repaid, is not considered income. It is considered a loan. If the money received does not need to be repaid, it is considered a gift.

(4) Rental income received for the use of real or personal property, such as land, housing or machinery is considered unearned income. The countable portion of rental income received is the amount left after deducting necessary expenses of managing and maintaining the property paid in that month or carried over from a previous month. Necessary expenses are those such as:

(a) Advertising for tenants;

(b) Property taxes;

(c) Property insurance;

(d) Repairs and maintenance on the property; and

(e) Interest and escrow portions of a mortgage.

NOTE: When a client is in the business of renting properties and actively works the business (over twenty hours per week), the income is counted as earned income.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-511-1130

SSI-related income availability.

WSR 04-09-005

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 7, 2004, 4:12 p.m., effective June 1, 2004]

Date of Adoption: April 7, 2004.

Purpose: Chapter 388-475 WAC, SSI-Related Medical—Part 4 of 4, SSI-related medical eligibility rules are being combined into one Washington Administrative Code (WAC) chapter, chapter 388-475 WAC, for easier reference. In some instances, the rules have been rewritten according to the clear writing standards of the Governor's Executive Order 97-02.

New sections WAC 388-475-0800 General income exclusions, 388-475-0820 Child-related income exclusions, 388-475-0840 Work- and agency-related income exclusions, 388-475-0860 Income exclusions under federal statute or other state laws, 388-475-0880 Special income disregards, and 388-475-0900 Allocating income. Repealing WAC 388-450-0020 Income exclusions for SSI-related medical and 388-450-0150 SSI-related medical income allocation.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-450-0020 and 388-450-0150.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090.

Adopted under notice filed as WSR 03-20-079 on September 29, 2003.

Changes Other than Editing from Proposed to Adopted Version:

- WAC 388-475-0820 (1)(d): Wording was changed to delete the reference to WAC 388-450-0150, which is being repealed, and now reads: "(d) The SSI-related parent lives with a spouse who has no income; and"
- WAC 388-475-0820(4): Was changed to reflect the current federal exclusion rate, and now reads: "(4) Up to one thousand three hundred seventy dollars per month of a child's earned income, but not more than five thousand five hundred twenty dollars, is excluded if the child is a student."
- WAC 388-475-0900 (4)(b): Wording was changed to clarify that the one-half of the federal benefit rate applies to an ineligible SSI sibling, and now reads: "(b) One-half of the federal benefit rate (FBR) for each SSI ineligible sibling of the SSI related child living in the household, minus any countable income for that child. See WAC 388-478-0055 for FBR amount;"

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.

PERMANENT

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, 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 6, Amended 0, Repealed 2.

Effective Date of Rule: June 1, 2004.

April 7, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-475-0800 SSI-related medical—General income exclusions. The department excludes, or does not consider, the following when determining a client's eligibility for SSI-related medical programs:

(1) The first twenty dollars per month of unearned income. If there is less than twenty dollars of unearned income in a month, the remainder is excluded from earned income in that month.

(a) The twenty-dollar limit is the same, whether applying it for a couple or for a single person.

(b) The disregard does not apply to income paid totally or partially by the federal government or a nongovernmental agency on the basis of an eligible person's needs.

(c) The twenty dollars disregard is applied after all exclusions have been taken from income.

(2) Income that is not reasonably anticipated or is received infrequently or irregularly, whether for a single person or each person in a couple when it is:

(a) Earned and does not exceed a total of ten dollars per month; or

(b) Unearned and does not exceed a total of twenty dollars per month;

(c) Increases in a client's burial funds that were established on or after November 1, 1982 if the increases are the result of:

(i) Interest earned on excluded burial funds; or

(ii) Appreciation in the value of an excluded burial arrangement that was left to accumulate and become part of separately identified burial funds.

(3) Essential expenses necessary for a client to receive compensation (e.g., necessary legal fees in order to get a settlement);

(4) Receipts, which are not considered income, when they are for:

(a) Replacement or repair of an exempt resource;

(b) Prepayment or repayment of medical care paid by a health insurance policy or medical service program; or

(c) Payments made under a credit life or credit disability policy.

(5) The fee a guardian or representative payee charges as reimbursement for providing services, when such services are a requirement for the client to receive payment of the income.

(6) Funds representing shared household costs.

(7) Crime victim's compensation.

(8) The value of a common transportation ticket, given as a gift, that is used for transportation and not converted to cash.

(9) Gifts that are not for food, clothing or shelter, and gifts of home produce used for personal consumption.

(10) The department does not consider in-kind income received from someone other than a person legally responsible for the individual unless it is earned. Therefore, the following in-kind payments are not counted when determining eligibility for SSI-related medical programs.

(a) In-kind payments for services paid by a client's employer if:

(i) The service is not provided in the course of an employer's trade or business; or

(ii) It is in the form of food and/or shelter that is:

(A) On the employer's business premises;

(B) For the employer's convenience; and

(C) If shelter, acceptance by the employee is a condition of employment.

(b) In-kind payments made to people in the following categories:

(i) Agricultural employees;

(ii) Domestic employees;

(iii) Members of the Uniformed Services;

(iv) Persons who work from home to produce specific products for the employer from materials supplied by the employer.

NEW SECTION

WAC 388-475-0820 SSI-related medical—Child-related income exclusions. (1) The department excludes an allowance from a person's earned and/or unearned income for a child living in the home when:

(a) The minor child lives with an SSI-related parent; and

(b) The minor child is not receiving a needs-based cash payment such as TANF or SSI; and

(c) The SSI-related parent is single; or

(d) The SSI-related parent lives with a spouse who has no income; and

(e) The individual applying for or receiving SSI-related medical benefits is the adult parent. The maximum allowance is one-half the Federal Benefit Rate (FBR) for each child. The child's countable income, if any, is subtracted from the maximum child's allowance. One third of the child support received for the child is excluded from the child's income before determining this allowance.

(2) Foster care payments received for a child who is not SSI-eligible and who is living in the household, placed there by a licensed, nonprofit or public child placement or child-care agency are excluded from income regardless of whether the person requesting or receiving SSI-related medical is the adult foster parent or the child who was placed.

(3) Adoption support payments, received by an adult for a child in the household that are designated for the child's needs, are excluded as income. Adoption support payments that are not specifically designated for the child's needs are not excluded and are considered unearned income to the adult.

(4) Up to one thousand three hundred seventy dollars per month of a child's earned income, but not more than five thousand five hundred twenty dollars per year, is excluded if the child is a student.

(5) Child support payments received from an absent parent for a child living in the home are considered the income of the child.

(6) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees and/or other necessary educational expenses at any educational institution is excluded from income.

(7) Gifts to, or for the benefit of, a person under eighteen years old who has a life-threatening condition, from an organization described in section 501 (c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of that Code, is excluded as follows:

(a) In-kind gifts that are not converted to cash; or

(b) Cash gifts up to a total of two thousand dollars in a calendar year.

(8) Veteran's payments made to, or on behalf of, natural children of Vietnam veterans regardless of their age or marital status, for any disability resulting from spina bifida suffered by these children are excluded from income.

(9) Unless it is specifically contributed to the client, all earned income of an ineligible or non-applying person under the age of twenty-one who is a student:

(a) Attending a school, college, or university; or

(b) Pursuing a vocational or technical training program designed to prepare the student for gainful employment.

NEW SECTION

WAC 388-475-0840 SSI-related medical—Work- and agency-related income exclusions. The department excludes the following when determining eligibility for SSI-related medical programs:

(1) Work related expenses:

(a) Including child care, that enable an SSI-related client to work;

(b) That allow a blind or disabled client to work and that are directly related to the person's impairment.

(2) First sixty-five dollars plus one-half of the remainder of earned income. This is considered a work allowance/incentive. This deduction does not apply to income already excluded.

(3) Any portion of self-employment income normally allowed as an income deduction by the Internal Revenue Service (IRS).

(4) Veteran's Aid and Attendance, housebound allowance, unusual/unreimbursed medical expenses (UME) paid by the VA to some disabled veterans, their spouses, widows or parents. For people receiving long-term care services, see chapter 388-513 WAC.

(5) Payments provided in cash or in-kind, to an ineligible or nonapplying spouse, under any government program that provides social services provided to the client, such as chore services or attendant care.

(6) SSA refunds for Medicare buy-in premiums paid by the client when the state also paid the premiums.

(7) Income that causes a client to lose SSI eligibility, due solely to reduction in the SSP.

(8) Department of Veteran's Affairs benefits designated for the veteran's dependent. It is considered income of that dependent.

(9) Tax rebates or special payments excluded under other statutes.

(10) Any public agency refund of taxes paid on real property or on food.

NEW SECTION

WAC 388-475-0860 SSI-related medical—Income exclusions under federal statute or other state laws. The Social Security Act and other federal statutes or state laws list income that the department excludes when determining eligibility for SSI-related medical programs. These exclusions include, but are not limited to:

(1) Income tax refunds;

(2) Federal earned income tax credit (EITC) payments;

(3) Compensation provided to volunteers in the Corporation for National and Community Service (CNCS), formerly known as ACTION programs established by the Domestic Volunteer Service Act of 1973. P.L. 93-113;

(4) Assistance to a person (other than wages or salaries) under the Older Americans Act of 1965, as amended by section 102 (h)(1) of Pub. L. 95-478 (92 Stat. 1515, 42 U.S.C. 3020a);

(5) Federal, state and local government payments including assistance provided in cash or in-kind under any government program that provides medical or social services;

(6) Certain cash or in-kind payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(7) Value of food provided through a federal or nonprofit food program such as WIC, donated food program, school lunch program;

(8) Assistance based on need, including:

(a) Any federal SSI income or state supplement payment (SSP) based on financial need;

(b) Food stamps;

(c) GA-U;

(d) CEAP;

(e) TANF; and

(f) Bureau of Indian Affairs (BIA) general assistance.

(9) Housing assistance from a federal program such as HUD if paid under:

(a) United States Housing Act of 1937 (section 1437 et seq. Of 42 U.S.C.);

(b) National Housing Act (section 1701 et seq. Of 12 U.S.C.);

(c) Section 101 of the Housing and Urban Development Act of 1965 (section 1701s of 12 U.S.C., section 1451 of 42 U.S.C.);

(d) Title V of the Housing Act of 1949 (section 1471 et seq. Of 42 U.S.C.); or

(e) Section 202(h) of the Housing Act of 1959;

(f) Weatherization provided to low-income homeowners by programs that consider income in the eligibility determinations;

- (10) Energy assistance payments including:
- (a) Those to prevent fuel cutoffs, and
 - (b) To promote energy efficiency.
- (11) Income from employment and training programs as specified in WAC 388-450-0045.
- (12) Foster Grandparents program;
- (13) Title IV-E and state foster care maintenance payments if the foster child is not included in the assistance unit;
- (14) The value of any childcare provided or arranged (or any payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act, as amended by section 8(b) of P.L. 102-586 (106 Stat. 5035).
- (15) Educational assistance as specified in WAC 388-450-0035.
- (16) Up to two thousand dollars per year derived from an individual's interest in Indian trust or restricted land.
- (17) Native American benefits and payments as specified in WAC 388-450-0040 and other Native American payments excluded by federal statute. For a complete list of these payments, see 20 CFR 416, Subpart K, Appendix, IV.
- (18) Payments from Susan Walker v. Bayer Corporation, et al., 96-c-5024 (N.D. Ill) (May 8, 1997) settlement funds;
- (19) Payments from Ricky Ray Hemophilia Relief Fund Act of 1998, P.L. 105-369;
- (20) Disaster assistance paid under Federal Disaster Relief P.L. 100-387 and Emergency Assistance Act, P.L. 93-288 amended by P.L. 100-707 and for farmers P.L. 100-387;
- (21) Payments to certain survivors of the Holocaust as victims of Nazi persecution; payments excluded pursuant to section 1(a) of the Victims of Nazi Persecution Act of 1994, P.L. 103-286 (108 Stat. 1450);
- (22) Payments made under section 500 through 506 of the Austrian General Social Insurance Act;
- (23) Payments made under the Netherlands' Act on Benefits for Victims of Persecution (WUV);
- (24) Restitution payments and interest earned to Japanese Americans or their survivors, and Aleuts interned during World War II, established by P.L. 100-383;
- (25) Payments made from the Agent Orange Settlement Funds or any other funds to settle Agent Orange liability claims established by P.L. 101-201;
- (26) Payments made under section six of the Radiation Exposure Compensation Act established by P.L. 101-426;
- (27) Any interest earned from payments described in subsections (1) through (26) is counted as unearned income, unless otherwise excluded by law.

NEW SECTION

WAC 388-475-0880 SSI-related medical—Special income disregards. Portions of your income the department otherwise counts are disregarded when determining eligibility for SSI-related medical programs.

- (1) The department disregards the following for SSI-related medical programs:
- (a) The cost of living adjustment(s) (COLA) for a client who:
 - (i) Is currently receiving a Social Security payment;

- (ii) Was eligible for and received both SSA and SSI/State Supplement payments (SSP) in the same month for at least one month since April, 1977; and

- (iii) Would continue to receive SSI/SSP payments but for the COLA increase(s) to their SSA benefits. This is commonly known as the adjustment for "Pickle people."

- (b) Widow(er)'s benefits for a client who:

- (i) Was entitled to SSA title II (widow/widower's) benefits in December 1983;

- (ii) Was at least fifty years old, but not yet sixty at that time;

- (iii) Received title II benefits and SSI in January 1984;

- (iv) Would continue to be eligible for SSI/SSP payments if the title II benefits were disregarded; and

- (v) Filed an application for Medicaid with the state by July 1, 1988.

- (c) Widow, Widower or Surviving Divorced Spouse (title II) benefits for a client who:

- (i) Received SSI/SSP benefits the month prior to receipt of title II benefits;

- (ii) Would continue to be eligible for SSI/SSP benefits if the title II benefits or the COLA(s) to those benefits were disregarded;

- (iii) Is not eligible for Medicare Part A. This client is considered an SSI recipient until becoming entitled to Medicare Part A.

(2) A disabled adult child (DAC) who is ineligible for SSI/SSP solely due to receipt of either Social Security benefits as a disabled adult child of a person with a Social Security account or due to receipt of a COLA to the DAC benefits, may be income eligible for CN medical if disregarding the SSA DAC benefits and COLA brings countable income below the CN standards, and the client:

- (a) Is eighteen years of age or older;

- (b) Remains related to the SSI program through disability or blindness;

- (c) Lost SSI eligibility on or after July 1, 1988 due solely to the receipt of DAC benefits from SSA or a COLA to those benefits; and

- (d) Meets the other SSI-related CN medical requirements.

(3) Clients who stop receiving an SSI cash payment due to earnings, but still meet all of the other SSI eligibility rules and have income below the higher limit established by the Social Security Act's Section 1619(b) are eligible for continued CN Medicaid.

(4) TANF income methodology is used to determine countable income for children and pregnant women applying for MN unless the SSI methodology would be more beneficial to the client. For cases using TANF methodology, follow the family medical rules and allow the:

- (a) Fifty percent earned income disregard;

- (b) Child care and dependent care expenses related to employment; and

- (c) Child support actually paid.

NEW SECTION

WAC 388-475-0900 SSI-related medical—Allocating income. The department considers income of financially

responsible persons to determine if a portion of that income must be regarded as available to other household members.

(1) When income is allocated from an SSI-related person to other household members, that income is considered as the other members' income.

(2) A portion of the income of a spouse or parent is allocated to the needs of an SSI-related applicant when the spouse or parent is:

(a) Financially responsible for the SSI-related person as described in WAC 388-408-0055 and 388-506-0620. For long term care programs, see WAC 388-513-1315, 388-513-1330, 388-513-1350; for waiver programs see WAC 388-515-1505 through 388-515-1530;

(b) Living in the same household;

(c) Not receiving SSI; and

(d) Either not related to SSI or is not applying for medical assistance.

(3) Allocations to children are deducted from the nonapplying spouse's unearned income, then from their earned income, before they are deducted from the applicant's income. See WAC 388-475-0820.

(4) If the conditions in subsection (2) are met, the income to be allocated from a parent to an SSI-related minor child applying for medical benefits is the amount remaining after deducting:

(a) All allowable income exclusions and disregards as described in WAC 388-475-750 through WAC 388-475-880;

(b) One-half of the federal benefit rate (FBR) for each SSI ineligible sibling of the SSI related child living in the household, minus any countable income of that child. See WAC 388-478-0055 for FBR amount;

(c) The parent's allowance, either the one person FBR for a single parent or two person FBR for a two-parent household.

(5) A portion of the countable income of a nonapplying spouse remaining after the deductions in subsection (4) may be allocated to the SSI-related spouse as follows for CN medical determinations:

(a) If the income is less than or equal to one-half of the FBR after allowing the income exclusions in subsection (4) of this section, no income is allocated to the client.

(b) If the income is equal to or more than one-half of the FBR after allowing the income exclusions in subsection (4) of this section, all income other than the excluded amounts is allocated to the applying spouse.

(6) Deductions from the income of the nonapplying spouse of an SSI-related applicant for CN medical determinations are:

(a) Income exclusions as described in WAC 388-475-0750 through 388-478-0880;

(b) One-half of the federal benefit rate (FBR) as described in WAC 388-478-0055 for each eligible child in the household, minus the child's countable income.

(7) In determining MN medical eligibility for SSI-related applicants:

(a) If the income of the nonapplying spouse is less than the MNIL (see WAC 388-478-0070) after applying any child allocation, a portion of the applying spouse's countable income is added to the nonapplying spouse's income to raise it to the MNIL for MN;

(b) If the income of the nonapplying spouse is more than the MNIL after applying any child allocation, the entire amount exceeding the MNIL is allocated to the applying spouse.

(8) Only income and resources actually contributed to an alien applicant from their sponsor are counted as income. For allocation of income from an alien sponsor, refer to WAC 388-450-0155.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-450-0020 Income exclusions for SSI-related medical.

WAC 388-450-0150 SSI-related medical income allocation.

WSR 04-09-012

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 9, 2004, 12:04 p.m.]

Date of Adoption: March 23, 2004.

Purpose: To repeal WAC 308-77-180 due to the adoption of WAC 308-77-102. WAC 308-77-102 addresses the same subject matter as WAC 308-77-180. WAC 308-77-180 should have been repealed upon the adoption of WAC 308-77-102.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-77-180 Appeals.

Statutory Authority for Adoption: RCW 82.38.260.

Adopted under notice filed as WSR 04-01-092 on December 16, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

April 5, 2004

Fred Stephens

Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-77-180 Appeals.

WSR 04-09-026
PERMANENT RULES
HORSE RACING COMMISSION

[Filed April 13, 2004, 7:52 a.m.]

Date of Adoption: April 9, 2004.

Purpose: To amend WAC 260-40-100(5) by placing into rule the minimum number of workouts required for a horse to be eligible to run in a race.

Citation of Existing Rules Affected by this Order: Amending WAC 260-40-100 Performance records.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 04-05-088 on February 18, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 12, 2004

R. M. Leichner
 Executive Secretary

AMENDATORY SECTION (Amending WSR 00-07-039, filed 3/6/00, effective 4/6/00)

WAC 260-40-100 Performance records. It is the intent of the commission that the public be provided with all relevant information regarding a horse's recent racing and workout record; Therefore:

(1) The owner/and or trainer of any horse which has started at a track not reported in the daily racing form or equibase since its last start at a recognized track, must furnish the racing secretary prior to the entry of such horse to any race in this state, performance records of said horse's races during the past year, or their last two starts, including published races, showing date, distance, finishing position and time. If such records are not provided, the horse will be ineligible to start.

(2) For thoroughbreds, a horse which wins a race at a Class C track within the state, shall not be penalized for such winnings in races run at any other meeting other than a Class C track. The maiden classification will be lost by winning a race at any track whose results are published in the daily racing form or equibase. A horse which wins a race at a track with results not reported in the daily racing form or equibase, outside this state, shall not be penalized for such winnings except at Class C tracks. For other breeds, all wins, including the maiden wins, shall be counted in considering eligibility at all racing association meets in the state of Washington if the win is recognized by the Arabian jockey club, the American quarter horse association, the appaloosa horse club, or other breed registry as authorized by the commission.

(3) Performance records for races which are not reported in the daily racing form and/or equibase shall be published in the official program of the racing association or posted and announced no later than the time that wagering opens for that day's racing. No horse may be permitted to enter in a race whose recent workouts have not been properly recorded with the commission.

(4) All wins shall be considered in eligibility requirements of horses running at Class C racing association meets.

(5) ~~((The commission shall designate, before each race meeting, the minimum workout requirements for said race meeting to ensure the integrity of the industry to the wagering public.))~~ A horse shall not start unless it has participated in an official or recognized race or has a published or stewards approved workouts, which meet the following criteria:

(a) A horse that has not run in an official or recognized race must have two official workouts, and at least one such workout must be held thirty days prior to race day.

(b) A horse that has not started in an official or recognized race for a period of sixty days or more must have a published or steward approved workout held thirty days prior to race day.

(6) The workout must have occurred at a parimutuel or commission recognized facility. The association may impose more stringent workout requirements. The trainer or trainer's designee shall be required to identify horse's registered name, the distance the horse is to be worked and the point on the track where the workout will start. A horse shall not be taken onto the track for training or a workout except during the hours designated by the association.

WSR 04-09-027

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed April 13, 2004, 11:00 a.m., effective August 16, 2004]

Date of Adoption: April 13, 2004.

Purpose: The department is establishing a quarantine for apple maggot in a major portion of Kittitas County effective August 16, 2004. This rule-making order amends WAC 16-470-105 Area under order for apple maggot—Pest free area—Quarantine areas, by adding a major portion of Kittitas County to the area designated as a quarantine area and specifies the portion of Kittitas County that is a pest free area.

Citation of Existing Rules Affected by this Order: Amending WAC 16-470-105.

Statutory Authority for Adoption: Chapters 17.24 and 34.05 RCW.

Adopted under notice filed as WSR 04-01-202 on December 24, 2003.

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: August 16, 2004.

April 13, 2004

Valoria H. Loveland

Director

AMENDATORY SECTION (Amending WSR 01-14-075, filed 7/3/01, effective 8/3/01)

WAC 16-470-105 Area under order for apple maggot—Pest free area—Quarantine areas. (1) A pest free area for apple maggot is declared for the following ((~~counties~~)) portions of Washington state:

(a) Counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, ((Kittitas,)) Lincoln, Okanogan, Pend Oreille, Stevens, Walla Walla, Whitman, and Yakima.

(b) The portion of Kittitas County designated as follows: Beginning at the northwest corner of Wanapum Dam and Huntzinger Road; south along Huntzinger Road to the Yakima County line; east to the Columbia River; north along the Columbia River to the Wanapum Dam; and west to the point of beginning.

(2) A quarantine for apple maggot is declared for the following ((~~counties~~)) portions of Washington state:

(a) Counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Snohomish, Spokane, Skagit, Skamania, Thurston, Wahkiakum, and Whatcom.

(b) Kittitas County, except for the area designated in subsection (1)(b) of this section.

(3) A quarantine for apple maggot is declared for all states or foreign countries where apple maggot is established. The area under quarantine includes, but is not limited to, the states of Idaho, Oregon, Utah, and California, and, in the eastern United States, all states and districts east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where apple maggot is established.

WSR 04-09-028

PERMANENT RULES

GAMBLING COMMISSION

[Order 429—Filed April 13, 2004, 1:38 p.m., effective July 1, 2004]

Date of Adoption: April 9, 2004.

Purpose: Bingo at multiple locations. Prior to 2002, RCW 9.46.0205 restricted bingo licensees to three days of operation per week. WAC 230-04-192 limited bingo operators to one license within the county they are principally located. This rule prevented licensees from circumventing the three-day limitation. In 2002, the legislature amended RCW 9.46.0205 to remove the three days of operation per week limit for bingo games. Bingo licensees may now operate as often as they choose within the county their organization is principally located. RCW 9.46.070(1) does not allow the commission to deny a license to an otherwise qualified applicant in an effort to limit the number of licenses issued. Repealing WAC 230-04-192 would allow bingo operators to hold more than one license (i.e., operate at more than one location) within the county they are principally located. For consistency, WAC 230-04-196 will be repealed in conjunction with WAC 230-04-192, as both of these rules relate to operating multiple bingo games within a county.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-04-192 and 230-04-196.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 04-05-078 on February 17, 2004, with a published date of March 3, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 1, 2004.

April 13, 2004

Susan Arland

Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 230-04-192 Person to hold one bingo license and one amusement game license at a time.

WAC 230-04-196 The commission may issue Class A or B bingo operator's

PERMANENT

licenses authorizing the conduct of the games at up to three separate locations.

WSR 04-09-042
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed April 14, 2004, 8:45 a.m.]

Date of Adoption: [April 8, 2004.]

Purpose: To make minor changes to help distinguish the petition process from the appeals process under chapter 415-08 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 415-04-040.

Statutory Authority for Adoption: RCW 41.50.050(5).

Adopted under notice filed as WSR 04-05-017 on February 9, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 8, 2004

John F. Charles
 Director

AMENDATORY SECTION (Amending WSR 01-18-018, filed 8/24/01, effective 9/24/01)

WAC 415-04-040 What will the department do after receiving my petition? (1) A petition examiner will review your petition.

(2) Within fourteen days from the date that you file a petition with the department, the petition examiner will determine whether you have a sufficient stake in the outcome of the proceeding to have the department consider the issues in your petition.

(a) If the petition examiner determines that you **do not** have a sufficient stake in the outcome, the petition examiner:

(i) May refer the matter back to the plan administrator for further investigation.

(ii) Will notify you of this decision within fourteen days of the date you file the petition. You may appeal this decision to the presiding officer under WAC 415-04-050.

(b) If the petition examiner determines that you **do** have a sufficient stake in the outcome, the petition examiner:

(i) Will notify interested parties, such as the member, current or former employer(s), designated beneficiaries, former spouse or the department, that you filed a petition;

(ii) Will request that the interested parties submit any written response to the petition no later than twenty days from the date of receipt of the notice;

(iii) May extend the time limit for response if the interested party shows a good reason to need more time.

(3) The petition examiner may request additional information at any time.

(4) The petition examiner will forward a copy of an interested party's response to you.

(a) You will have ten days to reply.

(b) The petition examiner may extend your time to respond if you demonstrate that you need more time for good reason.

(c) If an extension is not granted and you do not reply within ten days, you waive the right to reply.

(5) The petition examiner will issue a written decision within sixty days of:

(a) The end of your final period to reply under subsection (4) of this section; or

(b) Receipt of additional information from the department or the office of the attorney general necessary to make a decision.

(6) ~~((The written decision will include the findings of fact and conclusions of law necessary to decide the matter. The decision will be sent to you and to other interested parties.))~~ In the written decision, the petition examiner will state facts and sources of law used to make the decision. The petition examiner will send a copy to you and to the other parties.

(7) The petition examiner may refer the petition back to the plan administrator for an administrative determination without issuing a petition decision if:

(a) The petition adds new issues or facts that have not been addressed in the plan administrator's final determination; or

(b) The plan administrator did not have access to a petition decision or final order of the department that would have changed the outcome of the administrative determination.

WSR 04-09-043
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed April 14, 2004, 8:46 a.m.]

Date of Adoption: [April 8, 2004.]

Purpose: To change a cross reference in subsection (11) from WAC 415-02-520(8) to WAC 415-02-520(9).

Citation of Existing Rules Affected by this Order: Amending WAC 415-02-520.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.50.500, 41.50.670 et seq., 41.50.790.

Adopted under notice filed as WSR 04-05-039 on February 12, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 8, 2004
John F. Charles
Director

AMENDATORY SECTION (Amending WSR 03-24-049, filed 11/26/03, effective 1/1/04)

WAC 415-02-520 How can my Plan 1 or Plan 2 retirement account be split¹ by a property division dissolution order? (1) **Who may use this section?** Vested members of LEOFF Plan 2, PERS Plans 1 or 2, TRS Plans 1 or 2, SERS Plan 2, or WSPRS Plan 2 who have or will have a property division dissolution order or amendment dated on or after July 1, 2003². If your ex-spouse will be receiving an interest in your account, use WAC 415-02-510.

(2) **What are the rules for splitting my account?** If you and your ex-spouse are eligible, the department will split *your* retirement account into two separate accounts—one for you, and one for your ex-spouse. The rules for splitting your account are different depending on whether your dissolution order or most recent amendment is dated *BEFORE* or *AFTER* retirement.

(3) **How will my account be affected if the department accepts the property division dissolution order BEFORE my retirement?**

(a) The department will split your retirement account into two completely separate accounts and create an account for your ex-spouse under his or her Social Security number for the amount awarded in the dissolution order.

(b) The department will pay each of you out of your separate accounts either a monthly retirement benefit payment or a withdrawal of contributions.

(c) If you retire and receive a monthly retirement benefit payment, your monthly payment will have a permanent reduction to account for the amount awarded as a monthly payment to your ex-spouse.

(d) Your monthly benefit payment will be payable over your lifetime, and your ex-spouse's monthly payment will be payable over his or her lifetime.

(e) You will have the right to pick a survivor option for your monthly benefit payment.

(f) Your ex-spouse will not have the right to pick a survivor option for his or her monthly payment but may name a beneficiary to receive any final death payment that may be due.

(g) If you terminate employment, whatever decision you make about your accumulated contributions will have no effect upon your ex-spouse's separate account.

(h) When you or your ex-spouse dies, there will be no impact to the other person's retirement account because the accounts are independent from one another.

(i) Your ex-spouse may begin receiving monthly payments when he or she reaches retirement age for your retirement plan, or the first day of the month following the department's acceptance of the order, whichever is later. The retirement age for an ex-spouse receiving a benefit from TRS Plan 1 and PERS Plan 1 is age sixty; from PERS Plan 2, SERS Plan 2, and TRS Plan 2 it is age sixty-five; from LEOFF Plan 2 it is age fifty-three; and from WSPRS Plan 2 it is age fifty-five. Your age or retirement eligibility has no effect on when your ex-spouse is eligible to begin receiving his or her monthly benefit. Your ex-spouse must apply for his or her monthly payment according to the rules for your system and plan.

(j) Your ex-spouse may withdraw his or her share of the accumulated contributions at any time before receiving a monthly retirement benefit. Regardless of whether your ex-spouse withdraws or receives a monthly payment, your monthly benefit payment will be permanently reduced to account for your ex-spouse's share of your retirement account.

(4) **Is there a limit to the amount of contributions I can award to my ex-spouse?** Yes. The amount of contributions awarded to an ex-spouse, cannot be greater than the **percentage** of the member's monthly benefit used to determine the amount of the monthly benefit awarded to the ex-spouse.

Example:

Accumulated contributions earned during the marriage period:	\$50,000
Member's monthly benefit:	\$1,000
Percentage of member's monthly benefit awarded to ex-spouse:	50%
Monthly benefit awarded to ex-spouse:	\$500 (50% of \$1,000)
Contributions awarded to ex-spouse:	\$25,000 (50% of 50,000)

(5) **What happens if my retirement account was split and then I retire early?**

(a) If you are eligible and decide to retire early, or must retire early because of a disability, your monthly retirement benefit payment will be reduced by an early retirement factor (ERF). See WAC 415-02-320.

(b) To determine the reduction to your benefit because of your preretirement split (see subsection (3)(c) of this section), the adjustment to the amount awarded to your ex-spouse in the dissolution order will be reduced by the ERF used to reduce your benefit.

Example: You are a member of PERS Plan 2 and retire for disability two years before you are eligible for a service

PERMANENT

retirement. The dissolution order awarded your ex-spouse a monthly benefit of five hundred dollars.

Your defined benefit before ERF is applied:	\$2,500	
ERF (factor for retiring two years early)	0.82	
Your base benefit:	\$2,050	(\$2500 x 0.82 ERF)
Adjustment for divorce split:	-\$410	(ex-spouse's \$500 x 0.82 (ERF))
The defined benefit you will receive:	\$1640	(\$2050 - \$410)

Your ex-spouse will receive the full monthly amount (\$500) that was awarded to him or her in the dissolution order, regardless of your benefit amount.

(6) What language must be used for a property division dissolution order or amendment that is accepted by the department BEFORE my retirement?

(a) The order must include the language provided below. Do *not* use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's monthly benefit must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create an account for _____ (ex-spouse) in the _____ (name of retirement system and plan) and transfer \$ _____ from _____'s (member's) accumulated contributions account into _____'s (ex-spouse's) account. If _____ (ex-spouse) does not withdraw the contributions and becomes eligible, the department will pay him or her \$ _____ (amount) as a monthly payment for his or her life. If _____ (member) retires and receives a monthly retirement benefit payment, the payment will be permanently reduced to account for _____'s (ex-spouse's) monthly payment. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(b) If you are a member of PERS Plan 1 or TRS Plan 1, the amount of service credit awarded to your ex-spouse must be specified in the order if he or she is awarded a portion of gainsharing payments and cost-of-living adjustments. Because gainsharing payments and cost-of-living adjustments are based on service credit, the following paragraph must be included:

If _____ (ex-spouse) receives a monthly retirement payment, the department shall use _____ (number) months of service credit to calculate future gainsharing payments, if any, and cost-of-living adjustments when he or she becomes eligible.

(7) How will my account be affected if the department accepts the property division dissolution order AFTER my retirement?

(a) The department will split your retirement account *only if* you selected your ex-spouse to receive survivor benefits at the time you retired. If you did not select your ex-spouse to receive survivor benefits at the time you retired, you cannot use this section. You *must* use WAC 415-02-510.

(b) If you selected your ex-spouse to receive survivor benefits at the time you retired, the rules in subsection (3)(a) through (f) of this section will apply.

(c) At the time the department splits your account, your ex-spouse will be removed as the survivor beneficiary on your account.

(d) Regardless of his or her age, your ex-spouse will begin receiving a monthly benefit the first month after the department has accepted the dissolution order.

(8) If the property division dissolution order is dated AFTER my retirement, how will my monthly retirement benefit payment be calculated after the split?

(a) The dissolution order must state the exact dollar amount your ex-spouse is to receive as his or her separate monthly benefit. The following describes how the new amount of your benefit will be calculated, assuming your ex-spouse was awarded a monthly benefit of one thousand dollars in the dissolution order.

Step 1 The department will determine the single life benefit of your current monthly benefit payment by dividing your current monthly benefit payment by the survivor option factor (see WAC 415-02-380) in effect at the time of the split.

Example:

Current monthly benefit = \$1679.38
 Option factor = 0.9400000
 Single life benefit amount = \$1679.38/0.9400000 = \$1786.57

Step 2 The single life benefit (\$1786.57) is divided by your annuity factor (see WAC 415-02-360) to determine the current present value of the single life benefit amount. The annuity factor the department uses is the factor for your age as of the date of the split.

Example:

Your age at time of the split = 61 years old
 Annuity factor for age 61 = 0.0084149
 Present value of single life benefit = \$1786.57/0.0084149 = \$212,310.31

Step 3 The department then determines the present value of your ex-spouse's share by dividing your ex-spouse's monthly benefit amount (as awarded in the dissolution order) by your ex-spouse's annuity factor. The annuity factor is the factor for your ex-spouse's age as of date of the split.

Example:

Ex-spouse's monthly benefit amount = \$1000
 Ex-spouse's age at time of the split = 67
 Annuity factor for age 67 = 0.0095028
 Present value of your ex-spouse's monthly benefit = \$1000/0.0095028 = \$105,232.14

Step 4 Next, the department subtracts your ex-spouse's present value from the single life benefit present value. The result is the present value of the benefit you will receive.

Example:

Present value of single life benefit = \$212,310.31
 Less present value of ex-spouse's benefit = -105,232.14

PERMANENT

Your present value = \$107,078.17

Step 5 The department determines your new monthly benefit amount by multiplying your present value by your annuity factor.

Example:

Your present value = \$107,078.17

Annuity factor = 0.0084149

Your new monthly benefit amount = \$107,078.17 x 0.0084149 = \$901.05

(b) The department determines the percentage of the total present value each of you will receive by dividing each of your present value amounts by the single life benefit present value amount.

Example:

Your percentage of the single life benefit present value: \$107,078.17/\$212,310.31 = .5043

Your ex-spouse's percentage of the single life benefit present value: \$105,232.14/\$212,310.31 = .4957

(9) What language must be used in a property division dissolution order or amendment that is accepted by the department AFTER my retirement?

(a) The order must include the language provided below. Do *not* use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's monthly benefit must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create an account for _____ (ex-spouse) in the _____ (name of retirement system and plan) and pay him or her \$ _____ (amount) as a monthly benefit payment for his or her life. To pay for this benefit, _____'s (retiree's) monthly retirement benefit payment will be reduced for his or her life. If (retiree) has any unused contributions remaining in his or her account, \$ _____ (amount) shall be transferred to _____'s (ex-spouse's) account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(b) If the member is in PERS Plan 1 or TRS Plan 1, the amount of service credit awarded to the ex-spouse must be specified in the order if he or she is entitled to a portion of gainsharing payments and cost-of-living adjustments. Because gainsharing payments and cost-of-living adjustments are based on service credit, the following paragraph must be included:

If _____ (ex-spouse) receives a monthly retirement payment, the department shall use _____ (number) months of service credit to calculate future gainsharing payments, if any, and cost-of-living adjustments when he or she becomes eligible.

(10) Is there a maximum payment amount that the department will pay to my ex-spouse? Yes. See RCW 41.50.670(4) or WAC 415-02-500(10) for information.

(11) Can I amend an existing order that has awarded an interest in my account to my ex-spouse under WAC 415-02-520 and remove my ex-spouse as my survivor beneficiary? Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the court order splitting your account. A conformed copy is a

copy of the order that has been signed by the judge or commissioner on or after July 1, 2003, and filed with the court. Removing your ex-spouse as survivor beneficiary will change your retirement benefit. See WAC 415-02-520((8)) (9) for the language that must be used.

Example:

Julio and May were married when Julio retired. Julio chose survivor Option 2 (joint and one hundred percent survivorship) when he retired. This meant that if Julio died, May would receive monthly survivor benefits. Two years after Julio's retirement, the couple divorced. The court awarded "one hundred percent of retirement benefits" to Julio. Julio later learned that this award did not change the survivor option. Julio can return to court and obtain an order stating that May is to receive "\$0" as the dollar amount for her separate monthly benefit. The order must use the language in WAC 415-02-520(8) and be signed by the court no sooner than July 1, 2003.

(12) How much is the fee the department charges for making payments directly to my ex-spouse? See RCW 41.50.680 and WAC 415-02-500(11) for information.

(13) What happens if I transfer to Plan 3 after the property division dissolution order has been filed with the department? See WAC 415-02-550 for information.

(14) Terms used:

(a) Department's acceptance - Order that fully complies with the department of retirement systems requirements and RCW 41.50.500.

(b) Dissolution order - RCW 41.50.500.

(c) Ex-spouse - WAC 415-02-030.

(d) LEOFF - Law enforcement officers' and fire fighters' system.

(e) PERS - Public employees' retirement system.

(f) Plan 3 retirement systems - WAC 415-111-100.

(g) SERS - School employees' retirement system.

(h) Split account - WAC 415-02-030.

(i) Survivor benefits - WAC 415-02-030.

(j) TRS - Teachers' retirement system.

(k) Vested - The length of service, by system and plan, required to receive a service retirement when age requirements are met.

(l) WSPRS - Washington state patrol retirement system.

Footnotes to section:

¹ When a court splits your retirement account, the department will establish a separate account for your ex-spouse. Once the account is established, your account and your ex-spouse's account are not tied in any way.

² If an ex-spouse was not listed as the member's survivor beneficiary at retirement, then no postretirement property division dissolution order (or postretirement amendment) may split the member's retirement account using WAC 415-02-520.

WSR 04-09-068
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. UT-030964, General Order No. R-513—Filed April 19, 2004, 1:35 p.m.]

In the matter of the petition of Qwest Corporation, to amend WAC 480-120-146 Changing service providers from one local exchange company to another.

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 04-03-117, filed with the code reviser on January 21, 2004. The commission brings this proceeding pursuant to RCW 80.01.040, 80.04.160, and 34.05.330.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule on the date that this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments.

5 The commission often includes a discussion of those matters in its rule adoption order. In addition, most rule-making proceedings involve extensive work by commission staff that includes summaries in memoranda of stakeholder comments, commission decisions, and staff recommendations in each of those areas.

6 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented, where not inconsistent, by the staff memoranda presented at the adoption hearing and at the open meetings where the commission considered whether to begin a rule making and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

7 REFERENCE TO AFFECTED RULES: This rule amends the following section of the Washington Administrative Code:

WAC 480-120-146 Changing service providers from one local exchange company to another.

- *Adopts by reference the Federal Communications Commission (FCC) rule governing local number portability (LNP), 47 C.F.R. §52.26, which in turn adopts the North American Numbering Council (NANC) recommendations on LNP, "Working Group Report," dated April 25, 1997, with certain qualifications and additions, for when a customer migrates from one local exchange to another and LNP is requested. Amendments also address situations where LNP is not invoked.*

- *Adds cross-reference to WAC 480-120-999 (Adoption by Reference) for the effective date of 47 CFR §52.26.*

8 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: No preproposal statement of inquiry was filed because this proposal is exempt from the requirement to issue a preproposal statement of inquiry (CR-101) pursuant to RCW 34.05.330 (1)(b) as this proceeding began as a petition for rule making. However, commission staff worked with Qwest to develop the proposed rule language amending WAC 480-120-146 that is included in the Qwest petition. AT&T, Time Warner, and XO also participated in the discussions.

9 NOTICE OF PROPOSED RULE MAKING: The commission filed a notice of proposed rule making (CR-102) on August 1, 2003, at WSR 03-16-063. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 03-16-063 at 9:30 a.m., Wednesday, October 22, 2003, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice advised interested persons of the proposed revisions to WAC 480-120-146 initiated by the Qwest petition for rule making. The commission informed persons of the rule proposal by providing notice of the proposal and the CR-102 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all registered telecommunications companies and the commission's list of telecommunications attorneys. The notice provided interested persons the opportunity to submit written comments to the commission, and set a date for a stakeholder discussion.

10 COMMENTS (WRITTEN AND ORAL COMMENTS): Sprint, AT&T, Verizon and Eschelon submitted written comments on the rule proposal. Qwest, Sprint, AT&T, and MCI participated in the stakeholder discussion held on October 2, 2003. The stakeholders agreed that the original CR-102 proposal should be rewritten to reflect national standards as adopted by the FCC in order to permit flexibility to carriers by offering several different methods to achieve Local Exchange Company (LEC) migration via LNP.

11 On October 22, 2003, the commission continued the rule-making hearing to December 10, 2003, to allow the stakeholder group and staff to draft a new rule proposal that would reflect national standards. On December 10, 2003, the commission continued the rule-making hearing to January 14, 2004, to allow the stakeholders and staff the opportunity to complete their collaborative rule drafting process. On January 14, 2004, the commission directed the filing of a supplemental CR-102 as provided in RCW 34.05.340 to accommodate the new collaborative rule proposal, which differed substantially from the Qwest proposal, but which Qwest and all other participants supported.

12 NOTICE OF SUPPLEMENTAL PROPOSED RULE MAKING: The commission filed a supplemental notice of proposed rule making (supplemental CR-102) on January 21, 2004, at WSR 04-03-117. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 04-03-117 at 9:30 a.m., Wednesday, March 24, 2004, in the Commission's Hearing Room, Second Floor, Chandler Plaza

Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice invited comment on the new rule proposal.

13 Qwest and AT&T filed written comments supporting the rule revisions submitted with the supplemental CR-102.

14 **RULE-MAKING HEARING:** The rule proposal was considered for adoption, pursuant to the notice, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on March 24, 2004, before Commissioner Richard Hemstad and Commissioner Patrick J. Oshie. The commission heard oral comments from Tom Wilson, representing commission staff. No other interested person made oral comments.

15 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission adopted the rule amendments as noticed at WSR 04-03-117 with the changes described below.

16 **CHANGES FROM PROPOSAL:** The commission adopted the proposal with the following changes from the text noticed at WSR 04-03-117.

- The commission added language to clarify that 47 C.F.R. §52.26 adopts the North American Numbering Council (NANC) recommendations on local number portability administration, "Working Group Report," dated April 25, 1997, with certain qualifications and additions.
- The commission added a cross reference to the commission's adoption by reference rule for telephone companies, WAC 480-120-999, for the effective date for 47 C.F.R. §52.26. The commission annually reviews its adoption by reference rules for each industry to update references to materials cited in rules

17 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the commission determines that WAC 480-120-146 should be amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

ORDER

18 THE COMMISSION ORDERS:

19 WAC 480-120-146 is amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after filing with the code reviser pursuant to RCW 34.05.380 (2).

20 This order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 19th day of April 2004.

Washington Utilities and Transportation Commission
Richard Hemstad, Commissioner
Patrick J. Oshie, Commissioner

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-146 Changing service providers from one local exchange company to another. ~~((When a customer changes service providers from one local exchange company (LEC) to another, the LEC providing existing service to the customer must not discontinue service until it receives confirmation of activation of new service from the new service provider. The LEC providing new service must supply prompt notice of activation.))~~ When a customer migrates from one local exchange company (LEC) to another, where applicable, the carriers involved must perform local number portability (LNP) in compliance with the Federal Communications Commission (FCC)-approved method and time frame for disconnecting that service following the scheduled port under Title 47, Chapter I, Part 52.26 of the Code of Federal Regulations. Part 52.26 adopts the North American Numbering Council (NANC) recommendations on local number portability administration, "Working Group Report" with certain qualifications and additions. The effective date for 47 CFR §52.26 is stated in WAC 480-120-999.

When the underlying carrier is providing local exchange services for resale by a LEC and then facilitates migration of that service to another LEC or back to itself, the underlying carrier shall notify the old LEC when the customer's service has been transferred.

The requirements of this section do not apply if the customer submitted the cancellation order directly to the LEC providing existing service.

WSR 04-09-084

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed April 20, 2004, 10:51 a.m.]

Date of Adoption: April 20, 2004.

Purpose: This rule-making order amends chapter 16-402 WAC by adding language that fulfills the mandate in RCW 15.13.260(2) to adopt standards for the marking or tagging of horticultural plants offered for sale in Washington state. In addition, this rule-making order adds language regarding horticultural plants not in compliance with tagging requirements,

corrects an erroneous RCW reference, retitles the chapter so the title more accurately describes the chapter's contents, and clarifies existing language so that it is easier to read and understand.

Citation of Existing Rules Affected by this Order: Amending WAC 16-402-010 and 16-402-020.

Statutory Authority for Adoption: Chapters 15.13 and 34.05 RCW.

Adopted under notice filed as WSR 04-06-083 on March 3, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 2, 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 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 2004

Valoria H. Loveland
Director

Chapter 16-402 WAC

~~((FREEDOM FROM INFESTATION BY))~~ PLANT PEST(S) INFESTATIONS AND PLANT LABELING

AMENDATORY SECTION (Amending WSR 98-17-069, filed 8/17/98, effective 9/17/98)

WAC 16-402-010 Definitions. The definitions in this section shall apply throughout this chapter.

"Collected horticultural plant" means a noncultivated native plant, collected in its native habitat and sold for horticultural purposes.

~~((1))~~ "Department" means the Washington state department of agriculture.

~~((2))~~ "Director" means the director of the Washington state department of agriculture or the director's duly authorized representative.

~~((3))~~ "Established" means a reproducing population of a pest that is expected to have a permanent presence.

~~((4))~~ "Harmful" means injurious or potentially injurious to horticultural plants.

~~((5)) "Quarantine pest" means any pest listed in current Washington state quarantines as promulgated in chapter 17.24 RCW.~~

~~((6))~~ "Practically free" means horticultural plants which do not exceed:

(a) A 2% infestation level; or

(b) An infestation in an amount expected to result from and be consistent with good culturing and handling practices employed in the production and marketing of the horticultural plants.

"Quarantine pest" means any pest listed in current Washington state quarantines as promulgated in chapter 17.24 RCW.

"Tag" means to identify a horticultural plant or a group of horticultural plants by a bill of lading, invoice, label or other package marking.

"Unit of sale" means a group of the same plant variety or of mixed varieties placed together at a specific site for retail sale.

AMENDATORY SECTION (Amending WSR 98-17-069, filed 8/17/98, effective 9/17/98)

WAC 16-402-020 Compliance with standards required. (1) Horticultural plants sold, held for sale, shipped or transported in the state must comply with the standards described in ~~((this chapter))~~ WAC 16-402-015.

(2) The director may deny, suspend or revoke the license of any person selling, holding for sale, shipping or transporting horticultural plants in violation of this ~~((chapter))~~ standard, pursuant to RCW ~~((15-13-350))~~ 15.13.490. The director may also issue civil penalties in accordance with RCW 15.13.490 for violations of this ~~((chapter))~~ standard.

(3) Any horticultural plant sold, held for sale, shipped or transported in violation of ~~((this chapter))~~ WAC 16-402-015 shall be subject to a hold order, issued pursuant to RCW 15.13.430, or an order of condemnation, issued pursuant to RCW 15.13.440. Upon issuance of a hold order or an order of condemnation, the seller or holder of the plant material is entitled to request a hearing under chapter 34.05 RCW.

(4) The department shall issue a nursery inspection record or other official document(s) certifying compliance to ~~((this chapter))~~ WAC 16-402-015.

NEW SECTION

WAC 16-402-030 Standards for plant labeling. (1) Nursery dealers transporting horticultural plants into the state must legibly tag or identify each species or variety of plant in the shipment in a conspicuous manner with the botanical name and/or the common name.

(2) Nursery dealers displaying horticultural plants for retail sale must tag or identify each variety or species of each unit of sale in a conspicuous manner with the botanical name, and/or the common name, or provide this information to any person upon request.

This requirement does not apply to containers or baskets with mixed species of perennials, annuals or biennials.

(3) Nursery dealers must tag or identify collected horticultural plants with the botanical name, the common name and designate the plants as collected.

(4) To determine compliance with state and federal quarantines, the botanical name of each horticultural plant transported or sold in the state must be made available to the director upon request.

NEW SECTION

WAC 16-402-040 Horticultural plants not in compliance. Pursuant to RCW 15.13.410, the director may order any horticultural plant, not properly tagged or identified, off sale or returned to the consignor for proper tagging. Upon issuance of an order requiring horticultural plants to be removed from sale or returned to the consignor, the seller or holder of the plant material is entitled to request a hearing under chapter 34.05 RCW.

WSR 04-09-085
PERMANENT RULES
PUBLIC WORKS BOARD

[Filed April 20, 2004, 11:19 a.m.]

Date of Adoption: April 20, 2004.

Purpose: Removes minimum matching fund requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 399-30-060.

Statutory Authority for Adoption: RCW 43.155.040(4).

Adopted under notice filed as WSR 04-05-024 on February 10, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 2004

Mike Woods

Program Resources Manager

AMENDATORY SECTION (Amending WSR 98-24-010, filed 11/19/98, effective 12/20/98)

WAC 399-30-060 Loan and financing guarantee contracts. (1) The board will only execute loan agreements or otherwise financially obligate funds from the public works assistance account after the legislature approves the list and accompanying appropriation.

(2) After the legislature has appropriated funds from the public works assistance account for a specific list of public works projects, the loan funds will be disbursed to the applicant local government through a contract. The contract will offer terms and conditions as the board determines are reasonable, based on the following standards:

~~(a) The amount loaned to a local government must not exceed ninety percent of eligible proposed project costs.~~

~~(b) (a) The local government's financial participation funds must be from locally generated revenues or federal or state shared revenues that can be allocated at the discretion of the local government.~~

~~(c) (b) The interest rates, and local share requirements and loan limits for loans will be determined annually by the board.~~

~~(d) (c) Loans must not exceed twenty years, or the useful life of the improvements, whichever is shorter.~~

(3) The local government and the department must execute a final contract before any funds are disbursed.

(4) The local government must complete a scope of work form for a loan or financing guarantee and return it to the department within ninety days after the department offers a loan or financing guarantee.

(5) The local government must execute any loan or financing guarantee contracts offered within ninety days after the department offers the contract.

(6) The local government must begin work on a public works project prior to October 1 of the year in which the loan or financing guarantee is offered.

(7) The local government must complete work on the public works project within the time specified in the loan agreement, unless a written request for extension is approved by the board.

(8) The board or department will not reimburse local governments for any funds spent on public works projects financed through the public works assistance account before a contract agreement has been formally executed. Funds spent before the contract is executed may be used toward local participation requirements if they are for eligible activities under WAC 399-30-030 and are consistent with the executed loan agreement.

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

WSR 04-09-092

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed April 20, 2004, 4:18 p.m.]

Date of Adoption: April 15, 2004.

Purpose: To implement SSB 5579 (chapter 231, Laws of 2003). SSB 5579 requires the department to change its current bid hold process to the process described in the bill.

Subsection (4) of new section WAC 388-105-0045 has been deleted because it conflicts with section 13, chapter 142, Laws of 2004.

Citation of Existing Rules Affected by this Order: Amending WAC 388-105-0005, 388-105-0030, and 388-105-0040.

Statutory Authority for Adoption: RCW 74.39A.030; chapter 231, Laws of 2003.

Adopted under notice filed as WSR 04-06-075 on March 3, 2004.

Changes Other than Editing from Proposed to Adopted Version: Subsection (4) in the proposed new WAC 388-105-0045 has been deleted from the rule as adopted. See Purpose above.

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 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 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 3, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 15, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-22-058, filed 10/31/02, effective 12/1/02)

WAC 388-105-0005 What are the daily Medicaid payment rates for contracted adult family home (AFH), adult residential care (ARC), and enhanced adult residential care (EARC) services? For contracted AFH, ARC, and EARC services, the department pays the following daily rates for care of a Medicaid resident:

Four level payment system rates for AFHs, ARCs, & EARCs			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$ ((46.06)) 45.70	\$ ((44.79)) 44.43	\$ ((44.79)) 44.43
Level 2	\$ ((49.28)) 48.65	\$ ((51.52)) 50.89	\$ ((56.97)) 56.34
Level 3	\$ ((57.07)) 56.32	\$ ((59.51)) 58.76	\$ ((65.76)) 65.01
Level 4	\$ ((68.15)) 67.75	\$ ((72.07)) 71.67	\$ ((78.31)) 77.91

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

AMENDATORY SECTION (Amending WSR 02-22-058, filed 10/31/02, effective 12/1/02)

WAC 388-105-0030 What are the daily Medicaid payment rates for contracted assisted living facilities ((ALF)) (AL) not receiving a capital rate add-on? For

contracted ((ALF)) (AL) services for care of a Medicaid resident, the department pays the following daily rates:

COPEs ((ALF)) (AL) Daily Payment Rates w/o Capital Add-on Rate			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$ ((54.84)) 54.48	\$ ((56.35)) 55.99	\$ ((61.03)) 60.67
Level 2	\$ ((61.14)) 60.51	\$ ((62.92)) 62.29	\$ ((68.52)) 67.89
Level 3	\$ ((67.54)) 66.79	\$ ((69.90)) 69.15	\$ ((76.46)) 75.71

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

AMENDATORY SECTION (Amending WSR 02-22-058, filed 10/31/02, effective 12/1/02)

WAC 388-105-0040 What are the daily capital add-on rates for assisted living facilities ((ALF)) (AL) and the ((ALF)) (AL) daily payment rates with a capital add-on rate? For an ((ALF)) (AL) that qualifies for a capital add-on rate, the department will add the following amount to the per resident day payment rates in WAC 388-105-0030:

COPEs ((ALF)) (AL) Add-on Rate July 1, 2002			
	Non-metropolitan	Metropolitan*	King Co.
	\$ 4.68	\$ 4.39	\$ 4.84

COPEs ((ALF)) (AL) Daily Payment Rates with a Capital Add-on Rate			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$ ((59.52)) 59.16	\$ ((60.74)) 60.38	\$ ((65.87)) 65.51
Level 2	\$ ((65.82)) 65.19	\$ ((67.34)) 66.68	\$ ((73.36)) 72.73
Level 3	\$ ((72.22)) 71.47	\$ ((74.29)) 73.54	\$ ((81.30)) 80.55

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

NEW SECTION

WAC 388-105-0045 Bed or unit hold Medicaid resident discharged for a hospital or nursing home stay from an adult family home (AFH) or a boarding home with an adult residential care services (ARC), enhanced adult residential care services (EARC), or assisted living services (AL) contract. (1) When an AFH, ARC, EARC, or AL contracts to provide services under chapter 74.39A RCW, the AFH, ARC, EARC, and AL provider must hold a Medicaid eligible resident's bed or unit when:

(a) Short-term care is needed in a nursing home or hospital;

(b) The resident is likely to return to the AFH, ARC, EARC, or AL; and

(c) Payment is made under subsection (3) of this section.

(2) When the department pays the provider to hold the Medicaid resident's bed or unit during the resident's short-term nursing home or hospital stay, the provider must hold the unit or bed for up to twenty days.

(3) The department will compensate the provider for holding the bed or unit for the:

(a) First through seventh day at seventy percent of the daily rate paid for care of the resident before the hospital or nursing home stay; and

(b) Eighth through the twentieth day, at ten dollars and forty-three cents a day.

(4) If third-party payment is not available and the returning Medicaid resident continues to meet the admission criteria under chapter 388-71 WAC, the Medicaid resident may return to the first available and appropriate bed or unit.

(5) The department's social worker or case manager determines whether the:

(a) Care given in a nursing home or hospital will be short-term; and

(b) Resident is likely to return to the AFH, ARC, EARC, or AL facility.

(6) When the department's social worker or case manager determines that the Medicaid resident's stay in the nursing home or hospital is not short-term and the resident is unlikely to return to the AFH, ARC, EARC, or AL facility, then this section does not apply to any private contractual arrangements that the provider may make with a third party in regard to the discharged resident's unit or bed.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made in rules as adopted compared to the proposed rules, as a result of comments received. New wording is underlined, and deleted wording is lined-through.

WAC 388-295-0070, subsections (1)(a) through (c):

(1) You, your staff and volunteers must have the following personal characteristics in order to operate or work in a child care facility:

(a) The understanding, ability, physical health, emotional stability, good judgment and personality suited to meet the physical, intellectual, mental, emotional and social needs of the children ~~under your~~ in care;

(b) Be qualified by our background inquiry check prior to having unsupervised access to children. To "be qualified" means ~~that you have not~~ having been convicted of, or have charges pending for, crimes posted on the DSHS secretary's list of permanently disqualifying convictions for ESA. You can find the complete list at <http://www.dshs.wa.gov/esa/dccel/policy.shtml>. This includes ~~you~~ not having committed or been convicted of child abuse or any crime involving harm to another person; and

(c) Be able to furnish the child in ~~your~~ care with a healthy, safe, nurturing, respectful, supportive and responsive environment...

WAC 388-295-3010, subsection (1)(d):

(d) Reviewed, ~~and~~ signed and dated by a physician a physician's assistant or registered nurse when you change your policies and procedures or type of care that you provide, or at least every three years when you are due for re-licensing...

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 19, 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 19, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 15, 2004

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 04-10 issue of the Register.

WSR 04-09-093
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed April 20, 2004, 4:20 p.m.]

Date of Adoption: April 15, 2004.

Purpose: The Department of Social and Health Services' Economic Services Administration (ESA) is revising sections of chapter 388-295 WAC to correct errors made in the most recent rule filing, and to make other sections more clear.

Citation of Existing Rules Affected by this Order: Amending WAC 388-295-0020, 388-295-0060, 388-295-0070, 388-295-0090, 388-295-0100, 388-295-0110, 388-295-1070, 388-295-1110, 388-295-2010, 388-295-2090, 388-295-2100, 388-295-3010, 388-295-4010, 388-295-4100, 388-295-5030, 388-295-5150, 388-295-7010, 388-295-7040, and 388-295-7050.

Statutory Authority for Adoption: Chapters 74.12 and 74.15 RCW.

Adopted under notice filed as WSR 04-05-084 on February 17, 2004.

WSR 04-09-099
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 20, 2004, 4:43 p.m., effective September 1, 2004]

Date of Adoption: April 20, 2004.

Purpose: Chapter 296-829 WAC, Helicopters used as lifting machines; chapter 296-24 WAC, General safety and health standards; and chapter 296-155 WAC, Safety standards for construction workers.

The helicopter rules in chapter 296-24 WAC, General safety and health standard and chapter 296-155 WAC, Safety standards for construction workers, were rewritten and reorganized for clarity and ease of use for employers and employees. The two sections have become one rule and placed into new chapter 296-829 WAC, and repealed from chapters 296-24 and 296-155 WAC. This rule making is part of our clear rule-writing initiative to rewrite for clarity all of the safety and health rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-24-260, 296-155-575, and 296-155-576.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 04-01-157 on December 22, 2003.

Changes Other than Editing from Proposed to Adopted Version: Corrected a typo to the word turbine.

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 13, Amended 0, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 13, Amended 0, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 13, Amended 0, Repealed 3.

Effective Date of Rule: September 1, 2004.

April 20, 2004
 Paul Trause
 Director

Chapter 296-829 WAC

HELICOPTERS USED AS LIFTING MACHINES

NEW SECTION

WAC 296-829-100 Scope. Chapter 296-829 WAC applies to helicopters when used to carry loads, suspended with a cargo sling, powered hoist, or other attaching methods.

Exemption: This chapter does not apply to the use of helicopters:
 • In the logging industry.
 • For rescue operations when a winch or hoist is used.

NEW SECTION

WAC 296-829-200 Design and installation requirements for helicopters.

Summary:

Your responsibility:

To make sure your helicopters meet design specifications and are equipped properly.

You must:

Follow Federal Aviation Administration (FAA) requirements

WAC 296-829-20005.

Install and test hooks on helicopters correctly

WAC 296-829-20010.

NEW SECTION

WAC 296-829-20005 Follow Federal Aviation Administration (FAA) requirements.

You must:

• Make sure helicopter cranes and their use meet the applicable requirements of the Federal Aviation Administration (FAA).

NEW SECTION

WAC 296-829-20010 Install and test hooks on helicopters correctly.

You must:

• Make sure electrically operated cargo hooks are:
 – Designed and installed to prevent accidental operation.
 – Equipped with an emergency mechanical control to release the load.

• Make sure a competent person tests all hooks before each day's operation to make sure both the electrical and mechanical releases work properly.

NEW SECTION

WAC 296-829-300 Maintenance.

Summary:

Your responsibility:

To keep helicopters in safe operating condition.

You must:

Keep landing and deposit areas safe

WAC 296-829-30005.

Follow safe refueling procedures

WAC 296-829-30010.

NEW SECTION

WAC 296-829-30005 Keep landing and deposit areas safe.

You must:

(1) Make sure precautions are taken to prevent loose objects from being caught in the downwash and flying around.

• Secure or remove all loose gear:

- Within one hundred feet of lift and deposit areas.
- In all other areas affected by rotor downwash.
- (2) Make sure employees do not work under hovering craft, except where necessary to hook or unhook loads.
- (3) Make sure safe access and exit, including an emergency escape route, is provided for employees who hook or unhook loads.
- (4) Prohibit open fires in any area that could be affected by the rotor downwash.
- (5) Make sure unauthorized people do not go within fifty feet of the helicopter when the rotor blades are turning.
- (6) Make sure all employees:
 - Stay in full view of the pilot, in a crouched position, when approaching or leaving a helicopter with rotating blades.
 - Stay away from the area behind the cockpit or cabin unless the operator authorizes them to work there.
- (7) Take precautions to eliminate reduced visibility.
- (8) Make sure ground personnel take special care to stay clear of rotors when visibility is reduced by dust or other conditions.

NEW SECTION**WAC 296-829-30010 Follow safe refueling procedures.****You must:**

- Make sure refueling areas are safe.
 - Post "NO SMOKING" signs at all entrances to the refueling area.
 - Provide at least one thirty-pound fire extinguisher, or a combination totaling thirty pounds, good for class A, B, and C fires, within one hundred feet on the upwind side of the refueling operation.

Reference: For additional requirements relating to portable fire extinguishers, see WAC 296-800-300 in the safety and health core rules.

You must:

- Make sure workers involved in refueling are trained in both:
 - The refueling operation;
- AND**
- The use of fire extinguishing equipment they may need.
 - Make sure the following precautions are taken before and during refueling:
 - Keep unauthorized people at least fifty feet away from the refueling operation or equipment.
 - Prohibit smoking and open flames within fifty feet of the refueling area or fueling equipment.
 - Make sure helicopter engines are shut down before refueling, if using aviation gasoline or jet B type fuel.
 - Pump fuel, either by hand or power.
 - Use self-closing nozzles or deadman controls:
 - Do not allow these to be blocked open.
 - Make sure nozzles are not dragged along the ground.
 - Make sure the helicopter and the fueling equipment are grounded.
 - Electrically bond the fueling nozzle to the helicopter:
 - Do not use conductive hose for this bonding.
 - Make sure all grounding and bonding connections are:

- Electrically and mechanically firm.
- On clean unpainted metal parts.
- Stop fueling **immediately** if there is a spill:
 - Do not continue operation until the person in charge has determined it is safe.

NEW SECTION**WAC 296-829-400 Operating the helicopter.****Summary:****Your responsibility:**

To make sure helicopters are operated safely.

You must:

- Hold daily briefings
WAC 296-829-40005.
- Make sure employees are dressed correctly
WAC 296-829-40010.
- Make sure loads are attached correctly
WAC 296-829-40015.
- Make sure the load is handled correctly
WAC 296-829-40020.

NEW SECTION**WAC 296-829-40005 Hold daily briefings.****You must:**

- Make sure the helicopter pilot and ground personnel hold a briefing before each day's operation to discuss cargo-handling plans.

NEW SECTION**WAC 296-829-40010 Make sure employees are dressed correctly.****You must:**

- Make sure employees receiving the load:
 - Do NOT wear loose-fitting clothes that could snag on the hoist line.
 - Wear personal protective equipment (PPE), including complete eye protection and hard hats that are secured by chin straps.

Reference: For other requirements relating to PPE, see WAC 296-800-160 in the safety and health core rules.

NEW SECTION**WAC 296-829-40015 Make sure loads are attached correctly.****You must:**

- Make sure loads are properly slung so tag lines cannot be drawn up into rotors.
- Make sure precautions are taken on all freely suspended loads to keep hand splices from spinning open or cable clamps from loosening, such as using pressed sleeves or swedged eyes.
 - Make sure the weight of the load does not exceed the manufacturer's load ratings.
 - Make sure hoist wires and other gear are **not** attached to or allowed to catch on any fixed structure.

Exemption: This requirement does not apply to pulling lines or conductors that "pay out" from a container or reel.

NEW SECTION

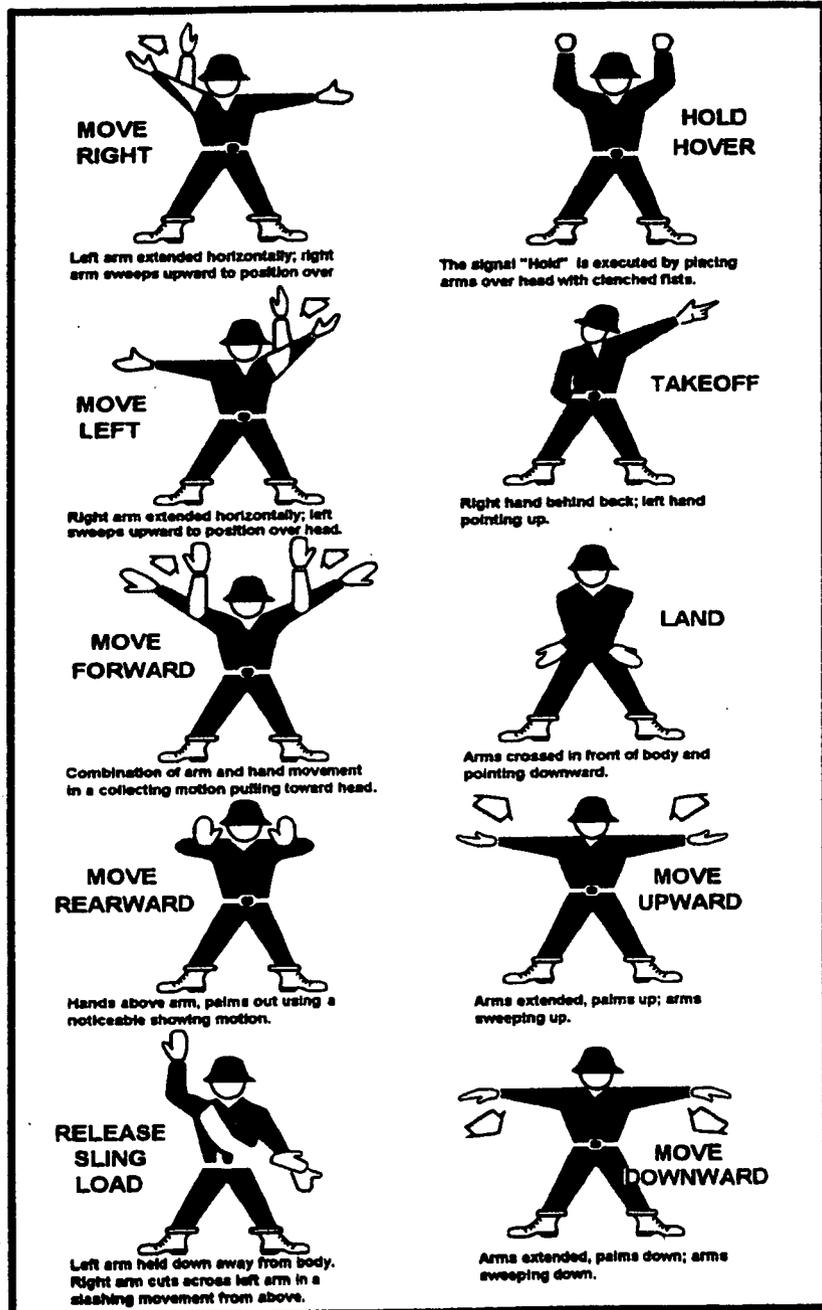
WAC 296-829-40020 Make sure the load is handled correctly.

You must:

- Make sure signal systems, whether radio or hand signals, are checked before hoisting the load:
- When using hand signals, use those shown in Figure 1.

- Make sure workers on the ground do **either** of the following before touching the suspended load:
 - Use a ground device to safely discharge any static charge;
 - OR
 - Put on and wear rubber gloves.
- Make sure there are enough employees for safe loading and unloading operations.
- Make sure constant communications are maintained between the pilot and signal person:
 - The signal person must be distinctly recognizable from other ground personnel.

HELICOPTER HAND SIGNALS



PERMANENT

NEW SECTION

WAC 296-829-500 Definitions.

Aviation gasoline

Gasoline fuel for reciprocating piston engine helicopters, also known as avgas.

Cargo hook

A device attached to a helicopter that is used to hold suspended loads.

Competent person

One who is capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Deadman controls

A control, switch or device that will automatically shut off whenever the operator releases it.

Deposit area

An area that is designated for dropping off and picking up suspended loads.

Downwash

The wind created by the rotating blades of a helicopter.

Ground device

A device used to dissipate the static electricity charge that has built up on a suspended load.

Helicopter crane

A helicopter that carries cargo or equipment suspended underneath it.

Jet A type fuel

A kerosene grade fuel suitable for helicopters with turbine engines.

Jet B type fuel

A blend of gasoline and kerosene fuel.

Powered hoist

A powered device designed to lift and lower equipment and cargo.

Tag line

A line or rope used to control suspended loads that can swing freely.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-24-260 Helicopters.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-155-575 Helicopters and helicopter cranes.

WAC 296-155-576 Figure L-1.

WSR 04-09-100

PERMANENT RULES

**DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed April 20, 2004, 4:45 p.m., effective July 1, 2004]

Date of Adoption: April 20, 2004.

Purpose: Medical aid rules—Conversion factors and maximum daily fees, WAC 296-20-135, 296-23-220, and 296-23-230. Medical aid updates regarding rate setting for most professional health care services for injured workers. These updates also impact rates for health care services provided to crime victims.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-135, 296-23-220, and 296-23-230.

Statutory Authority for Adoption: RCW 51.04.020(1) and 51.04.030.

Adopted under notice filed as WSR 04-05-075 on February 17, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: July 1, 2004.

April 20, 2004

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 03-14-043, filed 6/24/03, effective 8/1/03)

WAC 296-20-135 Conversion factors. (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services have a conversion factor of ~~(((\$50.58))~~ \$50.63. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of ~~(((\$2.80))~~ \$2.81 per minute, which is equivalent to ~~(((\$42.00))~~ \$42.15 per 15 minutes. The base units and payment policies can be found in the fee schedules.

PERMANENT

AMENDATORY SECTION (Amending WSR 03-14-043, filed 6/24/03, effective 8/1/03)

WAC 296-23-220 Physical therapy rules. Practitioners refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. Doctors rendering physical therapy should refer to WAC 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ((~~\$103.65~~) \$104.12) whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diaphuse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment

provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 03-14-043, filed 6/24/03, effective 8/1/03)

WAC 296-23-230 Occupational therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ((~~\$103.65~~) \$104.12) whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

WSR 04-09-106

PERMANENT RULES

WESTERN WASHINGTON UNIVERSITY

[Filed April 21, 2004, 10:50 a.m.]

Date of Adoption: April 19, 2004.

Purpose: To provide a new section on waivers of tuition and fees and general housekeeping measures.

Citation of Existing Rules Affected by this Order: Amending chapter 516-60 WAC, Admission and registration procedures.

Statutory Authority for Adoption: RCW 28B.35.-120(12).

Adopted under notice filed as WSR 04-03-073 on January 16, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 2004

Suzanne M. Baker
Rules Coordinator

admissions and registration shall be published annually in the appropriate university catalog and shall be considered contractual between the student and the university. The catalog is defined as *Western Washington University Bulletin*.

NEW SECTION

WAC 516-60-010 Waivers of tuition and fees. (1) The board of trustees is authorized to grant tuition and fee waivers to students pursuant to RCW 28B.15.910 and the laws identified therein. Each of these laws, with the exception of those required by law, authorizes but does not require the board of trustees to grant waivers for different categories of students and provides for waivers of different fees. The board of trustees or its delegate must affirmatively act to implement the legislature's grant of authority. A list of waivers that the board has implemented can be found in the *Bulletin, Timetable of Classes*, university website, or any subsequently adopted publication.

(2) Even when it has decided to implement a waiver listed in RCW 28B.15.910, the university, for specific reasons and a general need for flexibility in the management of its resources, may choose not to award waivers to any or all students who may be eligible under the terms of the laws, or it may decide to grant partial waivers. The university's description of the factors it may consider to adjust a waiver program to meet emergent or changing needs is found in subsection (5) of this section. All waivers are subject to subsection (5) of this section.

(3) The board of trustees also has the authority under RCW 28B.15.915 to grant waivers of all or a portion of operating fees as defined in RCW 28B.15.031. Waiver programs adopted under RCW 28B.15.915 are described in the sources identified in subsection (1) of this section. Waivers granted under RCW 28B.15.915 are subject to subsection (5) of this section.

(4) Tuition and fees for self-sustaining courses and programs cannot be waived.

(5) The university may modify its restrictions or requirements pursuant to changes in state or federal law, changes in programmatic requirements, or in response to financial or other considerations, which may include, but are not limited to, the need to adopt fiscally responsible budgets, the management of the overall levels and mix of enrollments, management initiatives to modify enrollment demand for specific programs and management decisions to eliminate or modify academic programs. The university may choose not to exercise the full funding authority granted under RCW 28B.15.910 and may limit the total funding available under RCW 28B.15.915, except for those waivers required by law.

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

WAC 516-60-001 Catalog. All dates and procedures established by the board of trustees or president relating to

WSR 04-09-001
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed April 7, 2004, 4:03 p.m.]

Effective Date of Rule: Immediately.

April 7, 2004
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Date of Adoption: April 7, 2004.

Purpose: This rule increases the standards based on the federal poverty level (FPL) effective April 1, 2004, based on the standards published in the Federal Register, Vol. 69, No. 30.

This replaces the emergency rule filed as WSR 04-07-143 on March 22, 2004, that contained an incorrect effective date for the current FPL standards.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0075.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.057, 74.04.050, and 74.09.530.

Other Authority: Federal Register, Volume 69, Number 30; 42 U.S.C., Chapter 7.

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 increase in the FPL must be effective by April 1, 2004, to comply with federal requirements. Federal statute (42 U.S.C., chapter 7) requires states to use the annually adjusted federal poverty level (FPL) guidelines as the basis for determining financial eligibility standards for certain medical assistance programs.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

AMENDATORY SECTION (Amending WSR 03-15-088, filed 7/17/03, effective 7/17/03)

WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level (FPL). (1) The department bases the income standard upon the Federal Poverty Level (FPL) for the following medical programs:

- (a) Pregnant women's program up to one hundred eighty-five percent of FPL;
(b) Children's categorically needy program up to two hundred percent of FPL;
(c) Healthcare for workers with disabilities (HWD) up to two hundred twenty percent of FPL; and
(d) The state children's health insurance program (SCHIP) is over two hundred percent of FPL but under two hundred fifty percent of FPL.

(2) The department uses the FPL income standards to determine:

- (a) The mandatory or optional Medicaid status of an individual; and
(b) Premium amount, if any, for a Medicaid child.
(3) There are no resource limits for the programs under this section.

(4) Beginning ((April 1, 2003)) April 1, 2004, the monthly FPL standards are:

Table with columns: FAMILY SIZE, 100% FPL, 185% FPL, 200% FPL, 220% FPL, 250% FPL. Rows 1-10 and a summary row for 'Add to the ten-person standard for each person over ten:'.

Table with columns: FAMILY SIZE, 100% FPL Benchmark, 133% FPL, 150% FPL, 185% FPL, 200% FPL, 220% FPL, 250% FPL. Rows 1-8.

EMERGENCY

<u>FAMILY SIZE</u>	<u>100% FPL Benchmark</u>	<u>133% FPL</u>	<u>150% FPL</u>	<u>185% FPL</u>	<u>200% FPL</u>	<u>220% FPL</u>	<u>250% FPL</u>
9	\$2896	\$3852	\$4344	\$5358	\$5792	\$6371	\$7240
10	\$3161	\$4204	\$4742	\$5848	\$6322	\$6954	\$7903
<u>Add to the ten person standard for each person over ten:</u>							
	\$ 265	\$353	\$398	\$ 491	\$530	\$583	\$663

((3) There are no resource limits for the programs under this section.))

**WSR 04-09-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-70—Filed April 7, 2004, 4:41 p.m.]

Date of Adoption: April 7, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-35000S; and amending WAC 220-56-350.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation is needed to implement clam season changes adopted by the Fish and Wildlife Commission and are interim until permanent rules take effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 7, 2004
J. P. Koenings
Director

NEW SECTION

WAC 220-56-35000T Clams other than razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-350, effective immediately until further

notice, it is unlawful to take, dig for and possess clams, cockles, and mussels taken for personal use from the following public tidelands except during the open periods specified herein:

- (1) Brown Point (DNR 57-B): Open immediately through June 30.
- (2) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open April 15 through June 15.
- (3) Freeland County Park: Closed June 1 until further notice.
- (4) Point Whitney Lagoon: Open immediately through May 31.
- (5) Potlatch DNR tidelands: Open immediately through June 15.
- (6) Potlatch East: Open immediately through June 15.
- (7) Potlatch State Park: Open immediately through June 15.
- (8) South Indian Island County Park: Open immediately through June 30.
- (9) West Dewatto (DNR 44-A): Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-35000S	Clams other than razor clams—Areas and seasons. (04-48)
-------------------	---

**WSR 04-09-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-73—Filed April 7, 2004, 4:42 p.m., effective April 16, 2004, 6:00 a.m.]

Date of Adoption: April 7, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is 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 2004 state/tribal Strait of Juan de Fuca shrimp harvest management plan requires adop-

EMERGENCY

tion of harvest seasons and the prohibition on nighttime fishing contained in this emergency rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 16, 2004, 6:00 a.m.

April 7, 2004

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-05100P Puget Sound shrimp beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp beam trawl gear:

Crustacean Management Region 3 outside of the shrimp districts will open at 6:00 a.m. on April 16, 2004, until further notice.

(2) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

WSR 04-09-014

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Filed April 9, 2004, 4:35 p.m.]

Date of Adoption: April 9, 2004.

Purpose: Create annual fees and sign installation fees to allow the Department of Transportation to restart operation of the motorist information sign (MIS) program. The annual fees were authorized by authority granted to the department in section 218 of ESHB 2474, the Transportation Supplemental Budget Bill; chapter 229, Laws of 2004, PV. The revisions comply with the maximum fee limits also set forth in section 218.

Citation of Existing Rules Affected by this Order: Repealing WAC 468-70-085.

Statutory Authority for Adoption: Section 218 of ESHB 2474, the Transportation Supplemental Budget Bill; chapter 229, Laws of 2004, PV.

Other Authority: RCW 47.36.310 and 47.36.320.

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 MIS program has been operating in a limited manner since May of 2002. Few businesses have been able to join the program and little day-to-day maintenance of the logos signs and back panels has occurred. Recent legislation directs the department to raise fees, resume the program, and recover all costs associated [with] the program. By instituting the new fees the department can resume the MIS program and begin servicing businesses prior to in time for the busy summer travel season.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 1.

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.

April 9, 2004

John F. Conrad

Assistant Secretary

WSR 04-09-018

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 04-68—Filed April 12, 2004, 12:36 p.m., effective May 17, 2004, 3:00 p.m.]

Date of Adoption: April 8, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-03000U; and amending WAC 220-33-030.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation sets the standard shad commercial fishery in the lower Columbia River. Harvestable numbers of shad are expected in 2004. This rule is consistent with actions of the Columbia River compact hearing of February 5, 2004, and is consistent with requirements of the ESA. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 17, 2004, 3:00 p.m.

April 8, 2004

J. P. Koenings

Director

NEW SECTION

WAC 220-33-03000U Commercial shad—Columbia River. Notwithstanding the provisions of WAC 220-33-030, it is unlawful to take, fish for or possess shad taken for commercial purposes except as provided for in this section:

Fishing Periods:

Area: Area 2S. True north/south line through Light #50 near the mouth of the Sandy River upstream to the commercial fishing boundary near Beacon Rock.

Dates: Daily, 3:00 p.m. to 10:00 p.m. from:

May 17 - May 21, 2004

May 24 - May 28, 2004

June 1 - June 4, 2004

June 7 - June 11, 2004

June 14 - June 18, 2004

June 21 - June 25, 2004

Gear: Single-wall, unslacked, floater gill net, with breaking strength of less than 10 pounds. Mesh size: 5 3/8 inches to 6 1/4 inches. The net may not exceed 150 fathoms in length nor 40 meshes in depth.

Allowable Sale: During the fishing periods provided in this section, only shad may be kept and sold. All salmonids, walleye and sturgeon must be immediately returned to the water and those alive must be released unharmed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 10:01 p.m. June 25, 2004:

WAC 220-33-03000U Commercial shad—Columbia River.

**WSR 04-09-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-69—Filed April 12, 2004, 12:39 p.m., effective April 24, 2004, 12:01 a.m.]

Date of Adoption: April 8, 2004.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900V; 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: This regulation is necessary to open Wapato Lake the last Saturday in April through July 31, 2004, for the retention of trout. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 24, 2004, 12:01 a.m.

April 8, 2004

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900V Exceptions to stateside rules—Wapato Lake. Notwithstanding the provisions of WAC 232-28-619, effective April 24 through July 31, 2004, it is lawful to retain trout in those waters of Wapato Lake.

EMERGENCY

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2004:

WAC 232-28-61900V Exceptions to statewide rules—Wapato Lake.

WSR 04-09-020
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-74—Filed April 12, 2004, 12:41 p.m.]

Date of Adoption: April 8, 2004.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp is available in the area opened under this rule. Designation of the Port Townsend Bay shrimp district is necessary to clarify a WAC error. The closure is necessary as insufficient shrimp are available to conduct a fishery. Limiting the number of open days each week and hours per day in Marine Area 10 is needed to manage catch within allocations. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 8, 2004
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-32500K Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately, the following area shall be defined as a shrimp fishing district:

Port Townsend Shrimp District - All waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Hudson (including Kilisut Harbor).

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Port Townsend Shrimp District.

3) Effective 7:00 a.m., April 17, 2004, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 10, except as provided for in this section:

(a) Open on Saturdays and Thursdays only, from 7:00 a.m. to 3:00 p.m. All shrimp, including spot shrimp, may be retained on these open days.

WSR 04-09-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-77—Filed April 12, 2004, 12:43 p.m.]

Date of Adoption: April 9, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000B; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of hatchery salmon are available for an additional fishing period in select areas and impacts to ESA listed fish are expected to be within the guidelines that have been established. An interim management agreement signed in 2001 provides allocation of ESA impacts to upriver spring chinook to non-Indian fisheries, and Washington and Oregon Fish and Wildlife Commissions have provided guidance on sharing of impacts between commercial and recreational fishers. This rule is consistent with actions of the Columbia River compact of April 8, 2004, and conforms to Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 9, 2004

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-33-01000C Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Blind Slough

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

a) Gear: 7 1/4-inch minimum mesh size restriction

b) Dates: 8:00 p.m. to 12:00 a.m. (midnight) Monday April 12, 2004

c) Allowable Sale: Salmon, sturgeon and shad.

d) Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

2) Blind Slough/Knappa Slough Select Area

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

a) Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on leadline.

b) Dates:

7:00 p.m. Thursdays to 7:00 a.m. Fridays April 22 through April 30, 2004

7:00 p.m. Mondays to 7:00 a.m. Tuesdays May 3 until further notice

7:00 p.m. Thursdays to 7:00 a.m. Fridays May 3 until further notice

Both Blind Slough and Knappa Slough are open.

c) Allowable Sale: Salmon, sturgeon, and shad. A maximum of three white sturgeon may be possessed or sold by each participating vessel.

d) Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

3) Deep River Select Area

a) Area: Deep River boat launch upstream to the Highway 4 Bridge.

b) Dates:

7:00 p.m. Thursdays to 7:00 a.m. Fridays April 22 through April 30, 2004

7:00 p.m. Mondays to 7:00 a.m. Tuesdays May 3 until further notice

7:00 p.m. Thursdays to 7:00 a.m. Fridays May 3 until further notice

c) Gear: 8-inch maximum mesh size.

d) Allowable Sale: salmon, sturgeon, shad.

e) Miscellaneous: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer. An exception to the rule would allow fishers to transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

f) Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000B Columbia River gillnet seasons below Bonneville. (04-65)

WSR 04-09-022

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 04-76—Filed April 12, 2004, 12:45 p.m.]

Date of Adoption: April 9, 2004.

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

EMERGENCY

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Department of Fish and Wildlife personnel are initiating a three-year biotelemetry study on habitat use and behavior of tiger muskie in Newman Lake. Prohibiting harvest of tiger muskie between April 19 and May 23, 2004, will facilitate FDA compliance with regulations required for fish that are anesthetized during initial capture and tagging scheduled for the week of April 19th. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 9, 2004
Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900X Exceptions to statewide rules—Newman Lake (Spokane Co.) Notwithstanding the provisions of WAC 232-28-619, effective April 19 through May 23, 2004, it is unlawful to fish for or possess Tiger Muskie in those waters of Newman Lake.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 24, 2004:

WAC 232-28-61900X Exceptions to statewide rules—Newman Lake (Spokane Co.)

**WSR 04-09-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-75—Filed April 12, 2004, 12:48 p.m., effective April 16, 2004]

Date of Adoption: April 9, 2004.
Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900W; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Based on a predicted return of spring chinook to the Snake River above the ten year average return rate, there are sufficient numbers of hatchery origin fish, within allowable limits for potential impacts upon wild fish, to open this Snake River fishery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 16, 2004.

April 9, 2004
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900W Exceptions to statewide rules—Snake River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective April 16 through May 31, 2004, in those waters of the Snake River from Texas Rapids boat launch upstream to the Corps of Engineers boat launch, approximately one mile upstream of Little Goose Dam on the south bank of the river, and those waters from the mouth of Wawawai Creek (about 3 miles upstream of Lower Granite Dam) to Red Wolf Bridge in Clarkston, it is lawful to fish for and possess salmon. Daily limit of two hatchery chinook salmon, minimum size 12 inches in length.

(a) It is unlawful to use barbed hooks when fishing for all species.

(b) It is unlawful to use any hook larger than 5/8 inch (point of hook to shank) when fishing for all species.

(c) Night closure is in effect.

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed effective June 1, 2004:

WAC 232-28-61900W Exceptions to statewide rules—Snake River.

WSR 04-09-024**EMERGENCY RULES****DEPARTMENT OF TRANSPORTATION**

[Filed April 12, 2004, 4:16 p.m.]

Date of Adoption: April 12, 2004.

Purpose: Create annual fees and sign installation fees to allow the Department of Transportation to restart operation of the motorist information sign (MIS) program. The annual fees were authorized by authority granted to the department in section 218 of ESHB 2474, the Transportation Supplemental Budget Bill; chapter 229, Laws of 2004, PV. The revisions comply with the maximum fee limits also set forth in section 218.

Citation of Existing Rules Affected by this Order: Amending WAC 468-70-020 and 468-70-070.

Statutory Authority for Adoption: Section 218 of ESHB 2474, the Transportation Supplemental Budget Bill; chapter 229, Laws of 2004, PV.

Other Authority: RCW 47.36.310 and 47.36.320.

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 MIS program has been operating in a limited manner since May of 2002. Few businesses have been able to join the program and little day-to-day maintenance of the logos signs and back panels has occurred. Recent legislation directs the department to raise fees, resume the program, and recover all costs associated [with] the program. By instituting the new fees the department can resume the MIS program and begin servicing businesses prior to in time for the busy summer travel season.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 12, 2004

John F. Conrad

Assistant Secretary

AMENDATORY SECTION (Amending Order 196, filed 12/22/99, effective 1/22/00)

WAC 468-70-020 Definitions. When used in these regulations the term:

(1) "Conventional road" shall mean a noninterstate highway which is not an expressway or freeway.

(2) "Department" shall mean the Washington state department of transportation.

(3) "Expressway" shall mean a divided arterial highway for through traffic with partial control of access and grade separations at most major intersections.

(4) "Fee zone" means:

(a) Fee zone 1, freeways and expressways with average daily trips greater than eighty thousand;

(b) Fee zone 2, freeways and expressways with average daily trips less than eighty thousand;

(c) Fee zone 3, conventional highways.

(5) "Freeway" shall mean an expressway with full control of access, and grade separations over the entire length of the numbered highway route.

~~((5))~~ (6) "Motorist information signs" shall mean the same as specific service signs as set forth in the Manual on Uniform Traffic Control Devices adopted by the department as chapter 468-95 WAC.

~~((6))~~ (7) "Motorist service activity" shall mean a business furnishing gas, food, lodging, camping, recreation and tourist-oriented services.

~~((7))~~ (8) "Owner" shall mean a person who owns or operates a motorist service activity and who has authority to enter into and be bound by agreements relevant to matters covered by these regulations.

~~((8))~~ ~~"Supplemental directional panel" shall mean a motorist information sign panel located on, opposite, or at the terminus of an exit ramp bearing business sign for a qualified motorist service activity and directional information.~~

~~(9)~~ "Trade name" shall mean any brand name, trade mark, distinctive symbol or other similar device or thing used to identify a particular motorist service.

~~(10)~~ "Urban area" shall mean an area including and adjacent to a municipality or other place of five thousand or more population as shown by the latest available federal census.

~~(11)~~ "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

~~(12)~~ "Tourist-oriented directional (TOD) sign" means a sign on a motorist information sign panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.)) (9) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major

portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(10) "Supplemental directional panel" shall mean a motorist information sign panel located on, opposite, or at the terminus of an exit ramp bearing business sign for a qualified motorist service activity and directional information.

(11) "Tourist-oriented directional (TOD) sign" means a sign on a motorist information sign panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

(12) "Trade name" shall mean any brand name, trade mark, distinctive symbol or other similar device or thing used to identify a particular motorist service.

(13) "Urban area" shall mean an area including and adjacent to a municipality or other place of five thousand or more population as shown by the latest available federal census.

AMENDATORY SECTION (Amending WSR 03-20-082, filed 9/30/03, effective 10/31/03)

WAC 468-70-070 Permits and procedure. (1) No business signs will be installed on motorist information sign panels prior to issuance of a permit by the department. Permits will be issued by the department in accordance with this chapter.

(2) Permit applications will be accepted at the appropriate department of transportation regional office in care of the regional administrator. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) One permit application will be for all the signing that the applicant will qualify for at a single interchange or intersection.

(4) Application forms, which may be obtained from the department, shall contain the following information:

(a) Name and address of the owner of the business to be advertised.

(b) The highway for which the applicant seeks signing.

(c) A description of the interchange or intersection for which the business sign is to be installed.

(d) A statement of the business location including exact travel distance from the interchange or intersection and precise roads used for access.

(e) An agreement to limit the height of any on-premise sign to no greater than fifteen feet higher than the roof of the main building, measured to the bottom of the sign for businesses located within one mile of an interchange or intersection. (Not applicable along interstate highways if the sign is not visible to the highway.)

Pursuant to RCW 47.36.310, for on-premise signs visible along rural interstate highways the department may waive the fifteen-foot height requirement, on a case-by-case basis, where granting the waiver will not preclude another business having an on-premise sign which complies with the fifteen-foot height requirement from receiving business signs.

(f) Such other information as may be required by the department.

(5) Each permit application will include a sketch, drawing or picture of the message to be placed on the business signs. Business signs may not display messages advertising

products or services incidental to the qualifying motorist service activity. The department shall have final approval of the design of the business sign and may modify such submissions to achieve uniformity.

(6) Any party aggrieved by an application determination of the department shall be accorded hearing rights before the secretary of transportation or his designee pursuant to chapter 34.05 RCW.

~~(7) ((Fabrication and installation of business signs:~~

~~(a)) Once an application is approved, the department will request the business to provide ~~((the))~~ its business signs for installation. ~~((Such))~~ Business signs shall be built to the department's specifications prescribed by WAC 468-70-060. ~~((Prior to installation the business shall agree to reimburse the department for the actual installation costs.~~~~

~~(b) The reimbursable business sign installation fees referenced in (a) of this subsection may vary from sign site to sign site.))~~

(8) Business sign replacement and motorist information sign panel maintenance ~~((and replacement))~~ fee:

(a) Maintenance replacement business signs shall be provided by the business, when requested by the department to replace weather worn business signs. ~~((The department will install the replacement business sign after the business agrees to reimburse the department for the actual installation costs as described in subsection (7) of this section.))~~ A business at its own request may also provide replacement business signs for installation. In either case, the installation fee is one hundred fifteen dollars per sign.

(b) The annual ~~((maintenance replacement))~~ fee charged to each business for motorist information sign ~~((back))~~ panels is ~~((one hundred dollars for businesses signed at interchanges and thirty-five dollars for businesses signed at intersections.))~~:

(i) Nine hundred ten dollars for signs located in fee zone 1;

(ii) Six hundred eighty-three dollars for signs located in fee zone 2;

(iii) Three hundred sixty-four dollars for signs located in fee zone 3.

(c) The annual ~~((maintenance))~~ fee~~((s))~~ shall be paid within thirty calendar days after the anniversary of the permit issue. ~~((These fees will not be prorated for fractions of the year in the event of business sign removal or coverage.))~~ Failure to pay the annual ~~((maintenance))~~ fee~~((s))~~ within thirty calendar days after the anniversary of the permit issue will cause the permit to expire and the business signs to be removed from the motorist information sign panels.

(9) In the event of change of ownership or operation, assignment of permits in good standing shall be effective only upon receipt of assignment by the department. The department will not reassign permits in the event of change of both ownership and operation.

(10) Revocation and expiration:

(a) After hearing before the secretary of transportation or his designee, as required by chapter 34.05 RCW (Administrative Procedure Act) and the rules and regulations of the department adopted pursuant thereto, any permit may be revoked by the secretary or the secretary's designee who has conducted the hearing for any of the following reasons:

(i) For the making of any false or misleading statements in the application for any permit, whether or not the same is material to or relied upon by the department in the issuance of such permit when such false or misleading statement or information shall remain uncorrected after the expiration of thirty days following written notification thereof.

(ii) For allowing or suffering any on-premise sign to remain that exceeds the height requirements set forth in this chapter.

(iii) For failure to provide the services and/or facilities required by WAC 468-70-050 and this section.

(b) If a permit is revoked or is allowed to expire, a new application may be accepted by the department and the motorist service activity must meet the requirements of any other applying motorist service activity.

WSR 04-09-044

EMERGENCY RULES

DEPARTMENT OF LICENSING

[Filed April 14, 2004, 11:47 a.m., effective June 10, 2004]

Date of Adoption: June 10 [April 13], 2004.

Purpose: Change rules to comply with SSB 6676, chapter 223, Laws of 2004, 58th legislature 2004 regular session. To change the WACs to reference in law a \$10.00 transfer fee.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-175, 308-96A-071, and 308-96A-070.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.316.

Other Authority: Chapter 223, Laws of 2004, 58th legislature 2004 regular session.

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 law becomes effective June 10, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 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: June 10, 2004.

April 13, 2004

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-070 Amateur radio operator special license plates. (1) **Who may apply for amateur radio operator vehicle special license plate(s)?** Any person having a valid amateur radio operator's license may apply to the department for license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission (FCC). These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters.

(2) **What documents are required to receive an amateur radio operator vehicle special license plate?** In addition to all other license fees required by law, the amateur radio operator must attach a copy of the current FCC license to the application. The operator must notify the department when the FCC license is canceled or expires and whether or not the operator has renewed the license. If the license has been renewed, the operator must send a copy of the new FCC license to the department.

(3) **How will the amateur radio operator license plates be displayed?** The amateur radio operator license plates must be displayed on a motor vehicle owned by the amateur radio operator unless the plates were issued and assigned to a vehicle prior to January 1, 1991. Prior to the January 1, 1991, date, the amateur radio operator license plates are allowed to be installed on any motor vehicle qualified under RCW 46.16.305.

(4) **Are there any special fees required to obtain the amateur radio operator license plates?** In addition to all other license fees required by law, each applicant for amateur radio operator license plates must pay an additional license plate fee of five dollars for the plate and ((an additional five dollars)) applicable fees as stated in RCW 46.16.316 any time the plates are transferred to another vehicle.

(5) **When are the amateur radio operator special license plates canceled?** The effective date of the plate cancellation is the date the FCC license becomes invalid. Reinstatement of the plates requires the amateur radio operator to reapply for the plates, providing a copy of the valid FCC license and paying the five-dollar fee for a new plate.

(6) **Will I ever have to exchange my amateur radio operator special license plates?** Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your amateur radio operator special license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-071 Military affiliate radio system special license plates. (1) **Who may apply for the military affiliate radio system station special license plates?** Any

person having a valid military affiliate radio system (MARS) station license may apply to the department for license plates bearing the official MARS call letters assigned by the Department of Defense. These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters and can only be displayed on a motor vehicle registered to the MARS station license holder.

(2) **Can a MARS special license plate be issued for my motorcycle?** No. Motorcycle license plates accommodate a maximum of six characters. MARS call letters consist of seven characters.

(3) **What documents are required to receive MARS special license plates?** In addition to all other license fees required by law, an applicant for MARS license plates must attach a copy of the current official MARS station license authorized by the Department of Defense and issued by the United States Army, Air Force, or Navy/Marine Corps. The recipient of these plates must notify the department when the MARS station license has been canceled.

(4) **Are there any special fees required to obtain the MARS license plates?** In addition to all other license fees required by law, each applicant for MARS license plates must pay an additional license plate fee of five dollars for the plate and ~~((an additional five dollars))~~ applicable fees as stated in RCW 46.16.316 any time the plates are transferred to another vehicle.

(5) **When are the MARS license plates canceled?** The effective date of a plate cancellation is the date the MARS station license becomes invalid. Reinstatement of the plates requires the MARS station license holder to reapply for the plates, providing a copy of the valid MARS license and paying the five-dollar fee for a new plate.

(6) **Will I ever have to exchange my MARS license plates?** Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your MARS license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-175 Ride-sharing vehicles. (1) **When may the department issue a ride share special license plate?** Ride share special license plates may be issued when:

The owner of a passenger motor vehicle is primarily used as a commute ride-sharing vehicle defined in RCW 46.74.010(1). The vehicle owner may be issued special ride-share license plates by satisfying the provisions of RCW 46.16.023. Any person desiring the special ride-share license plates must make application on a form approved by the department and pay all fees required by chapter 46.12 RCW and the special ride-share license plate fee required by RCW 46.16.023. The owner must then provide:

(a) For privately owned vehicles, a list of the riders registered to use the ride-sharing vehicle, including the names, addresses and signatures of the riders and driver. For five and six passenger vehicles being used in a commute trip reduction program, the list must be a copy of the certification of

registration in a commute trip reduction program either with a public transportation agency or a major employer; or

(b) For vehicles operated by public transportation agencies or by major employers defined in RCW 70.94.524 in commute trip reduction programs, a written statement that the vehicle is used as a commuter ride-sharing vehicle.

(c) A passenger motor vehicle owned, rented or leased by a government agency may be issued special ride-share license plates for the vehicle described on the approved ride-sharing application.

(2) **Can the ride-share license plate be transferred to another vehicle?** To transfer license plates to another vehicle, the owner must ~~((make))~~:

(a) Make application to and receive approval by the department for the replacement passenger motor vehicle; and

(b) Pay ~~((a five dollar license plate transfer fee and any other appropriate licensing fees))~~ applicable fees stated in RCW 46.16.316.

(3) **What happens when I remove or transfer special ride-share plates from my vehicle?** When you remove or transfer special ride-share license plates from one vehicle to another, you must:

(a) Purchase replacement license plates if the vehicle will be operated on public highways; and

(b) Pay applicable RTA excise tax for the remaining license registration period for the vehicle, if the registered owner resides in the RTA taxing district.

(4) **What happens when the ride-share vehicle is sold or transferred to another person?**

(a) When a ride-share vehicle is sold or transferred to another person who will continue to use the passenger motor vehicle as a commuter ride-share vehicle, the new owner must:

(i) Apply for a certificate of ownership under chapter 46.12 RCW;

(ii) Apply for commuter ride-share exemption; and

(iii) Pay all required fees and taxes including the special license plate fee.

(b) Upon application for registration renewal, the owners of nongovernment ride-share plated vehicles must:

(i) Recertify that the vehicle is used as a commuter ride-share vehicle to continue to be exempt from chapters 82.08, 82.12, and 82.44 RCW; and

(ii) Submit a completed recertification form, approved by the department, including names, addresses, and signatures of current passengers and drivers. If the registered owner fails to file a completed recertification form, the department will cancel the special ride-share license plates and the registered owner will need to purchase replacement plates and pay applicable fees and taxes to complete registration renewal.

(5) **Will I ever have to replace my ride-share vehicle license plate?** Yes, the ride-share vehicle license plates are subject to the seven-year vehicle license plate replacement schedule.

WSR 04-09-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-67—Filed April 15, 2004, 11:04 a.m., effective May 1, 2004,
 12:01 a.m.]

Date of Adoption: April 15, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to conform recreational fishing in all waters of the mainstem Columbia River downstream from the powerlines at Wauna, pursuant to the bilateral agreements on sturgeon management. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 2004, 12:01 a.m.

April 15, 2004

Evan Jacoby
 for Jeff Koenings
 Director

NEW SECTION

WAC 232-28-61900U Exceptions to statewide rules—Sturgeon. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective May 1 through May 14 and July 24 until further notice, in those waters of the Columbia River downstream from Rocky Point-Tongue Point line it is unlawful to retain sturgeon.

(2) Effective May 15 through July 23, 2004, the minimum size for sturgeon taken from those waters of the Columbia River downstream from the Rocky Point-Tongue Point line is 45 inches.

(3) Open to fishing for sturgeon May 1 through July 31, 2004, Thursdays, Fridays and Saturdays only in those waters from Beacon Rock to the Light 85 Line.

WSR 04-09-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-78—Filed April 15, 2004, 11:06 a.m., effective April 24, 2004,
 12:01 a.m.]

Date of Adoption: April 15, 2004.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The city of Sammamish has closed public access at Pine Lake while construction projects to renovate park facilities are in progress. Park renovations will not be completed prior to the traditional lowland lakes opening date scheduled for Saturday, April 24, 2004. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 24, 2004, 12:01 a.m.

April 15, 2004

Evan Jacoby
 for Jeff Koenings
 Director

NEW SECTION

WAC 232-28-61900Y Exceptions to statewide rules—Pine Lake (King County) Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. April 24, 2004 until further notice, those waters of Pine Lake are closed to fishing.

WSR 04-09-049
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-80—Filed April 15, 2004, 11:06 a.m., effective April 22, 2004, 12:01 a.m.]

Date of Adoption: April 14, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900P and 232-28-61900Z; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Modification to the mainstem sport fishery is necessary in order to stay within impact guidelines and continue the fishery as long as possible. The preseason fishery plan calls for modifications to the area from I-5 to Bonneville Dam as the first step to reducing the impacts to upriver listed chinook. Conforms to the Washington and Oregon state rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 22, 2004, 12:01 a.m.

April 14, 2004

Jim Lux

for Jeff Koenings

Director

NEW SECTION

WAC 232-28-61900Z Exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately through May 15, 2004, it is lawful to fish for and possess adipose fin-clipped spring chinook, adipose fin-clipped steelhead, and shad in those waters of the Columbia River from the Buoy 10 line upstream to the I-5 Bridge.

Daily limit:

a) Six chinook, no more than two of which may be adults, and all of which must be adipose fin-clipped. Minimum size 12 inches in length.

b) Two trout minimum size 12 inches in length. Release wild steelhead and wild cutthroat.

(2) Effective April 22, 2004 through May 15, 2004, it is lawful to fish for and possess adipose fin-clipped spring chinook, adipose fin-clipped steelhead, and shad in those waters of the Columbia River from:

a) Those waters of the Columbia River from the I-5 Bridge upstream to 600 feet below the fish ladder at Bonneville Dam on Sundays, Mondays, Tuesdays and Wednesdays. Fishing for these species in this area is closed on Thursdays, Fridays and Saturdays.

b) The Bonneville Reservoir upstream from the Tower Island power lines. Waters upstream from the Interstate Bridge (Highway 197) to The Dalles Dam are closed except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore.

c) The Dalles Reservoir.

d) John Day Reservoir.

Daily limit: 1) Six chinook, no more than two of which may be adults, and all of which must be adipose fin-clipped. Minimum size 12 inches in length.

2) Two trout minimum size 12 inches in length. Release wild steelhead. Release wild cutthroat from the I-5 Bridge upstream to Bonneville Dam.

(3) Effective immediately through May 15, 2004, in those waters of the Columbia River from the Rocky Point/Tongue Point line upstream, that are open under the above seasons, it is unlawful to totally remove salmon or steelhead from the water if it is unlawful to retain those salmon and steelhead. Anglers fishing from vessels 30 feet or longer, as listed on either their state or Coast Guard registration, are exempt.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 22, 2004:

WAC 232-28-61900P	Exceptions to statewide rules—Columbia River. (04-40)
-------------------	---

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 16, 2004:

WAC 232-28-61900Z	Exceptions to statewide rules—Columbia River.
-------------------	---

WSR 04-09-052
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-79—Filed April 15, 2004, 3:51 p.m., effective April 17, 2004, 7:00 a.m.]

Date of Adoption: April 15, 2004.

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.

April 15, 2004

R. M. Leichner

Executive Secretary

AMENDATORY SECTION (Amending WSR 03-13-074, filed 6/13/03, effective 7/14/03)

WAC 260-24-510 Stewards. (1) General authority:

(a) The stewards for each meeting shall be responsible to the ~~((commission))~~ executive secretary for the conduct of the race meeting and the initial agency determination of alleged rule violations in accordance with these rules;

(b) The stewards shall enforce ~~((these rules and the racing laws of this jurisdiction))~~ the rules of racing in chapters 260-12 through 260-84 WAC;

(c) The stewards' authority includes ~~((supervision))~~ regulation of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to insure compliance with these rules;

(d) All nominations, entries, declarations and scratches shall be conducted under the supervision of the stewards;

(e) The stewards shall have authority to resolve conflicts or disputes related to violations of the rules of racing and to discipline violators in accordance with the provisions of these rules;

(f) The stewards shall take notice of any questionable conduct with or without complaint thereof;

(g) The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules;

(h) Should any case occur which may not be covered by these rules of racing, it shall be determined by the stewards of the race meeting in conformity with justice and in the best interest of racing; and the stewards of the meeting are hereby given authority to exercise their full power, recommending to the commission the impositions of more severe penalties, if in their judgment the penalty should be more drastic.

(2) The stewards' period of authority shall commence 10 days prior to the beginning, or at such other time as is necessary in the opinion of the executive secretary, of each meeting and shall terminate with the completion of their business pertaining to the meeting. One of the three stewards shall be designated as the presiding steward by the commission.

(3) ~~((Disciplinary action:~~

~~(a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters;~~

~~(b) The stewards shall have authority to charge any licensee with a violation of these rules, to conduct hearings and to impose disciplinary action in accordance with these rules;~~

~~(c) The stewards may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing;~~

~~(d) The stewards may at any time inspect license documents, registration papers and other documents related to racing;~~

~~(e) The stewards shall have the power to administer oaths and examine witnesses;~~

~~(f) The stewards shall consult with the official veterinarian to determine the nature and seriousness of a laboratory finding or an alleged medication violation;~~

~~(g) The stewards may impose any of the following penalties on a licensee for a violation of these rules;~~

~~(i) Issue a reprimand;~~

~~(ii) Assess a fine;~~

~~(iii) Require forfeiture or redistribution of purse or award, when specified by applicable rules;~~

~~(iv) Place a licensee on probation;~~

~~(v) Suspend a license or racing privileges;~~

~~(vi) Revoke a license; or~~

~~(vii) Exclude from grounds under the jurisdiction of the commission.~~

~~(h) The stewards may suspend a license for not more than one year per violation; or they may impose a fine not to exceed \$2,500 per violation; or they may suspend and fine; or they may order that a person be ineligible for licensing. For violations covered by Chapter 260-70 [WAC] Medication, the stewards shall follow the penalty guidelines as set forth in WAC 260-70-690;~~

~~(i) A stewards' ruling shall not prevent the commission from imposing a more severe penalty;~~

~~(j) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter;~~

~~(k) Purses, prizes, awards and trophies shall be redistributed if the stewards or commission order a change in the official order of finish;~~

~~(l) All fines imposed by the stewards shall be paid to the commission within 48 hours after the ruling is issued, unless otherwise ordered.) Stewards ruling conference regarding violations of rules of racing:~~

~~(a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.~~

~~(b) The stewards shall have authority to charge any licensee with a violation of these rules, to make rulings and to impose penalties including the following:~~

~~(i) Issue a reprimand;~~

~~(ii) Assess a fine not to exceed \$2,500.00, except as provided in WAC 260-70-690;~~

~~(iii) Require forfeiture or redistribution of purse or award, when specified by applicable rules;~~

~~(iv) Place a licensee on probation;~~

~~(v) Suspend a license or racing privileges for not more than one year per violation;~~

~~(vi) Revoke a license; or~~

(vii) Exclude from grounds under the jurisdiction of the commission.

(c) Except as provided in (d) of this subsection, the stewards' imposition of reprimands, fines and suspensions shall be based on the following penalty matrixes:

<u>Class A & B Licensed Facilities</u>			
<u>Violations within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Smoking in the barn</u>	<u>\$25</u>	<u>\$50</u>	<u>\$100</u>
<u>Tampering with a smoke detector</u>	<u>\$50</u>	<u>\$100</u>	<u>\$250 plus possible suspension</u>
<u>Vehement verbal quarrel or use of profanity or abusive language towards another person</u>	<u>\$100</u>	<u>\$250</u>	<u>Suspension</u>
<u>Physical fight or altercation</u>	<u>\$100 and/or probation</u>	<u>\$250 plus suspension</u>	
<u>Licensing - failure to divulge a felony</u>	<u>\$100 plus possible denial of license</u>		
<u>Licensing - failure to divulge a misdemeanor</u>	<u>Warning - \$50</u>	<u>\$50</u>	
<u>Licensing - nonparticipation</u>	<u>License canceled</u>		
<u>Violation of any claiming rule in chapter 260-60 WAC (Return of horse and payment of bills)</u>	<u>\$200-\$500 plus possible suspension</u>		
<u>Use of profanity or abusive language</u>	<u>\$50</u>	<u>\$100</u>	<u>\$250</u>
<u>Failure to follow instructions of security or a racing official</u>	<u>\$25</u>	<u>\$50</u>	<u>\$100 plus possible suspension</u>
<u>Unsafe vehicle operation</u>	<u>\$50</u>	<u>\$100 and recommend racing association revoke vehicle pass</u>	
<u>Financial responsibility</u>	<u>30 days or before the end of the meet (whichever is sooner) to resolve or suspension</u>		
<u>Failure to appear - hearing</u>	<u>Suspension pending appearance</u>		
<u>Failure to honor call - agents</u>	<u>\$75</u>	<u>\$100</u>	<u>\$200</u>
<u>Reporting incorrect weight - jockeys</u>	<u>\$50</u>	<u>\$100</u>	<u>\$200</u>
<u>Failure to appear for films - jockeys</u>	<u>\$50</u>	<u>\$100</u>	<u>\$200</u>
<u>Failure to fulfill riding engagement after entries</u>	<u>\$100</u>	<u>\$150</u>	<u>\$200</u>
<u>Easing mount without cause</u>	<u>\$250</u>	<u>\$400 plus suspension</u>	
<u>Jockey failing to maintain straight course - no disqualification</u>	<u>Warning - \$250</u>	<u>\$250 - \$500</u>	<u>\$500 - \$1000</u>
<u>Jockey failing to maintain straight course - disqualification</u>	<u>3 days or \$2500 (jockey's option)</u>	<u>3 day suspension</u>	<u>6 day suspension</u>
<u>Jockey disqualification</u>	<u>Warning - \$250</u>	<u>\$250 - \$500</u>	<u>\$500 - \$1000</u>
<u>Jockey who is aggressor in physical altercation - public area or jockeys quarters</u>	<u>\$200</u>	<u>\$500 plus possible suspension</u>	<u>\$1000 plus suspension</u>
<u>Jockey who participates in physical altercation - public area or jockeys quarters</u>	<u>Warning - \$100</u>	<u>Warning - \$150</u>	<u>Warning - \$500</u>
<u>Jockey's misuse of whip</u>	<u>Warning - \$2500</u>		
<u>Use of stimulating device (may include batteries)</u>	<u>1 year suspension plus mandatory referral to commission for revocation</u>		
<u>Possession of stimulating device (may include batteries)</u>	<u>1 year suspension</u>		
<u>Attempting to manipulate outcome of a race</u>	<u>1 year suspension plus mandatory referral to commission for revocation</u>		

<u>Class A & B Licensed Facilities</u>			
<u>Violations within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Entering ineligible horse</u>	\$100		
<u>Arriving late to receiving barn</u>	<u>Warning - \$50</u>	<u>Warning - \$50</u>	<u>\$50 - \$100</u>
<u>Failure to follow instructions in the paddock</u>	\$50	\$100	\$100
<u>Failure to have foal papers on file - resulting in a scratch</u>	\$100	\$100	\$100
<u>Failure to handle business properly - late equipment change, etc.</u>	\$50	\$100	\$100
<u>Insufficient workouts - resulting in scratch</u>	\$100	\$100	\$100
<u>Class C Licensed Facilities</u>			
<u>Violation within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Smoking in the barn</u>	\$25	\$50	\$100
<u>Tampering with a smoke detector</u>	\$50	\$100	\$250 plus possible suspension
<u>Vehement verbal quarrel or use of profanity or abusive language towards another person</u>	\$50	\$100	Suspension
<u>Physical fight or altercation</u>	\$100 plus possible probation	\$250 plus suspension	
<u>Licensing - failure to divulge a felony</u>	\$100 plus possible denial of license		
<u>Licensing - failure to divulge a misdemeanor or gross misdemeanor</u>	<u>Warning - \$25</u>	\$50	
<u>Licensing - nonparticipation</u>	License canceled		
<u>Violation of any claiming rule in chapter 260-60 WAC (Return of horse and payment of bills)</u>	\$100 - \$250 plus possible suspension		
<u>Use of profanity or abusive language</u>	\$50	\$100	
<u>Failure to follow instructions of security or a racing official</u>	\$25	\$50	\$100 plus possible suspension
<u>Unsafe vehicle operation</u>	\$50		
<u>Financial responsibility</u>	30 days or before the end of the fall meet (whichever is sooner) to resolve or suspension		
<u>Failure to appear - hearing</u>	Suspension pending appearance		
<u>Failure to honor call - agents</u>	\$25	\$50	\$100
<u>Reporting incorrect weight - jockeys</u>	\$25	\$50	\$100
<u>Failure to appear for films - jockeys</u>	\$25	\$50	\$100
<u>Failure to fulfill riding engagement after entries</u>	\$50	\$100	\$200
<u>Easing mount without cause</u>	\$100	\$200/Suspension	
<u>Failure to maintain straight course - no disqualification</u>	<u>Warning - \$250</u>	\$250 - \$500	\$500 - \$1000
<u>Failure to maintain straight course - disqualification</u>	3 day suspension or \$1000 (jockey's option)	3 day suspension	6 day suspension
<u>Jockey disqualification</u>	<u>Warning - \$250</u>	\$250 - \$500	\$500 - \$1000
<u>Jockey who is aggressor in physical altercation - public area or jockeys quarters</u>	\$100	\$250 plus possible suspension	\$500 plus suspension

<u>Class A & B Licensed Facilities</u>			
<u>Violations within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Jockey who participates in physical alteration - public area or jockeys quarters</u>	<u>Warning - \$50</u>	<u>Warning - \$100</u>	<u>Warning - \$250</u>
<u>Jockey's misuse of whip</u>	<u>Warning - \$2500</u>		
<u>Use of stimulating device (may include batteries)</u>	<u>1 year suspension plus mandatory referral to commission for revocation</u>		
<u>Possession of stimulating device (may include batteries)</u>	<u>1 year suspension</u>		
<u>Attempting to manipulate outcome of a race</u>	<u>1 year suspension plus mandatory referral to commission for revocation</u>		
<u>Entering ineligible horse</u>	<u>\$25</u>	<u>\$50</u>	<u>\$50</u>
<u>Failure to follow instructions in the paddock</u>	<u>\$25</u>	<u>\$50</u>	<u>\$50</u>
<u>Failure to have foal papers on file - resulting in a scratch</u>	<u>\$50</u>	<u>\$50</u>	<u>\$50</u>
<u>Failure to handle business properly - late equipment change, etc.</u>	<u>\$50</u>	<u>\$100</u>	<u>\$100</u>
<u>Insufficient workouts - resulting in scratch</u>	<u>\$50</u>	<u>\$50</u>	<u>\$50</u>
<u>Class A, B & C Licensed Facilities</u>			
<u>Violation within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Failure to pay or default on L&I payment</u>	<u>Suspension until paid plus \$25 for each quarter payment is late</u>		
<u>Unlicensed or improperly licensed personnel (trainer's responsibility)</u>	<u>L&I premium plus \$100</u>	<u>L&I premium plus \$500</u>	<u>L&I premium plus \$500</u>
<u>Licensed personnel but not in groom slot (trainer's responsibility)</u>	<u>L&I premium plus \$100</u>	<u>L&I premium plus \$500</u>	<u>L&I premium plus \$500</u>
<u>Unlicensed person on the backside</u>	<u>Report violation to the racing association</u>		

For any other violation not specifically listed above, the stewards shall have discretion to impose the penalties as provided in (b) of this subsection. For violations considered minor, the fine can be up to \$500 and/or suspension for up to sixty days. Fines for violations considered major can be up to \$2,500 and/or suspension up to one year.

(d) Circumstances which may be considered for the purpose of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

(i) The impact of the offense on the integrity of the parimutuel industry;

(ii) The danger to human and/or equine safety;

(iii) The number of prior violations of the rules of racing or violations of racing rules in other jurisdictions; and/or

(iv) The deterrent effect of the penalty imposed.

(e) For violations covered by chapter 260-70 WAC, Medication, the stewards shall follow the penalty guidelines as set forth in WAC 260-70-690.

(f) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter. A stewards' ruling shall not prevent the commission from imposing a more severe penalty.

(g) Authority to conduct stewards' ruling conference:

(i) The stewards shall have the authority to:

(A) Conduct a ruling conference;

(B) Direct the attendance of witnesses and commission employees;

(C) Direct the submission of documents, reports or other potential evidence;

(D) Inspect license documents, registration papers and other documents related to racing or the rule violation;

(E) Question witnesses; and

(F) Consider all relevant evidence.

(ii) The stewards shall serve notice of a conference to person(s) alleged to have committed a violation, which shall contain the following information:

(A) A statement of the time and place the conference will be held;

(B) A reference to the particular sections of the WAC involved;

(C) A short and plain statement of the alleged violation; and

(D) A statement that if the person does not appear, the ruling will be made in his/her absence, and that failure to appear will be considered a separate violation of the rules of racing.

(iii) Failure to appear as required in (f)(i) and (ii) of this subsection shall be considered a violation of the rules of racing for which penalties may be imposed.

(iv) It is the duty and obligation of every licensee to make full disclosure to the board of stewards of any knowledge he/she possesses of a violation of any rule of racing. No

EMERGENCY

person may refuse to respond to questions before the stewards on any relevant matter within the authority of the stewards, except in the proper exercise of a legal privilege, nor shall any person respond falsely before the stewards.

(v) The stewards shall allow the licensee to make a statement regarding the alleged violation.

(h) Every ruling by the stewards must be served in writing on the person(s) found in violation within five days and shall include:

(i) Time and place the ruling was made;

(ii) Statement of rules violated;

(iii) Details of the violation;

(iv) Penalties to be imposed;

(v) Procedure for appeal to the commission; and

(vi) Plain statement of licensees' options, which shall include:

(A) Accepting the penalty imposed by the stewards; or

(B) Appealing the stewards' determination within twenty days.

(i) The stewards' ruling shall be posted and a copy provided to the racing association.

(j) If a person does not file an appeal with the commission within twenty days or in the format required by chapter 260-88 WAC, then the person is deemed to have waived his or her right to appeal. After twenty days, if an appeal has not been filed, the stewards' penalty shall be imposed.

(k) "Service" of the notice of ruling conference or a stewards' ruling shall be by either personal service on the licensee or by depositing the notice of ruling conference or stewards' ruling into the mail to the licensee's last known address in which case service is complete upon deposit in the U.S. mail.

(l) If the stewards determine that a licensee's actions constitute an immediate, substantial danger to human and/or equine health, safety, or welfare, the stewards may enter a ruling summarily suspending the license pending a ruling conference before the board of stewards. A summary suspension takes effect immediately on issuance of the ruling. If the stewards suspend a license under this subsection, the licensee is entitled to a ruling conference before the board of stewards, not later than five days after the license was summarily suspended. The licensee may waive his/her right to a ruling conference before the board of stewards on the summary suspension.

(4) Protests, objections and complaints. The stewards shall cause an investigation to be conducted and shall render a decision in every protest, objection and complaint made to them. They shall maintain a record of all protests, objections and complaints. The stewards shall file daily with the commission a copy of each protest, objection or complaint and any related ruling. The stewards are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(5) Stewards' presence:

(a) On each racing day at least one steward shall be on duty at the track from 3 hours prior to first race post time. The full board of stewards shall sit in regular session to exercise their authority and perform the duties imposed on them by the rules of racing;

(b) Three stewards shall be present in the stewards' stand during the running of each race. In case of emergency, the stewards may, during the meeting, appoint a substitute subject to the confirmation of the commission.

(6) Order of finish for parimutuel wagering:

(a) The stewards shall determine the official order of finish for each race in accordance with these rules of racing;

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, shall be final for purposes of distribution of the parimutuel wagering pool.

(7) The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a parimutuel pool for a race or races, if such action is necessary to protect the integrity of parimutuel wagering.

(8) Records and reports:

(a) The stewards shall prepare a daily report, detailing their actions and observations made during each day's race program. The report shall contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, objections and hearings and any unusual circumstances or conditions. The report shall be signed by each steward and be filed with the commission;

(b) Not later than seven days after the last day of a race meeting, the presiding steward shall submit to the commission a written report regarding the race meeting. The report shall contain:

(i) The stewards' observations and comments regarding the conduct of the race meeting, the overall conditions of the association grounds during the race meeting; and

(ii) Any recommendations for improvement by the association or action by the commission.

(9) Stewards' list:

(a) The stewards shall maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack that may endanger the health or safety of other participants in racing;

(b) The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse;

(c) A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing;

(d) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of said horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.

~~((10) When the stewards feel that a rule, other than a rule of the race, has been violated by any person, the procedure shall be as follows:~~

~~(a) He or she shall be summoned to a hearing before the stewards, called for that purpose;~~

~~(b) Adequate notice of said hearing shall be given to the summoned party. The stewards' decision as to what is adequate notice shall be final;~~

~~(c) No penalty shall be imposed until such hearing;~~

~~(d) Nonappearance of the summoned party after adequate notice shall be construed as a waiver of right to hearing before the stewards;~~

~~(e) No special announcement of the hearing or of the alleged infraction of rules shall be made until after said hearing. Immediately after a hearing, provided the matter is settled, the stewards shall transmit their findings in a stewards ruling to the commission and to the party in question. Thereafter, if a penalty is imposed for the infraction of the rules but only in the case of penalty, the commission may make a public statement.~~

~~(11) Nothing in this rule shall prohibit the stewards from taking necessary action to prevent or avoid the immediate danger to the public health, safety or welfare or the integrity of racing.))~~

WSR 04-09-058
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-82—Filed April 16, 2004, 4:10 p.m., effective April 21, 2004, 12:01 a.m.]

Date of Adoption: April 16, 2004.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000Z; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 2 and those portions of Razor Clam Area 3 opened for harvest. Washington Department of Health has certified clams from these beaches to be safe for human consumption.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; and Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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 Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 21, 2004, 12:01 a.m.

April 16, 2004

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-36000Z Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, or 3, except as provided for in this section:

(1) Effective 12:01 a.m. April 21, 2004 through 11:59 a.m. April 24, 2004, razor clam digging is allowed in Razor Clam Area 1 and Razor Clam Area 2. Digging is allowed from 12:01 a.m. to 11:59 a.m. each day.

(2) Effective 12:01 a.m. April 22, 2004 through 11:59 a.m. April 24, 2004, razor clam digging is allowed in that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the southern boundary of the Quinault Indian Nation (Grays Harbor County) and that portion of Razor Clam Area 3 that is between Olympic National Park South Beach Campground access road (Kalaloch area, Jefferson County) and Browns Point (Kalaloch area, Jefferson County). Digging is allowed from 12:01 a.m. to 11:59 a.m. each day.

(3) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 p.m. April 24, 2004:

WAC 220-56-36000Z Razor clams—Areas and seasons.

WSR 04-09-094
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed April 20, 2004, 4:21 p.m.]

Date of Adoption: April 20, 2004.

Purpose: The emergency rule revises chapter 388-72A WAC, Comprehensive assessment reporting evaluation (CARE) tool, to include the CARE algorithm component in rule.

A CR-101, preproposal statement of inquiry, for adoption of permanent rules on this subject has also been filed.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-72A-0040 and 388-72A-0075; and amending WAC 388-72A-0010, 388-72A-0055, 388-72A-

0060, 388-72A-0065, 388-72A-0070, 388-72A-0080, 388-72A-0085, 388-72A-0090, and 388-72A-0095.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Other Authority: RCW 74.39A.090, 74.39A.095.

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: Based on fair hearings, the department has determined that confusion about the new CARE assessment as described under current rules in chapter 388-72A WAC is leading to inconsistent hearing decisions and is jeopardizing the fair and equitable administration of home and community programs. Additional information about the CARE algorithm needs to be included in chapter 388-72A WAC immediately in order to allay such confusion and to ensure that clients receive benefits appropriate to their assessed needs.

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 14, Amended 9, 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 14, Amended 9, Repealed 2.

Effective Date of Rule: Immediately.

April 20, 2004

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 04-10 issue of the Register.

WSR 04-09-102
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-83—Filed April 20, 2004, 4:47 p.m.]

Date of Adoption: April 20, 2004.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-32500L; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is

necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in Marine Area 11, and will be taken by this Thursday in the western portion of Marine Area 10, and by Saturday in Marine Areas 8-1, 8-2 and 9. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 20, 2004

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-32500M Shrimp—Areas and seasons.
Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately, the following area shall be defined as a shrimp fishing district: Port Townsend Shrimp District — All waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Hudson (including Kilisut Harbor).

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Port Townsend Shrimp District, except as provided for in this section:

(a) All waters of the Port Townsend Shrimp District south of a line from Kala Point to Walan Point are open to the harvest of all shrimp, except Spot shrimp.

(b) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

3) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 11.

4) Effective 3:00 p.m., April 22, 2004, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 10 except as provided for in this section:

EMERGENCY

WSR 04-09-011**NOTICE OF PUBLIC MEETINGS
OFFICE OF THE****INTERAGENCY COMMITTEE**

(Interagency Committee for Outdoor Recreation)

[Memorandum—April 6, 2004]

ADDITIONAL MEETING OF THE IAC, MAY 21, 2004**Olympia, Washington****Natural Resources Building, Room 172**

At the April 1 and 2, 2004, IAC meeting, the committee made two decisions concerning the Thurston County ORV Park closure:

1. The IAC will offer to sponsor a mediation process to be completed within the next forty-five days with the following parties involved: Thurston County, staff of the IAC, and representation of the ORV park user groups. These parties will work to reach a satisfactory resolution of the situation.

2. If the mediation process is not successful, the IAC will begin steps to seek a declaratory judgment on the issue.

To discuss the result of the mediation and next steps, the committee has scheduled an additional meeting for May 21, 2004, at 10:00 a.m. in Room 172 of the Natural Resources Building in Olympia, Washington.

This meeting will address the Thurston County ORV Park closure. If you plan to participate or have materials for committee review, please submit information to IAC no later than May 12, 2004. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by March 24 at (360) 902-3000 or TDD (360) 902-1996.

WSR 04-09-013**NOTICE OF PUBLIC MEETINGS
COMMISSION ON****HISPANIC AFFAIRS**

[Memorandum—April 8, 2004]

The Commission on Hispanic Affairs is changing its meeting dates for its May 14th study session and its May 15th public meeting in Spokane. We are rescheduling the meetings for the following weekend: Friday, May 21st, and Saturday, May 22nd. The commission moved to change the date to coordinate the meeting with several Latino community events occurring that later weekend.

WSR 04-09-015**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE**

(Wine Commission)

[Memorandum—April 7, 2004]

Below is a change in location for the upcoming May 7th Washington Wine Commission [meeting]. The meeting was originally set for Gordon Brothers Winery in Pasco. The

location has been changed to Courtyard by Marriott, 50 Columbia Point Drive, Richland, WA 99352-4375, (509) 946-4333.

This meeting will begin at 8:00 a.m. instead of 9:00 a.m.

If you need any additional information, please feel free to call Kim Abello at (206) 667-9463 x200 or via e-mail kabello@washingtonwine.org.

WSR 04-09-034**NOTICE OF PUBLIC MEETINGS
LOTTERY COMMISSION**

[Memorandum—April 13, 2004]

**AMENDED WASHINGTON LOTTERY'S
MAY COMMISSION MEETING**

The May 20, 2004, commission meeting will be held via videoconference. The Lottery Headquarters' Drawing Studio will be the public meeting place. The address is 814 East 4th Avenue, Olympia, WA 98506. **Lottery headquarters is a scent free building and those attending the meeting will need to refrain from wearing perfume, cologne or any other type of fragrance.**

Three commissioners and the lottery director will videoconference from the Seattle Lottery office and Commissioner Keljo will videoconference from the Vancouver Lottery office.

WSR 04-09-037**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed April 13, 2004, 4:25 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-14 MAA.
Subject: Medical nutrition program: Product list and policy changes.

Effective Date: April 6, 2004.

Document Description: **Retroactive to dates of service on and after April 1, 2004**, the Medical Assistance Administration (MAA) is making the following changes to MAA's medical nutrition program:

Clarifying the billing procedure for thickeners; adding SimplyThick to the product list; and removing the prior authorization requirement from certain bars and drinks.

These changes are reflected in the attached replacement pages for MAA's medical nutrition program billing instructions, dated November 2000.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year

2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

April 9, 2004
E. A. Myers, Manager
Rules and Publication Section

WSR 04-09-038
NOTICE OF PUBLIC MEETINGS
COMMISSION ON ASIAN
PACIFIC AMERICAN AFFAIRS

[Memorandum—April 12, 2004]

2004 Public Meeting Schedule for CAPAA

DATE	LOCATION
January 10	Seattle
April 17	Vancouver
June 12	Everett
September 18	Seattle
November 13	Tacoma

WSR 04-09-039
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE

[Memorandum—April 14, 2004]

NOTICE OF SPECIAL MEETING
BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE
2405 East College Way

Mount Vernon, WA 98273

Tuesday, April 13, 2004, 4:00 p.m.

Whidbey Island Campus

Oak Hall 223

1900 S.E. Pioneer Way

Oak Harbor, WA 98277

Chairperson, Jess del Bosque, has called a special meeting of the board of trustees for **Tuesday, April 13, 2004, 4:00 p.m.**, Oak Hall 223, 1900 S.E. Pioneer Way, Oak Harbor, WA. This meeting is being held as a study session for the board of trustees to discuss and review the policy for naming of facilities and structures, the 2002-03 audit, and proposed revisions to Board Policy EF-1, Fiscal Health and Stability - Budget Review.

WSR 04-09-050
NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION

[Memorandum—April 13, 2004]

WAC 135-04-020 provides that the Washington State Conservation Commission shall hold regular bimonthly

meetings on the third Thursday of the month at various locations in the state of Washington. The schedule for 2004 was adopted by the Conservation Commission at its September 19, 2003, meeting held in Okanogan, Washington.

The following change is made to the May 2004 meeting schedule for the Conservation Commission:

May 19, 2004	1:00 p.m.-5:00 p.m. Field Tour	Franklin County sites
May 20, 2004	8:30 a.m.-4:30 p.m. CC Business Meeting	Red Lion Hotel 2525 North 20th Avenue Pasco, WA 99301

Locations may change, please contact the Conservation Commission prior to the scheduled meeting at (360) 407-6200.

WSR 04-09-051
POLICY STATEMENT
UNIVERSITY OF WASHINGTON

[Filed April 15, 2004, 1:22 p.m.]

The University of Washington has recently adopted or revised the following policy statements:

Revised effective January 30, 2004, unnumbered UW Executive Order, "Organization of the Faculty" (*University Handbook*, Volume 2, Part I, Chapter 13, Section 13-22).

Revised effective January 30, 2004, unnumbered UW Executive Order, "Legislative Authority of the Faculty" (*University Handbook*, Volume 2, Part I, Chapter 13, Section 13-23).

Revised effective January 30, 2004, unnumbered UW Executive Order, "Faculty Authority Concerning Appointment, Promotion, and Tenure" (*University Handbook*, Volume 2, Part I, Chapter 13, Section 13-24).

Revised effective January 30, 2004, unnumbered UW Executive Order, "Campuses, Colleges, and Schools" (*University Handbook*, Volume 2, Part II, Chapter 23, Section 23-11).

Revised effective January 30, 2004, "Establishment of Departmental Organization" (*University Handbook*, Volume 2, Part II, Chapter 23, Section 23-22).

Revised effective January 30, 2004, unnumbered UW Executive Order, "Campuses, Colleges, Schools, and Departments: Definitions" (*University Handbook*, Volume 2, Part II, Chapter 23, Section 23-23).

Revised effective February 19, 2004, UW Executive Order No. 19, "Attorney General's Division," (*University Handbook*, Volume 2, Part I, Chapter 12, Section 12-27).

Revised effective March 1, 2004, Administrative Policy Statement 2.1, "UW Information Systems Security."

Revised effective March 8, 2004, Administrative Policy Statement 1.4, "Rules Coordination."

Revised effective April 5, 2004, Administrative Policy Statement 1.2, "University-Wide Organization List."

To view any policy statement from the *University Handbook*, go to the *University Handbook* website: <http://www.washington.edu/faculty/facsenate/handbook/handbook.html>; to view a UW Administrative Policy Statement, go to the *Administrative Policy Statements* website: <http://www.washington.edu/faculty/facsenate/handbook/handbook.html>

washington.edu/admin/rules/APS/APSIndex.html. Or, to request a paper copy of any policy statement, contact Rebecca Goodwin Deardorff, Director, Rules Coordination Office, University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203, or by e-mail at rules@u.washington.edu, or by fax at (206) 616-6294.

WSR 04-09-070

INTERPRETIVE AND POLICY STATEMENT HORSE RACING COMMISSION

[Filed April 19, 2004, 2:35 p.m.]

In accordance with Revised Code of Washington the Washington Horse Racing Commission (WHRC) is submitting its list of interpretive and policy statements for publication in the Washington State Register.

The following are the current policy statements of the WHRC:

2002-01	Equine Testing Policy
2003-01	Financial Responsibility
2004-01	Drug and Alcohol Testing
2004-02	Performance Records - Minimum Workout Requirements (expires May 14, 2004)
2004-03	Application for License - Temporary and Conditional Licenses

Copies of these policies can be obtained on the agency website at www.whrc.wa.gov/rules.htm or from Robert J. Lopez, Administrative Services Manager, by writing to the Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

R. M. Leichner
Executive Secretary

WSR 04-09-072

NOTICE OF PUBLIC MEETINGS

EASTERN WASHINGTON UNIVERSITY

[Memorandum—April 13, 2004]

On Friday, April 23, 2004, the Eastern Washington University board of trustees will hold a special meeting by conference call beginning with an executive session from 9:30 - 10:30 in PUB 261 and then an open public session at 10:30 in PUB 263 (on the Cheney campus).

The purpose of this special meeting is for the board to review, consider and take action related to the faculty collective bargaining contract, including but not limited to the duration provision.

WSR 04-09-073

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed April 19, 2004, 2:39 p.m.]

The Department of Community, Trade and Economic Development (CTED) will be publishing a draft of the low-income home energy assistance program abbreviated model plan - fiscal year 2005.

The draft abbreviated plan will contain changes to the Washington state detailed plan for the 2003 low-income home energy assistance program (LIHEAP). The 2003 detailed plan describes how the state of Washington, in conjunction with community-based public and private agencies, will provide energy assistance and weatherization services to low-income households. The plan was based on the model plan format provided by the federal Department of Health and Human Services. This format ensures that the statutory requirements are met.

A copy of the 2005 abbreviated plan will be posted no later than May 9, 2004, on the LIHEAP website at www.liheapwa.org - State Plans. The draft plan will also be on CTED's website at <http://www.cted.wa.gov/DesktopDefault.aspx?tabid=248&tabindex=55>.

Copies of both documents can be mailed to you upon request.

Written requests may be sent to Ms. Leona Malmberg, Department of Community, Trade and Economic Development, Community Services, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300.

You may also contact Ms. Malmberg by phone at (360) 725-2859 or by e-mail at leonam@cted.wa.gov to request a copy. Alternate format plans are available upon request by mail, or by TDD 1-800-833-6388. Please allow a minimum of ten working days.

Bruce Yasutake, Program Manager
Low-Income Home Energy Assistance Program
Residential Energy Assistance Challenge Program

WSR 04-09-074

POLICY STATEMENT DEPARTMENT OF HEALTH (Office of Drinking Water)

[Filed April 20, 2004, 10:36 a.m.]

Rescinding an Outdated Policy and Consistency Statement

The Department of Health, Office of Drinking Water, is in the process of examining all office policies and consistency statements to determine if they are in compliance with the Administrative Procedure Act. With the creation of various office guidance documents, amendments to Washington Administrative Code and changes in approaching selected programs, the office has determined that the following policy and consistency statement are no longer needed. The office is electing to rescind this policy and consistency statement. Please contact Rich Hoey at (360) 236-3110, if you need additional information.

Policy or Consistency

Statement Title	ID	Effective Date
Issuance of Boil Water Orders for Public Water Systems	J.18	5/25/1990
Small Water System Management Programs (SWSMPs) in Lieu of Water System Plans	CS	1/18/2001

Rich Hoey
Acting Director
Office of Drinking Water

WSR 04-09-075

**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—April 20, 2004]

**EASTERN WASHINGTON UNIVERSITY
BOARD OF TRUSTEES
SPECIAL MEETING**

April 23, 2004

Executive Session at 9:30 a.m., PUB 261

Special Board of Trustees Meeting at 10:30 a.m., PUB 263

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-6598.

WSR 04-09-086

**INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed April 20, 2004, 12:11 p.m.]

NOTICE TO CODE REVISER PURSUANT TO RCW 34.05.230(4)

Division of Banks and Division of Credit Unions - Guidance and Best Practices for Overdraft Protection Programs

To receive a copy contact Mike Abe, Program Manager, Division of Banks, P.O. Box 41200, Olympia, WA 98504-1200, or call (360) 902-8704; or Mike Delimont, Program Manager, Division of Credit Unions, P.O. Box 41200, Olympia, WA 98504-1200, or call (360) 902-8791, www.dfi.wa.gov/cu/bulletins2004.htm (No. B-04-03).

Also, copies may be obtained via e-mail comments @dfi.wa.gov.

WSR 04-09-107

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Memorandum—April 16, 2004]

Change of Location for July 16 Board of Regents' Meeting

At the direction of the president of the board of regents, the location of the following meeting has been changed.

The July 16, 2004, meeting of the board of regents will be in the Walker-Ames Room of Kane Hall on the University of Washington main campus in Seattle at 1 p.m. It was previously scheduled to be held in Friday Harbor.

If you have any questions about meetings of the board of regents, please contact the board of regents's office at (206) 543-1633.

WSR 04-09-108

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Memorandum—May 29, 2004]

Change of Location for August 20, 2004, and September 17, 2004, Board of Regents' Meetings

At the direction of the president of the board of regents, the location of the following meetings has been changed.

The August 20, 2004, meeting of the board of regents will be in the HUB, Room 200 ABC, University of Washington main campus in Seattle at 1 p.m. It was previously scheduled to be held in the Walker-Ames Room in Kane Hall.

The September 17, 2004, meeting of the board of regents will be in McCarty Hall, Room ABC, University of Washington main campus in Seattle at 1 p.m. It was previously scheduled to be held in the Walker-Ames Room in Kane Hall.

If you have any questions about meetings of the board of regents, please contact the board of regents' office at (206) 543-1633.

WSR 04-09-110

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES**

(Natural Heritage Advisory Council)

[Memorandum—April 20, 2004]

**CHANGE NOTICE OF MEETING OF THE
NATURAL HERITAGE ADVISORY COUNCIL**

The Natural Heritage Advisory Council will meet on May 20-21, 2004, at 9:30 a.m. - 4:00 p.m., at the Comfort Inn, 815 North Wenatchee Avenue, Wenatchee, WA. One of these days will involve a field trip to a natural area.

Regular council business generally includes consideration of proposals for new natural areas, additions to existing natural areas, and management activities within existing natural areas.

For further information contact the Department of Natural Resources, Natural Heritage Program, 1111 Washington Street S.E., Olympia, WA 98504-7014, (360) 902-1661.

MISC.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

- Symbols:**
- AMD = Amendment of existing section
 - A/R = Amending and recodifying a section
 - DECOD = Decodification of an existing section
 - NEW = New section not previously codified
 - OBJECT = Notice of objection by Joint Administrative Rules Review Committee
 - PREP = Preproposal comments
 - RE-AD = Readoption of existing section
 - RECOD = Recodification of previously codified section
 - REP = Repeal of existing section
 - RESCIND = Rescind of existing section
 - REVIEW = Review of previously adopted rule
 - SUSP = Suspending an existing section

- Suffixes:**
- C = Continuance of previous proposal
 - E = Emergency action
 - P = Proposed action
 - S = Supplemental notice
 - W = Withdrawal of proposed action
 - 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 #
1-21-070	AMD	04-02-071	16-170-020	NEW	04-08-062	16-170-150	NEW	04-08-062
4-25-400	PREP	04-08-033	16-170-030	NEW-P	04-05-119	16-170-155	NEW-P	04-05-119
4-25-410	PREP	04-08-033	16-170-030	NEW	04-08-062	16-170-155	NEW	04-08-062
4-25-510	PREP	04-08-033	16-170-035	NEW-P	04-05-119	16-170-170	NEW-P	04-05-119
4-25-530	PREP	04-06-085	16-170-035	NEW	04-08-062	16-170-170	NEW	04-08-062
4-25-540	PREP	04-08-033	16-170-037	NEW-P	04-05-119	16-170-175	NEW-P	04-05-119
4-25-550	PREP	04-08-033	16-170-037	NEW	04-08-062	16-170-175	NEW	04-08-062
4-25-551	PREP	04-08-033	16-170-040	NEW-P	04-05-119	16-170-180	NEW-P	04-05-119
4-25-610	PREP	04-08-033	16-170-040	NEW	04-08-062	16-170-180	NEW	04-08-062
4-25-620	PREP	04-08-033	16-170-050	NEW-P	04-05-119	16-219-100	REP-X	04-06-073
4-25-626	PREP	04-08-033	16-170-050	NEW	04-08-062	16-219-105	REP-X	04-06-073
4-25-630	PREP	04-08-033	16-170-060	NEW-P	04-05-119	16-228-1220	PREP	04-03-005
4-25-631	PREP	04-08-033	16-170-060	NEW	04-08-062	16-228-1231	PREP	04-03-004
4-25-640	PREP	04-08-033	16-170-070	NEW-P	04-05-119	16-228-1250	PREP	04-03-004
4-25-650	PREP	04-08-033	16-170-070	NEW	04-08-062	16-230-400	PREP	04-03-004
4-25-660	PREP	04-08-033	16-170-075	NEW-P	04-05-119	16-230-410	PREP	04-03-004
4-25-661	PREP	04-08-033	16-170-075	NEW	04-08-062	16-230-420	PREP	04-03-004
4-25-670	PREP	04-08-033	16-170-080	NEW-P	04-05-119	16-230-430	PREP	04-03-004
4-25-710	PREP	04-08-033	16-170-080	NEW	04-08-062	16-230-440	PREP	04-03-004
4-25-720	PREP	04-08-033	16-170-090	NEW-P	04-05-119	16-230-450	PREP	04-03-004
4-25-721	PREP	04-08-033	16-170-090	NEW	04-08-062	16-230-460	PREP	04-03-004
4-25-730	PREP	04-08-033	16-170-100	NEW-P	04-05-119	16-230-470	PREP	04-03-004
4-25-735	PREP	04-08-033	16-170-100	NEW	04-08-062	16-230-600	PREP	04-03-004
4-25-745	PREP	04-08-033	16-170-110	NEW-P	04-05-119	16-230-605	PREP	04-03-004
4-25-746	PREP	04-08-033	16-170-110	NEW	04-08-062	16-230-610	PREP	04-03-004
4-25-750	PREP	04-08-033	16-170-115	NEW-P	04-05-119	16-230-615	PREP	04-03-004
4-25-783	PREP	04-08-033	16-170-115	NEW	04-08-062	16-230-620	PREP	04-03-004
4-25-790	PREP	04-08-033	16-170-120	NEW-P	04-05-119	16-230-625	PREP	04-03-004
4-25-791	PREP	04-08-033	16-170-120	NEW	04-08-062	16-230-630	PREP	04-03-004
4-25-792	PREP	04-08-033	16-170-125	NEW-P	04-05-119	16-230-635	PREP	04-03-004
4-25-793	PREP	04-08-033	16-170-125	NEW	04-08-062	16-230-640	PREP	04-03-004
4-25-795	PREP	04-08-033	16-170-130	NEW-P	04-05-119	16-230-645	PREP	04-03-004
4-25-830	PREP	04-08-033	16-170-130	NEW	04-08-062	16-230-650	PREP	04-03-004
4-25-831	PREP	04-08-033	16-170-135	NEW-P	04-05-119	16-230-655	PREP	04-03-004
4-25-910	PREP	04-08-033	16-170-135	NEW	04-08-062	16-230-660	PREP	04-03-004
16-08-003	NEW	04-02-063	16-170-140	NEW-P	04-05-119	16-230-665	PREP	04-03-004
16-08-004	NEW	04-02-063	16-170-140	NEW	04-08-062	16-230-670	PREP	04-03-004
16-170-010	NEW-P	04-05-119	16-170-145	NEW-P	04-05-119	16-230-673	PREP	04-03-004
16-170-010	NEW	04-08-062	16-170-145	NEW	04-08-062	16-230-675	PREP	04-03-004
16-170-020	NEW-P	04-05-119	16-170-150	NEW-P	04-05-119	16-230-800	PREP	04-03-004

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-230-810	PREP	04-03-004	16-231-420	PREP	04-03-004	16-232-100	PREP	04-03-004
16-230-813	PREP	04-03-004	16-231-425	PREP	04-03-004	16-232-105	PREP	04-03-004
16-230-815	PREP	04-03-004	16-231-500	PREP	04-03-004	16-232-110	PREP	04-03-004
16-230-820	PREP	04-03-004	16-231-505	PREP	04-03-004	16-232-115	PREP	04-03-004
16-230-825	PREP	04-03-004	16-231-510	PREP	04-03-004	16-232-120	PREP	04-03-004
16-230-830	PREP	04-03-004	16-231-515	PREP	04-03-004	16-232-200	PREP	04-03-004
16-230-835	PREP	04-03-004	16-231-520	PREP	04-03-004	16-232-205	PREP	04-03-004
16-230-840	PREP	04-03-004	16-231-525	PREP	04-03-004	16-232-210	PREP	04-03-004
16-230-845	PREP	04-03-004	16-231-530	PREP	04-03-004	16-232-215	PREP	04-03-004
16-230-850	PREP	04-03-004	16-231-530	PREP	04-03-004	16-232-220	PREP	04-03-004
16-230-855	PREP	04-03-004	16-231-600	PREP	04-03-004	16-232-225	PREP	04-03-004
16-230-860	PREP	04-03-004	16-231-605	PREP	04-03-004	16-232-230	PREP	04-03-004
16-230-861	PREP	04-03-004	16-231-610	PREP	04-03-004	16-232-300	PREP	04-03-004
16-230-862	PREP	04-03-004	16-231-613	PREP	04-03-004	16-232-305	PREP	04-03-004
16-230-863	PREP	04-03-004	16-231-615	PREP	04-03-004	16-232-310	PREP	04-03-004
16-230-864	PREP	04-03-004	16-231-620	PREP	04-03-004	16-232-315	PREP	04-03-004
16-230-866	PREP	04-03-004	16-231-700	PREP	04-03-004	16-250-155	PREP	04-06-074
16-230-868	PREP	04-03-004	16-231-705	PREP	04-03-004	16-252-155	PREP	04-06-074
16-231-100	PREP	04-03-004	16-231-710	PREP	04-03-004	16-301-250	AMD	04-06-019
16-231-105	PREP	04-03-004	16-231-715	PREP	04-03-004	16-301-265	AMD	04-06-019
16-231-107	PREP	04-03-004	16-231-720	PREP	04-03-004	16-301-270	AMD	04-06-019
16-231-110	PREP	04-03-004	16-231-725	PREP	04-03-004	16-301-310	AMD	04-06-019
16-231-115	PREP	04-03-004	16-231-725	PREP	04-03-004	16-301-325	AMD	04-06-019
16-231-119	PREP	04-03-004	16-231-800	PREP	04-03-004	16-301-330	AMD	04-06-019
16-231-125	PREP	04-03-004	16-231-805	PREP	04-03-004	16-301-335	AMD	04-06-019
16-231-130	PREP	04-03-004	16-231-810	PREP	04-03-004	16-301-365	AMD-P	04-05-118
16-231-135	PREP	04-03-004	16-231-815	PREP	04-03-004	16-301-365	AMD	04-08-043
16-231-140	PREP	04-03-004	16-231-820	PREP	04-03-004	16-301-375	AMD-P	04-05-118
16-231-145	PREP	04-03-004	16-231-825	PREP	04-03-004	16-301-375	AMD	04-08-043
16-231-149	PREP	04-03-004	16-231-830	PREP	04-03-004	16-301-380	AMD-P	04-05-118
16-231-153	PREP	04-03-004	16-231-835	PREP	04-03-004	16-301-380	AMD	04-08-043
16-231-156	PREP	04-03-004	16-231-840	PREP	04-03-004	16-301-395	AMD-P	04-05-118
16-231-159	PREP	04-03-004	16-231-900	PREP	04-03-004	16-301-395	AMD	04-08-043
16-231-162	PREP	04-03-004	16-231-905	PREP	04-03-004	16-301-396	NEW-P	04-05-118
16-231-165	PREP	04-03-004	16-231-910	PREP	04-03-004	16-301-396	NEW	04-08-043
16-231-168	PREP	04-03-004	16-231-912	PREP	04-03-004	16-301-396	NEW	04-08-043
16-231-171	PREP	04-03-004	16-231-915	PREP	04-03-004	16-301-410	AMD-P	04-05-118
16-231-174	PREP	04-03-004	16-231-920	PREP	04-03-004	16-301-410	AMD	04-08-043
16-231-177	PREP	04-03-004	16-231-925	PREP	04-03-004	16-301-415	AMD-P	04-05-118
16-231-180	PREP	04-03-004	16-231-930	PREP	04-03-004	16-301-415	AMD	04-08-043
16-231-183	PREP	04-03-004	16-231-935	PREP	04-03-004	16-301-420	AMD-P	04-05-118
16-231-200	PREP	04-03-004	16-231-935	PREP	04-03-004	16-301-420	AMD	04-08-043
16-231-205	PREP	04-03-004	16-232-001	PREP	04-03-004	16-301-430	AMD-P	04-05-118
16-231-210	PREP	04-03-004	16-232-005	PREP	04-03-004	16-301-430	AMD	04-08-043
16-231-215	PREP	04-03-004	16-232-007	PREP	04-03-004	16-301-435	AMD-P	04-05-118
16-231-220	PREP	04-03-004	16-232-010	PREP	04-03-004	16-301-435	AMD	04-08-043
16-231-225	PREP	04-03-004	16-232-015	PREP	04-03-004	16-301-440	AMD-P	04-05-118
16-231-230	PREP	04-03-004	16-232-020	PREP	04-03-004	16-301-440	AMD	04-08-043
16-231-235	PREP	04-03-004	16-232-025	PREP	04-03-004	16-301-450	REP-P	04-05-118
16-231-300	PREP	04-03-004	16-232-027	PREP	04-03-004	16-301-450	REP	04-08-043
16-231-305	PREP	04-03-004	16-232-030	PREP	04-03-004	16-301-455	REP-P	04-05-118
16-231-310	PREP	04-03-004	16-232-035	PREP	04-03-004	16-301-455	REP	04-08-043
16-231-315	PREP	04-03-004	16-232-041	PREP	04-03-004	16-301-460	REP-P	04-05-118
16-231-320	PREP	04-03-004	16-232-044	PREP	04-03-004	16-301-460	REP	04-08-043
16-231-325	PREP	04-03-004	16-232-047	PREP	04-03-004	16-301-465	REP-P	04-05-118
16-231-330	PREP	04-03-004	16-232-050	PREP	04-03-004	16-301-465	REP	04-08-043
16-231-335	PREP	04-03-004	16-232-053	PREP	04-03-004	16-301-470	REP-P	04-05-118
16-231-400	PREP	04-03-004	16-232-056	PREP	04-03-004	16-301-470	REP	04-08-043
16-231-405	PREP	04-03-004	16-232-059	PREP	04-03-004	16-301-475	REP-P	04-05-118
16-231-410	PREP	04-03-004	16-232-062	PREP	04-03-004	16-301-475	REP	04-08-043
16-231-413	PREP	04-03-004	16-232-065	PREP	04-03-004	16-301-480	REP-P	04-05-118
16-231-415	PREP	04-03-004	16-232-068	PREP	04-03-004	16-301-480	REP	04-08-043
			16-232-071	PREP	04-03-004	16-301-485	REP-P	04-05-118
			16-232-074	PREP	04-03-004	16-301-485	REP	04-08-043
			16-232-077	PREP	04-03-004			

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-302-385	AMD-P	04-05-120	16-402-120	NEW-E	04-07-046	16-536-040	AMD-P	04-04-107
16-302-385	AMD	04-08-044	16-402-130	NEW-E	04-07-046	16-536-060	AMD-P	04-04-107
16-302-685	AMD	04-06-018	16-449-001	REP	04-05-117	16-545-005	NEW-P	04-09-104
16-303-340	AMD	04-06-029	16-449-010	REP	04-05-117	16-545-006	NEW-P	04-09-104
16-319-041	AMD	04-06-028	16-449-020	REP	04-05-117	16-545-010	AMD-P	04-09-104
16-324-375	AMD-X	04-07-170	16-449-030	REP	04-05-117	16-545-020	AMD-P	04-09-104
16-324-393	AMD-X	04-07-170	16-450-005	NEW	04-05-117	16-545-030	REP-P	04-09-104
16-324-398	AMD-X	04-07-170	16-450-010	NEW	04-05-117	16-561-005	NEW-P	04-07-194
16-324-720	REP-X	04-07-170	16-450-012	NEW	04-05-117	16-561-006	NEW-P	04-07-194
16-324-730	REP-X	04-07-170	16-450-014	NEW	04-05-117	16-561-010	AMD-P	04-07-194
16-324-740	REP-X	04-07-170	16-450-016	NEW	04-05-117	16-561-020	AMD-P	04-07-194
16-324-750	REP-X	04-07-170	16-450-020	NEW	04-05-117	16-561-030	REP-P	04-07-194
16-328	PREP	04-09-082	16-450-022	NEW	04-05-117	16-561-040	AMD-P	04-07-194
16-333	PREP	04-09-081	16-450-024	NEW	04-05-117	16-561-060	AMD-P	04-07-194
16-350-040	AMD-P	04-07-171	16-450-026	NEW	04-05-117	16-662-105	AMD-X	04-07-044
16-350-045	AMD-P	04-07-171	16-450-028	NEW	04-05-117	16-675	PREP	04-09-083
16-390-005	NEW-P	04-08-128	16-450-032	NEW	04-05-117	16-690-001	REP	04-05-117
16-390-010	NEW-P	04-08-128	16-450-040	NEW	04-05-117	16-690-010	REP	04-05-117
16-390-020	NEW-P	04-08-128	16-450-042	NEW	04-05-117	16-690-015	REP	04-05-117
16-390-030	NEW-P	04-08-128	16-450-044	NEW	04-05-117	16-690-020	REP	04-05-117
16-390-040	NEW-P	04-08-128	16-450-046	NEW	04-05-117	16-690-025	REP	04-05-117
16-390-060	NEW-P	04-08-128	16-450-048	NEW	04-05-117	16-690-030	REP	04-05-117
16-390-100	NEW-P	04-08-128	16-450-050	NEW	04-05-117	16-690-035	REP	04-05-117
16-390-150	NEW-P	04-08-128	16-450-060	NEW	04-05-117	16-690-040	REP	04-05-117
16-390-200	NEW-P	04-08-128	16-450-070	NEW	04-05-117	16-690-045	REP	04-05-117
16-390-210	NEW-P	04-08-128	16-458-075	REP-P	04-08-128	16-690-100	REP	04-05-117
16-390-220	NEW-P	04-08-128	16-458-085	REP-P	04-08-128	16-750-011	AMD-X	04-07-021
16-390-230	NEW-P	04-08-128	16-459-001	REP	04-05-117	16-750-015	AMD-X	04-07-021
16-390-240	NEW-P	04-08-128	16-459-00101	REP	04-05-117	36- 12	PREP	04-09-009
16-390-242	NEW-P	04-08-128	16-459-010	REP	04-05-117	36- 13	PREP	04-09-009
16-390-245	NEW-P	04-08-128	16-459-020	REP	04-05-117	36- 14	PREP	04-09-009
16-390-250	NEW-P	04-08-128	16-459-030	REP	04-05-117	51- 04-030	AMD-X	04-03-034
16-390-260	NEW-P	04-08-128	16-459-040	REP	04-05-117	51- 04-030	AMD	04-07-193
16-390-270	NEW-P	04-08-128	16-470	PREP	04-09-080	51- 11-0602	AMD-W	04-07-082
16-390-280	NEW-P	04-08-128	16-470-105	AMD-C	04-05-025	51- 11-1006	AMD-W	04-07-082
16-400-007	REP-P	04-08-128	16-470-105	AMD	04-09-027	51- 11-1132	AMD-W	04-07-082
16-400-008	REP-P	04-08-128	16-470-750	NEW-E	04-08-082	51- 11-1310	AMD-W	04-07-082
16-400-010	REP-P	04-08-128	16-470-755	NEW-E	04-08-082	51- 11-1312	AMD-W	04-07-082
16-400-040	REP-P	04-08-128	16-470-760	NEW-E	04-08-082	51- 11-1322	AMD-W	04-07-082
16-400-045	REP-P	04-08-128	16-470-765	NEW-E	04-08-082	51- 11-1323	AMD-W	04-07-082
16-400-060	REP-P	04-08-128	16-470-770	NEW-E	04-08-082	51- 11-1331	AMD-W	04-07-082
16-400-100	REP-P	04-08-128	16-470-775	NEW-E	04-08-082	51- 11-1334	AMD-W	04-07-082
16-400-150	REP-P	04-08-128	16-481	PREP	04-09-078	51- 11-1411	AMD-W	04-07-082
16-400-210	REP-P	04-08-128	16-512-002	REP	04-07-128	51- 11-1413	AMD-W	04-07-082
16-400-270	REP-P	04-08-128	16-512-005	AMD	04-07-128	51- 11-1414	AMD-W	04-07-082
16-401	PREP	04-04-108	16-512-006	NEW	04-07-128	51- 11-1416	AMD-W	04-07-082
16-401	PREP	04-06-082	16-512-010	AMD	04-07-128	51- 11-1423	AMD-W	04-07-082
16-401	PREP	04-09-079	16-512-020	AMD	04-07-128	51- 11-1432	AMD-W	04-07-082
16-401-070	NEW-P	04-07-172	16-512-030	REP	04-07-128	51- 11-1433	AMD-W	04-07-082
16-402	AMD-P	04-06-083	16-512-040	AMD	04-07-128	51- 11-1436	AMD-W	04-07-082
16-402	PREP	04-07-045	16-512-050	AMD	04-07-128	51- 11-1437	AMD-W	04-07-082
16-402	AMD	04-09-084	16-530-005	NEW-P	04-03-111	51- 11-1440	AMD-W	04-07-082
16-402-010	AMD-P	04-06-083	16-530-006	NEW-P	04-03-111	51- 11-1454	AMD-W	04-07-082
16-402-010	AMD	04-09-084	16-530-010	AMD-P	04-03-111	51- 11-1513	AMD-W	04-07-082
16-402-020	AMD-P	04-06-083	16-530-020	AMD-P	04-03-111	51- 11-1521	AMD-W	04-07-082
16-402-020	AMD	04-09-084	16-530-030	REP-P	04-03-111	51- 13-106	AMD-X	04-03-033
16-402-030	NEW-P	04-06-083	16-530-040	AMD-P	04-03-111	51- 13-106	AMD	04-07-192
16-402-030	NEW	04-09-084	16-536-005	NEW-P	04-04-107	51- 13-201	AMD-X	04-03-033
16-402-040	NEW-P	04-06-083	16-536-006	NEW-P	04-04-107	51- 13-201	AMD	04-07-192
16-402-040	NEW	04-09-084	16-536-010	AMD-P	04-04-107	51- 13-302	AMD-X	04-03-033
16-402-100	NEW-E	04-07-046	16-536-020	AMD-P	04-04-107	51- 13-302	AMD	04-07-192
16-402-110	NEW-E	04-07-046	16-536-030	REP-P	04-04-107	51- 13-303	AMD-X	04-03-033

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-13-303	AMD	04-07-192	132V-120-180	AMD-P	04-09-017	173-517	PREP	04-07-185
51-13-304	AMD-X	04-03-033	132V-120-200	AMD-P	04-09-017	173-518	PREP	04-07-129
51-13-304	AMD	04-07-192	132V-120-210	AMD-P	04-09-017	173-532	PREP	04-08-061
51-13-402	AMD-X	04-03-033	132V-120-220	AMD-P	04-09-017	180-16-220	AMD	04-04-093
51-13-402	AMD	04-07-192	132V-120-240	AMD-P	04-09-017	180-16-220	PREP	04-09-066
51-13-502	AMD-X	04-03-033	132V-120-241	AMD-P	04-09-017	180-16-225	AMD	04-04-093
51-13-502	AMD	04-07-192	132V-120-245	AMD-P	04-09-017	180-16-227	AMD	04-04-093
51-13-503	AMD-X	04-03-033	132V-120-270	AMD-P	04-09-017	180-18-050	AMD	04-04-093
51-13-503	AMD	04-07-192	132V-120-280	AMD-P	04-09-017	180-18-055	AMD	04-04-093
51-51-2439	NEW-W	04-07-083	132V-120-290	AMD-P	04-09-017	180-18-090	NEW	04-04-093
51-51-2802	NEW-W	04-07-083	132V-120-295	NEW-P	04-09-017	180-20-009	AMD-P	04-04-087
51-52-0504	NEW-W	04-07-084	132V-120-300	AMD-P	04-09-017	180-20-009	AMD	04-08-055
67-16-020	NEW-X	04-07-110	132V-120-310	AMD-P	04-09-017	180-20-021	NEW-P	04-04-087
67-16-030	NEW-X	04-07-110	132V-120-320	AMD-P	04-09-017	180-20-021	NEW	04-08-055
67-16-040	NEW-X	04-07-110	132V-120-335	NEW-P	04-09-017	180-20-101	AMD-P	04-04-087
82-50-021	AMD-X	04-08-126	132V-120-340	NEW-P	04-09-017	180-20-101	AMD	04-08-055
106-124-900	NEW-P	04-06-014	132V-120-345	NEW-P	04-09-017	180-20-111	AMD-P	04-04-087
106-124-910	NEW-P	04-06-014	132V-130	PREP	04-05-021	180-20-111	AMD	04-08-055
106-124-920	NEW-P	04-06-014	132V-130-020	AMD-P	04-09-016	180-24-225	NEW	04-04-091
118-33-010	REP	04-08-007	136-28-010	AMD	04-05-001	180-46	PREP	04-09-065
118-33-020	REP	04-08-007	136-130-040	AMD	04-05-001	180-46-005	REP-W	04-07-081
118-33-030	REP	04-08-007	136-130-060	AMD	04-05-001	180-46-010	REP-W	04-07-081
118-33-040	REP	04-08-007	136-130-070	AMD	04-05-001	180-46-015	REP-W	04-07-081
118-33-050	REP	04-08-007	137-28-260	AMD-P	04-05-076	180-46-020	REP-W	04-07-081
118-33-060	REP	04-08-007	137-28-260	AMD	04-07-163	180-46-025	REP-W	04-07-081
118-33-070	REP	04-08-007	139-01-100	AMD-P	04-02-040	180-46-030	REP-W	04-07-081
118-33-080	REP	04-08-007	139-01-100	AMD	04-07-146	180-46-035	REP-W	04-07-081
118-33-090	REP	04-08-007	139-05-210	PREP	04-04-017	180-46-040	REP-W	04-07-081
118-33-100	REP	04-08-007	139-05-210	AMD-P	04-07-145	180-46-045	REP-W	04-07-081
118-33-110	REP	04-08-007	139-05-915	PREP	04-05-064	180-46-050	REP-W	04-07-081
118-33-120	REP	04-08-007	139-05-915	AMD-P	04-08-130	180-46-055	REP-W	04-07-081
131	PREP	04-03-032	139-10-210	PREP	04-06-057	180-46-065	REP-W	04-07-081
131-16-070	AMD-P	04-04-033	139-10-210	AMD-P	04-09-069	180-50-300	AMD-P	04-04-086
131-16-070	AMD	04-07-094	173-26-105	REP-X	04-05-105	180-50-320	AMD-P	04-04-086
131-16-091	AMD-P	04-04-033	173-175-010	AMD-P	04-09-109	180-51	PREP	04-09-062
131-16-091	AMD	04-07-094	173-175-020	AMD-P	04-09-109	180-51-050	AMD	04-04-093
131-16-092	AMD-P	04-04-033	173-175-030	AMD-P	04-09-109	180-51-061	AMD	04-04-092
131-16-092	AMD	04-07-094	173-175-030	AMD-P	04-09-109	180-55-005	AMD	04-04-093
131-16-092	AMD	04-07-094	173-175-070	REP-P	04-09-109	180-55-015	AMD	04-04-093
131-16-093	AMD-P	04-04-033	173-175-230	AMD-P	04-09-109	180-55-020	AMD	04-04-093
131-16-093	AMD	04-07-094	173-175-250	AMD-P	04-09-109	180-55-034	AMD	04-04-093
131-16-094	AMD-P	04-04-033	173-175-360	AMD-P	04-09-109	180-55-150	REP	04-04-093
131-16-094	AMD	04-07-094	173-175-370	AMD-P	04-09-109	180-57	PREP	04-09-061
131-16-095	AMD-P	04-04-033	173-175-390	AMD-P	04-09-109	180-72	PREP	04-09-063
131-16-095	AMD	04-07-094	173-175-500	AMD-P	04-09-109	180-77	PREP	04-08-056
131-16-450	AMD-P	04-07-095	173-175-510	AMD-P	04-09-109	180-77A	PREP	04-08-056
131-28-026	AMD-P	04-07-093	173-175-520	AMD-P	04-09-109	180-78A	PREP	04-08-056
132V-120	PREP	04-05-022	173-175-610	AMD-P	04-09-109	180-78A-100	AMD	04-04-090
132V-120-020	AMD-P	04-09-017	173-175-620	AMD-P	04-09-109	180-78A-270	AMD	04-04-089
132V-120-030	AMD-P	04-09-017	173-175-705	NEW-P	04-09-109	180-78A-507	AMD	04-04-010
132V-120-040	AMD-P	04-09-017	173-175-725	NEW-P	04-09-109	180-79A	PREP	04-08-056
132V-120-050	AMD-P	04-09-017	173-175-735	NEW-P	04-09-109	180-79A-030	AMD	04-04-011
132V-120-070	AMD-P	04-09-017	173-175-755	NEW-P	04-09-109	180-79A-117	AMD	04-04-088
132V-120-080	AMD-P	04-09-017	173-175-765	NEW-P	04-09-109	180-79A-140	PREP	04-04-084
132V-120-090	AMD-P	04-09-017	173-175-775	NEW-P	04-09-109	180-79A-206	AMD	04-04-011
132V-120-100	AMD-P	04-09-017	173-175-785	NEW-P	04-09-109	180-79A-213	AMD	04-04-011
132V-120-110	AMD-P	04-09-017	173-175-795	NEW-P	04-09-109	180-79A-223	AMD	04-04-012
132V-120-120	AMD-P	04-09-017	173-224-030	AMD-P	04-08-104	180-79A-226	AMD	04-04-011
132V-120-130	AMD-P	04-09-017	173-224-040	AMD-P	04-08-104	180-79A-231	PREP	04-04-084
132V-120-140	AMD-P	04-09-017	173-224-050	AMD-P	04-08-104	180-79A-257	AMD	04-04-009
132V-120-150	AMD-P	04-09-017	173-224-090	AMD-P	04-08-104	180-79A-257	AMD	04-04-011
132V-120-160	AMD-P	04-09-017	173-303	PREP	04-04-101	180-81	PREP	04-08-056
132V-120-170	AMD-P	04-09-017	173-503	PREP	04-06-027			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180- 82	PREP	04-08-056	192-130-060	NEW-E	04-02-039	196- 12-005	NEW	04-04-001
180- 82A	PREP	04-08-056	192-130-065	NEW-E	04-02-039	196- 12-010	AMD	04-04-001
180- 83	PREP	04-08-056	192-130-070	NEW-E	04-02-039	196- 12-020	AMD	04-04-001
180- 85	PREP	04-08-056	192-130-080	NEW-E	04-02-039	196- 12-030	AMD	04-04-001
180- 85-105	AMD-P	04-04-085	192-140-070	NEW-E	04-02-039	196- 12-045	AMD	04-04-001
180- 85-105	AMD	04-08-054	192-140-075	NEW-E	04-02-039	196- 12-050	AMD	04-04-001
180- 86	PREP	04-08-056	192-140-080	NEW-E	04-02-039	196- 12-055	NEW	04-04-001
180- 87	PREP	04-08-056	192-140-085	NEW-E	04-02-039	196- 12-065	NEW	04-04-001
180- 88	PREP	04-09-064	192-140-090	NEW-E	04-02-039	196- 16-006	NEW	04-04-001
181- 01-002	NEW-P	04-04-105	192-140-100	NEW-E	04-02-039	196- 16-007	AMD	04-04-001
181- 01-002	NEW	04-08-047	192-140-120	NEW-E	04-02-039	196- 16-010	AMD	04-04-001
181- 01-003	NEW-P	04-04-106	192-140-200	NEW-E	04-02-039	196- 16-020	AMD	04-04-001
181- 01-003	NEW	04-08-048	192-140-210	NEW-E	04-02-039	196- 16-031	AMD	04-04-001
182	PREP	04-07-079	192-150-050	AMD-E	04-02-039	196- 16-035	NEW	04-04-001
182- 12	PREP	04-07-080	192-150-055	AMD-E	04-02-039	196- 20-005	NEW-P	04-04-027
182- 16-040	PREP	04-07-079	192-150-060	AMD-E	04-02-039	196- 20-010	AMD-P	04-04-027
182- 20-400	AMD	04-03-006	192-150-065	AMD-E	04-02-039	196- 20-020	AMD-P	04-04-027
182- 50-001	NEW	04-06-021	192-150-085	AMD-E	04-02-039	196- 20-030	AMD-P	04-04-027
182- 50-005	NEW	04-06-021	192-150-090	AMD-E	04-02-039	196- 21-005	NEW	04-04-001
182- 50-010	NEW	04-06-021	192-150-110	NEW-E	04-02-039	196- 21-010	AMD	04-04-001
182- 50-015	NEW	04-06-021	192-150-115	NEW-E	04-02-039	196- 21-020	AMD	04-04-001
182- 50-025	NEW	04-06-021	192-150-120	NEW-E	04-02-039	196- 21-030	AMD	04-04-001
182- 50-030	NEW	04-06-021	192-150-125	NEW-E	04-02-039	196- 23-070	AMD	04-04-001
182- 50-035	NEW	04-06-021	192-150-130	NEW-E	04-02-039	196- 24-041	REP	04-04-001
182- 50-200	NEW	04-06-021	192-150-135	NEW-E	04-02-039	196- 24-080	REP	04-04-001
192- 04-040	AMD-E	04-02-039	192-150-140	NEW-E	04-02-039	196- 24-085	REP	04-04-001
192- 04-050	AMD-E	04-02-039	192-150-150	NEW-E	04-02-039	196- 24-100	REP	04-04-001
192- 12-011	REP-E	04-02-039	192-150-200	NEW-E	04-02-039	196- 24-105	REP	04-04-001
192- 12-012	REP-E	04-02-039	192-150-205	NEW-E	04-02-039	196- 24-110	REP-W	04-05-061
192- 12-020	REP-E	04-02-039	192-150-210	NEW-E	04-02-039	196- 25-001	AMD	04-04-001
192- 12-180	REP-E	04-02-039	192-150-215	NEW-E	04-02-039	196- 25-002	AMD-W	04-05-061
192- 12-184	REP-E	04-02-039	192-150-220	NEW-E	04-02-039	196- 25-005	AMD	04-04-001
192- 12-190	REP-E	04-02-039	192-180-010	AMD-E	04-02-039	196- 25-010	AMD	04-04-001
192- 12-300	REP-E	04-02-039	192-180-015	AMD-E	04-02-039	196- 25-020	REP	04-04-001
192- 12-310	REP-E	04-02-039	192-180-020	AMD-E	04-02-039	196- 25-030	REP	04-04-001
192- 12-320	REP-E	04-02-039	192-180-025	AMD-E	04-02-039	196- 25-040	AMD-W	04-05-061
192- 12-330	REP-E	04-02-039	192-180-030	AMD-E	04-02-039	196- 25-050	AMD	04-04-001
192- 12-340	REP-E	04-02-039	192-180-040	NEW-E	04-02-039	196- 25-100	REP	04-04-001
192- 16-009	AMD-E	04-02-039	192-200-005	NEW-E	04-02-039	196- 27A-025	NEW-W	04-05-061
192- 16-015	AMD-E	04-02-039	192-200-010	NEW-E	04-02-039	204- 96-010	AMD	04-07-012
192- 16-016	AMD-E	04-02-039	192-200-030	NEW-E	04-02-039	208-690-010	NEW-E	04-07-182
192- 16-019	REP-E	04-02-039	192-220-010	NEW-E	04-02-039	208-690-020	NEW-E	04-07-182
192- 16-023	REP-E	04-02-039	192-220-020	NEW-E	04-02-039	208-690-030	NEW-E	04-07-182
192- 23-014	REP-E	04-02-039	192-220-030	NEW-E	04-02-039	208-690-031	NEW-E	04-07-182
192- 23-015	REP-E	04-02-039	192-230-100	NEW-E	04-02-039	208-690-035	NEW-E	04-07-182
192- 23-016	REP-E	04-02-039	192-240-035	AMD-E	04-02-039	208-690-040	NEW-E	04-07-182
192- 23-017	REP-E	04-02-039	192-240-040	AMD-E	04-02-039	208-690-045	NEW-E	04-07-182
192- 23-019	REP-E	04-02-039	192-300-050	AMD-E	04-02-039	208-690-050	NEW-E	04-07-182
192- 23-061	REP-E	04-02-039	192-310-010	AMD-E	04-02-039	208-690-060	NEW-E	04-07-182
192- 23-096	REP-E	04-02-039	192-310-025	AMD-E	04-02-039	208-690-070	NEW-E	04-07-182
192- 23-800	REP-E	04-02-039	192-310-030	AMD-E	04-02-039	208-690-075	NEW-E	04-07-182
192- 23-810	REP-E	04-02-039	192-320-070	AMD-E	04-02-039	208-690-080	NEW-E	04-07-182
192- 28-105	REP-E	04-02-039	192-320-075	NEW-E	04-02-039	208-690-090	NEW-E	04-07-182
192- 28-110	REP-E	04-02-039	192-340-100	NEW-E	04-02-039	208-690-100	NEW-E	04-07-182
192- 28-115	REP-E	04-02-039	196- 09	AMD	04-04-001	208-690-110	NEW-E	04-07-182
192- 28-120	REP-E	04-02-039	196- 09-010	AMD	04-04-001	208-690-112	NEW-E	04-07-182
192-100-010	NEW-E	04-02-039	196- 09-050	NEW	04-04-001	208-690-115	NEW-E	04-07-182
192-100-020	NEW-E	04-02-039	196- 09-055	NEW	04-04-001	208-690-120	NEW-E	04-07-182
192-100-030	NEW-E	04-02-039	196- 09-060	NEW	04-04-001	208-690-130	NEW-E	04-07-182
192-110-200	NEW-E	04-02-039	196- 09-100	NEW	04-04-001	208-690-140	NEW-E	04-07-182
192-110-210	NEW-E	04-02-039	196- 09-110	NEW	04-04-001	208-690-150	NEW-E	04-07-182
192-120-050	NEW-E	04-02-039	196- 09-120	NEW	04-04-001	208-690-160	NEW-E	04-07-182

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
208-690-170	NEW-E	04-07-182	220- 52-04000Y	REP-E	04-07-019	220- 56-330	AMD	04-07-009
208-690-180	NEW-E	04-07-182	220- 52-04000Z	NEW-E	04-07-019	220- 56-335	AMD	04-07-009
220- 12-020	AMD	04-07-009	220- 52-04600D	REP-E	04-03-049	220- 56-350	AMD	04-07-009
220- 16-270	AMD	04-07-009	220- 52-04600F	REP-E	04-05-007	220- 56-35000Q	NEW-E	04-03-010A
220- 16-550	AMD	04-07-009	220- 52-04600G	NEW-E	04-03-049	220- 56-35000Q	REP-E	04-06-035
220- 16-800	NEW	04-07-009	220- 52-04600G	REP-E	04-06-042	220- 56-35000R	NEW-E	04-06-035
220- 16-810	NEW	04-07-009	220- 52-04600H	NEW-E	04-05-007	220- 56-35000R	REP-E	04-07-043
220- 20-080	AMD	04-08-025	220- 52-04600H	REP-E	04-06-013	220- 56-35000S	NEW-E	04-07-043
220- 32-05100P	NEW-E	04-03-075	220- 52-04600I	NEW-E	04-06-013	220- 56-35000S	REP-E	04-09-006
220- 32-05100P	REP-E	04-03-075	220- 52-04600I	REP-E	04-07-013	220- 56-35000T	NEW-E	04-09-006
220- 32-05100P	REP-E	04-04-053	220- 52-04600J	NEW-E	04-06-042	220- 56-36000W	NEW-E	04-03-048
220- 32-05100Q	NEW-E	04-04-053	220- 52-04600J	REP-E	04-08-038	220- 56-36000W	REP-E	04-03-048
220- 32-05100Q	REP-E	04-04-053	220- 52-04600K	NEW-E	04-07-013	220- 56-36000X	NEW-E	04-05-100
220- 32-05100Q	REP-E	04-07-027	220- 52-04600K	REP-E	04-07-042	220- 56-36000X	REP-E	04-05-100
220- 32-05100R	NEW-E	04-07-027	220- 52-04600L	NEW-E	04-07-042	220- 56-36000Y	NEW-E	04-07-097
220- 32-05100R	REP-E	04-07-027	220- 52-04600M	NEW-E	04-08-038	220- 56-36000Y	REP-E	04-07-097
220- 33-01000A	NEW-E	04-08-011	220- 52-04600M	REP-E	04-08-038	220- 56-36000Z	NEW-E	04-09-058
220- 33-01000A	REP-E	04-08-026	220- 52-05100P	NEW-E	04-09-007	220- 56-36000Z	REP-E	04-09-058
220- 33-01000B	NEW-E	04-08-026	220- 52-07100D	NEW-E	04-03-031	220- 56-370	REP	04-07-009
220- 33-01000B	REP-E	04-09-021	220- 52-07100D	REP-E	04-05-008	220- 56-380	AMD	04-07-009
220- 33-01000C	NEW-E	04-09-021	220- 52-07100E	NEW-E	04-05-008	220- 56-38000G	NEW-E	04-03-010A
220- 33-01000Q	REP-E	04-04-071	220- 52-07100E	REP-E	04-05-045	220- 56-39000B	NEW-E	04-05-057
220- 33-01000R	NEW-E	04-04-071	220- 52-07100F	NEW-E	04-05-045	220- 56-41000A	NEW-E	04-05-057
220- 33-01000R	REP-E	04-04-071	220- 52-07100F	REP-E	04-06-041	220- 69-241	AMD	04-05-028
220- 33-01000S	NEW-E	04-06-002	220- 52-07100G	NEW-E	04-06-041	220- 72-01000B	NEW-E	04-08-037
220- 33-01000S	REP-E	04-06-002	220- 52-07300J	REP-E	04-03-010B	220- 72-011	AMD-P	04-05-069
220- 33-01000S	REP-E	04-06-059	220- 52-07300K	NEW-E	04-03-010B	220- 72-089	AMD-P	04-05-069
220- 33-01000T	NEW-E	04-06-059	220- 52-07300K	REP-E	04-03-074	220- 72-08900C	NEW-E	04-08-037
220- 33-01000T	REP-E	04-07-008	220- 52-07300L	NEW-E	04-03-074	220- 72-090	AMD-P	04-05-069
220- 33-01000U	NEW-E	04-07-008	220- 52-07300L	REP-E	04-06-012	220- 72-09000C	NEW-E	04-08-037
220- 33-01000U	REP-E	04-07-028	220- 55-061	NEW-P	04-05-068	220- 88B-030	AMD	04-05-027
220- 33-01000V	NEW-E	04-07-028	220- 55-061	NEW	04-08-063	220- 88B-040	AMD	04-05-027
220- 33-01000V	REP-E	04-07-050	220- 56-100	AMD-W	04-05-060	220- 88C-030	AMD-P	04-07-186
220- 33-01000W	NEW-E	04-07-050	220- 56-100	AMD	04-07-009	220- 88C-040	AMD-P	04-07-186
220- 33-01000W	REP-E	04-07-078	220- 56-115	AMD	04-07-009	220-100-110	AMD-X	04-09-046
220- 33-01000X	NEW-E	04-07-078	220- 56-118	NEW	04-07-009	220-110-035	PREP	04-04-008
220- 33-01000X	REP-E	04-07-118	220- 56-150	AMD	04-07-009	220-110-035	AMD-P	04-08-064
220- 33-01000Y	NEW-E	04-07-118	220- 56-215	AMD	04-07-009	220-125-010	AMD	04-05-026
220- 33-01000Y	REP-E	04-07-169	220- 56-235	AMD	04-07-009	222- 08-010	AMD	04-05-122
220- 33-01000Z	NEW-E	04-07-169	220- 56-23500S	NEW-E	04-05-057	222- 08-020	AMD	04-05-122
220- 33-01000Z	REP-E	04-08-011	220- 56-23500T	NEW-E	04-07-006	222- 08-020	DECOD	04-05-122
220- 33-03000U	NEW-E	04-09-018	220- 56-23500T	REP-E	04-07-006	222- 08-030	AMD	04-05-122
220- 33-03000U	REP-E	04-09-018	220- 56-250	AMD	04-07-009	222- 08-030	DECOD	04-05-122
220- 33-04000U	REP-E	04-07-117	220- 56-25000F	NEW-E	04-07-005	222- 08-035	DECOD	04-05-122
220- 33-04000V	NEW-E	04-07-117	220- 56-26700B	NEW-E	04-05-057	222- 08-040	AMD	04-05-122
220- 33-04000V	REP-E	04-07-117	220- 56-27000R	REP-E	04-07-116	222- 08-050	NEW	04-05-122
220- 44-05000A	NEW-E	04-03-010C	220- 56-27000R	REP-E	04-07-123	222- 08-060	NEW	04-05-122
220- 44-05000Z	REP-E	04-03-010C	220- 56-27000S	NEW-E	04-05-057	222- 08-070	NEW	04-05-122
220- 48-01500T	NEW-E	04-07-029	220- 56-27000T	NEW-E	04-07-116	222- 08-080	NEW	04-05-122
220- 48-02900D	NEW-E	04-05-056	220- 56-27000T	REP-E	04-07-116	222- 08-090	NEW	04-05-122
220- 48-03200C	NEW-E	04-05-056	220- 56-27000T	REP-E	04-07-123	222- 08-100	NEW	04-05-122
220- 48-06200C	NEW-E	04-05-056	220- 56-27000U	NEW-E	04-07-123	222- 08-120	NEW	04-05-122
220- 49-02000P	NEW-E	04-05-056	220- 56-27000U	REP-E	04-07-123	222- 08-130	NEW	04-05-122
220- 49-05600C	NEW-E	04-05-056	220- 56-282	AMD	04-07-009	222- 08-140	RECOD	04-05-122
220- 52-04000U	REP-E	04-05-007	220- 56-310	AMD	04-07-009	222- 08-150	RECOD	04-05-122
220- 52-04000V	NEW-E	04-05-007	220- 56-315	AMD	04-07-009	222- 08-160	RECOD	04-05-122
220- 52-04000V	REP-E	04-05-014	220- 56-325	AMD	04-07-009	222- 12-090	AMD	04-05-087
220- 52-04000W	NEW-E	04-05-014	220- 56-32500K	NEW-E	04-09-020	222- 16-010	AMD	04-05-087
220- 52-04000W	REP-E	04-06-003	220- 56-32500K	REP-E	04-09-052	230- 04-124	AMD-W	04-05-059
220- 52-04000X	NEW-E	04-06-003	220- 56-32500L	NEW-E	04-09-052	230- 04-192	REP-P	04-05-078
220- 52-04000X	REP-E	04-07-013	220- 56-32500L	REP-E	04-09-102	230- 04-192	REP	04-09-028
220- 52-04000Y	NEW-E	04-07-013	220- 56-32500M	NEW-E	04-09-102	230- 04-196	REP-P	04-05-078

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230- 04-196	REP	04-09-028	232- 28-61900Q	NEW-E	04-07-067	246- 01	PREP	04-06-043
230- 12-045	AMD-P	04-07-103	232- 28-61900Q	REP-E	04-07-067	246- 08	PREP	04-06-043
230- 20-059	AMD	04-07-102	232- 28-61900R	NEW-E	04-08-005	246- 50-001	AMD-W	04-02-066
230- 30-033	AMD-P	04-09-088	232- 28-61900R	REP-E	04-08-005	246- 50-005	NEW-W	04-02-066
230- 30-072	AMD-P	04-02-045	232- 28-61900R	REP-E	04-08-013	246- 50-010	AMD-W	04-02-066
230- 40-070	PREP	04-04-061	232- 28-61900S	NEW-E	04-08-013	246- 50-020	AMD-W	04-02-066
230- 40-070	AMD-P	04-07-147	232- 28-61900T	NEW-E	04-08-049	246- 50-030	AMD-W	04-02-066
230- 40-070	AMD-P	04-09-087	232- 28-61900T	REP-E	04-08-049	246- 50-035	NEW-W	04-02-066
230- 40-120	AMD-C	04-04-036	232- 28-61900U	NEW-E	04-09-047	246- 50-040	REP-W	04-02-066
230- 40-120	AMD	04-06-005	232- 28-61900V	NEW-E	04-09-019	246- 50-990	AMD-W	04-02-066
230- 40-120	AMD-W	04-07-051	232- 28-61900V	REP-E	04-09-019	246-217-010	PREP-W	04-06-020
230- 40-823	AMD	04-06-058	232- 28-61900W	NEW-E	04-09-023	246-217-010	AMD-P	04-09-056
232- 12-004	AMD-P	04-05-099	232- 28-61900W	REP-E	04-09-023	246-217-015	PREP-W	04-06-020
232- 12-005	NEW-P	04-05-099	232- 28-61900W	REP-E	04-09-103	246-232-020	AMD	04-04-055
232- 12-014	AMD-P	04-05-110	232- 28-61900X	NEW-E	04-09-022	246-232-040	AMD	04-04-055
232- 12-019	AMD	04-07-009	232- 28-61900X	REP-E	04-09-022	246-232-050	AMD	04-04-055
232- 12-047	AMD-P	04-05-106	232- 28-61900Y	NEW-E	04-09-048	246-232-060	AMD	04-04-055
232- 12-054	AMD-P	04-05-106	232- 28-61900Z	NEW-E	04-09-049	246-233-001	AMD	04-04-055
232- 12-064	AMD-P	04-05-099	232- 28-61900Z	REP-E	04-09-049	246-233-005	NEW	04-04-055
232- 12-168	AMD	04-07-009	236- 12-290	AMD-P	04-05-101	246-233-015	NEW	04-04-055
232- 12-271	AMD-P	04-05-099	236- 51-001	NEW	04-07-104	246-233-020	AMD	04-04-055
232- 12-31500K	REP-E	04-08-065	236- 51-005	NEW	04-07-104	246-233-025	NEW	04-04-055
232- 12-31500L	NEW-E	04-08-065	236- 51-006	NEW	04-07-104	246-233-030	NEW	04-04-055
232- 12-31500L	REP-E	04-08-065	236- 51-010	NEW	04-07-104	246-233-035	NEW	04-04-055
232- 12-619	AMD	04-07-009	236- 51-100	NEW	04-07-104	246-233-040	NEW	04-04-055
232- 12-828	AMD-P	04-05-106	236- 51-110	NEW	04-07-104	246-235-093	AMD	04-04-055
232- 28-248	AMD-P	04-05-115	236- 51-115	NEW	04-07-104	246-235-095	AMD	04-04-055
232- 28-271	AMD	04-03-026	236- 51-120	NEW	04-07-104	246-235-097	AMD	04-04-055
232- 28-272	AMD-P	04-05-109	236- 51-200	NEW	04-07-104	246-239-080	AMD	04-04-055
232- 28-273	AMD-P	04-05-111	236- 51-205	NEW	04-07-104	246-247-010	AMD-P	04-07-180
232- 28-282	AMD-P	04-05-111	236- 51-210	NEW	04-07-104	246-247-040	AMD-P	04-07-180
232- 28-333	AMD-P	04-05-113	236- 51-215	NEW	04-07-104	246-247-045	NEW-P	04-07-180
232- 28-335	AMD-P	04-05-114	236- 51-220	NEW	04-07-104	246-247-075	AMD-W	04-02-067
232- 28-337	AMD-P	04-05-116	236- 51-225	NEW	04-07-104	246-247-075	AMD-P	04-07-180
232- 28-341	AMD-P	04-05-112	236- 51-300	NEW	04-07-104	246-247-080	AMD-P	04-07-180
232- 28-351	AMD-P	04-05-107	236- 51-302	NEW	04-07-104	246-247-085	AMD-P	04-07-180
232- 28-352	AMD-P	04-05-108	236- 51-305	NEW	04-07-104	246-247-110	AMD-W	04-02-067
232- 28-619	AMD	04-07-009	236- 51-306	NEW	04-07-104	246-247-110	AMD-P	04-07-180
232- 28-61900A	NEW-E	04-09-103	236- 51-310	NEW	04-07-104	246-247-120	AMD-W	04-02-067
232- 28-61900A	REP-E	04-09-103	236- 51-320	NEW	04-07-104	246-247-120	AMD-P	04-07-180
232- 28-61900F	REP-E	04-07-004	236- 51-400	NEW	04-07-104	246-247-130	AMD-W	04-02-067
232- 28-61900G	NEW-E	04-03-047	236- 51-405	NEW	04-07-104	246-247-130	AMD-P	04-07-180
232- 28-61900G	REP-E	04-03-047	236- 51-410	NEW	04-07-104	246-254-053	AMD-P	04-07-181
232- 28-61900G	REP-E	04-04-028	236- 51-500	NEW	04-07-104	246-254-070	AMD-P	04-07-175
232- 28-61900H	NEW-E	04-04-028	236- 51-502	NEW	04-07-104	246-254-080	AMD-P	04-07-175
232- 28-61900H	REP-E	04-04-028	236- 51-505	NEW	04-07-104	246-254-090	AMD	04-04-055
232- 28-61900H	REP-E	04-05-032	236- 51-510	NEW	04-07-104	246-254-090	AMD-P	04-07-175
232- 28-61900I	NEW-E	04-04-060	236- 51-515	NEW	04-07-104	246-254-100	AMD-P	04-07-175
232- 28-61900J	NEW-E	04-05-015	236- 51-600	NEW	04-07-104	246-254-120	AMD-P	04-07-175
232- 28-61900J	REP-E	04-05-015	236- 51-605	NEW	04-07-104	246-260-001	AMD-P	04-08-099
232- 28-61900K	NEW-E	04-05-033	236- 51-610	NEW	04-07-104	246-260-010	AMD-P	04-08-099
232- 28-61900K	REP-E	04-05-033	236- 51-615	NEW	04-07-104	246-260-020	REP-P	04-08-099
232- 28-61900K	REP-E	04-07-026	236- 51-620	NEW	04-07-104	246-260-021	NEW-P	04-08-099
232- 28-61900L	NEW-E	04-05-048	236- 51-700	NEW	04-07-104	246-260-030	REP-P	04-08-099
232- 28-61900L	REP-E	04-05-048	236- 51-710	NEW	04-07-104	246-260-031	NEW-P	04-08-099
232- 28-61900M	NEW-E	04-07-007	236- 51-715	NEW	04-07-104	246-260-040	REP-P	04-08-099
232- 28-61900M	REP-E	04-07-007	236- 51-720	NEW	04-07-104	246-260-041	NEW-P	04-08-099
232- 28-61900N	NEW-E	04-07-004	236- 51-725	NEW	04-07-104	246-260-050	REP-P	04-08-099
232- 28-61900N	REP-E	04-07-004	236- 51-730	NEW	04-07-104	246-260-051	NEW-P	04-08-099
232- 28-61900P	NEW-E	04-07-026	236- 51-735	NEW	04-07-104	246-260-060	REP-P	04-08-099
232- 28-61900P	REP-E	04-07-026	236- 51-740	NEW	04-07-104	246-260-061	NEW-P	04-08-099
232- 28-61900P	REP-E	04-09-049	236- 51-745	NEW	04-07-104	246-260-070	REP-P	04-08-099

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-260-071	NEW-P	04-08-099	246-294-090	AMD	04-06-047	246-888-010	AMD-P	04-08-097
246-260-080	REP-P	04-08-099	246-335-990	PREP	04-09-054	246-888-020	AMD-P	04-08-097
246-260-081	NEW-P	04-08-099	246-808-190	PREP	04-02-064	246-888-030	AMD-P	04-08-097
246-260-090	REP-P	04-08-099	246-808-535	PREP	04-02-064	246-888-040	RECOD-P	04-08-097
246-260-091	NEW-P	04-08-099	246-809-610	AMD	04-06-010	246-888-040	REP-P	04-08-097
246-260-100	REP-P	04-08-099	246-809-620	AMD	04-06-010	246-888-050	DECOD-P	04-08-097
246-260-101	NEW-P	04-08-099	246-809-630	AMD	04-06-010	246-888-050	RECOD-P	04-08-097
246-260-110	REP-P	04-08-099	246-809-700	NEW	04-06-011	246-888-060	DECOD-P	04-08-097
246-260-111	NEW-P	04-08-099	246-809-710	NEW	04-06-011	246-888-060	RECOD-P	04-08-097
246-260-120	REP-P	04-08-099	246-809-720	NEW	04-06-011	246-888-070	AMD-P	04-08-097
246-260-121	NEW-P	04-08-099	246-817-135	PREP	04-08-096	246-888-070	DECOD-P	04-08-097
246-260-130	REP-P	04-08-099	246-817-440	PREP	04-08-095	246-888-070	RECOD-P	04-08-097
246-260-131	NEW-P	04-08-099	246-817-560	PREP	04-09-055	246-888-080	DECOD-P	04-08-097
246-260-140	REP-P	04-08-099	246-828-030	REP	04-02-068	246-888-080	RECOD-P	04-08-097
246-260-141	NEW-P	04-08-099	246-828-045	AMD	04-02-068	246-888-090	DECOD-P	04-08-097
246-260-150	REP-P	04-08-099	246-828-055	REP	04-02-068	246-888-090	RECOD-P	04-08-097
246-260-151	NEW-P	04-08-099	246-828-061	REP	04-02-068	246-888-100	DECOD-P	04-08-097
246-260-160	REP-P	04-08-099	246-828-070	REP	04-02-068	246-888-100	RECOD-P	04-08-097
246-260-170	REP-P	04-08-099	246-828-075	AMD	04-02-068	246-888-110	DECOD-P	04-08-097
246-260-171	NEW-P	04-08-099	246-828-090	AMD	04-02-068	246-915-010	AMD-P	04-08-046
246-260-181	NEW-P	04-08-099	246-828-095	AMD	04-02-068	246-915-040	PREP	04-07-195
246-260-191	NEW-P	04-08-099	246-828-100	AMD	04-02-068	246-915-050	PREP	04-07-178
246-260-200	REP-P	04-08-099	246-828-105	AMD	04-02-068	246-915-078	AMD-P	04-08-046
246-260-201	NEW-P	04-08-099	246-828-220	AMD	04-02-068	246-915-085	AMD-P	04-03-104
246-260-210	REP-P	04-08-099	246-828-270	AMD	04-02-068	246-915-085	AMD	04-08-101
246-260-211	NEW-P	04-08-099	246-828-290	AMD	04-02-068	246-915-100	PREP	04-07-173
246-260-220	REP-P	04-08-099	246-828-320	AMD	04-02-068	246-915-105	PREP	04-07-174
246-260-221	NEW-P	04-08-099	246-828-330	AMD	04-02-068	246-915-120	PREP	04-07-176
246-260-230	REP-P	04-08-099	246-828-350	AMD	04-02-068	246-915-140	AMD-P	04-08-046
246-260-240	REP-P	04-08-099	246-828-500	AMD	04-02-068	246-915-160	AMD-P	04-08-046
246-260-250	REP-P	04-08-099	246-828-550	AMD	04-02-068	246-915-180	PREP	04-07-177
246-260-260	REP-P	04-08-099	246-828-990	AMD	04-02-068	246-915-182	NEW-P	04-03-119
246-260-999	NEW-P	04-08-099	246-840-010	AMD-E	04-05-043	246-915-182	NEW	04-08-102
246-260-99901	NEW-P	04-08-099	246-840-010	AMD-P	04-09-057	246-915-210	AMD-P	04-03-107
246-260-99902	NEW-P	04-08-099	246-840-700	AMD-E	04-06-009	246-915-210	AMD	04-08-100
246-272B	PREP	04-03-010	246-840-840	AMD-E	04-05-043	246-915-220	AMD-P	04-03-107
246-290	PREP	04-06-044	246-840-840	AMD-P	04-09-057	246-915-220	AMD	04-08-100
246-290-010	AMD	04-04-056	246-840-850	AMD-E	04-05-043	246-915-230	AMD-P	04-03-107
246-290-025	AMD	04-04-056	246-840-850	AMD-P	04-09-057	246-915-230	AMD	04-08-100
246-290-130	AMD	04-04-056	246-840-860	AMD-E	04-05-043	246-915-240	AMD-P	04-03-107
246-290-300	AMD	04-04-056	246-840-860	AMD-P	04-09-057	246-915-240	AMD	04-08-100
246-290-310	AMD	04-04-056	246-840-870	AMD-E	04-05-043	246-915-250	AMD-P	04-03-107
246-290-320	AMD	04-04-056	246-840-870	AMD-P	04-09-057	246-915-250	AMD	04-08-100
246-290-480	AMD	04-04-056	246-840-880	AMD-E	04-05-043	246-915-260	AMD-P	04-03-107
246-290-601	AMD	04-04-056	246-840-880	AMD-P	04-09-057	246-915-260	AMD	04-08-100
246-290-630	AMD	04-04-056	246-840-890	AMD-E	04-05-043	246-915-270	AMD-P	04-03-107
246-290-660	AMD	04-04-056	246-840-890	AMD-P	04-09-057	246-915-270	AMD	04-08-100
246-290-664	AMD	04-04-056	246-840-900	REP-E	04-05-043	246-915-280	AMD-P	04-03-107
246-290-666	AMD	04-04-056	246-840-900	AMD-P	04-09-057	246-915-280	AMD	04-08-100
246-290-72010	AMD	04-04-056	246-840-905	NEW-P	04-09-057	246-918-120	AMD-P	04-05-044
246-290-72012	AMD	04-04-056	246-840-910	AMD-E	04-06-009	246-919-110	AMD	04-04-067
246-290-990	AMD-P	04-06-046	246-840-930	AMD-E	04-06-009	246-919-320	AMD	04-04-067
246-292-160	AMD-P	04-06-046	246-840-940	AMD-E	04-06-009	246-919-330	AMD-W	04-04-078
246-294-001	AMD	04-06-047	246-840-990	AMD	04-04-054	246-919-360	AMD	04-04-067
246-294-010	AMD	04-06-047	246-841-405	AMD-E	04-06-008	246-919-480	PREP	04-03-106
246-294-020	AMD	04-06-047	246-851-570	NEW	04-05-004	246-924-510	NEW-P	04-08-098
246-294-030	AMD	04-06-047	246-851-580	NEW-P	04-06-045	246-924-515	NEW-P	04-08-098
246-294-040	AMD	04-06-047	246-851-590	NEW-P	04-06-045	246-976-161	AMD	04-08-103
246-294-050	AMD	04-06-047	246-851-600	NEW	04-05-004	246-976-171	AMD	04-08-103
246-294-060	AMD	04-06-047	246-851-610	NEW-P	04-06-045	246-976-930	AMD	04-08-103
246-294-070	AMD	04-06-047	246-873-090	PREP-W	04-07-010	246-976-935	AMD-P	04-07-179
246-294-080	AMD	04-06-047	246-887-160	AMD-X	04-03-105	250-20-041	AMD-P	04-03-108

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
250- 20-041	AMD	04-08-060	287- 02-130	AMD	04-03-114	296- 23-372	NEW	04-04-029
250- 65	PREP	04-08-059	296- 05-007	AMD-P	04-04-014	296- 23-377	NEW	04-04-029
251- 14-015	NEW-W	04-07-187	296- 05-008	NEW-P	04-04-014	296- 23-381	NEW	04-04-029
251- 30-010	AMD-P	04-07-188	296- 17	PREP	04-04-098	296- 23-382	NEW	04-04-029
251- 30-010	DECOD-P	04-07-188	296- 17	PREP	04-04-100	296- 23-387	NEW	04-04-029
251- 30-010	RECOD-P	04-07-188	296- 17	PREP	04-09-098	296- 23-392	NEW	04-04-029
251- 30-020	AMD-P	04-07-188	296- 17-31013	AMD-P	04-07-122	296- 24	PREP	04-05-074
251- 30-020	DECOD-P	04-07-188	296- 17-644	AMD-W	04-06-060	296- 24	PREP	04-06-078
251- 30-020	RECOD-P	04-07-188	296- 17-67701	NEW-P	04-07-122	296- 24	PREP	04-07-154
251- 30-030	AMD-P	04-07-188	296- 17-870	AMD-P	04-07-121	296- 24	PREP	04-07-157
251- 30-030	DECOD-P	04-07-188	296- 17-895	AMD-P	04-07-122	296- 24	PREP	04-08-090
251- 30-030	RECOD-P	04-07-188	296- 19A-210	AMD-S	04-03-035	296- 24-012	AMD	04-07-161
251- 30-032	NEW-P	04-07-188	296- 19A-210	AMD	04-08-045	296- 24-110	REP-P	04-03-102
251- 30-034	NEW-P	04-07-188	296- 19A-480	AMD-S	04-03-035	296- 24-11001	REP-P	04-03-102
251- 30-040	REP-P	04-07-188	296- 19A-480	AMD	04-08-045	296- 24-11003	REP-P	04-03-102
251- 30-050	REP-P	04-07-188	296- 20-01002	AMD-P	04-03-082	296- 24-11005	REP-P	04-03-102
251- 30-055	AMD-P	04-07-188	296- 20-01002	AMD	04-08-040	296- 24-11007	REP-P	04-03-102
251- 30-057	AMD-P	04-07-188	296- 20-02704	AMD-P	04-03-082	296- 24-11009	REP-P	04-03-102
251- 30-060	REP-P	04-07-188	296- 20-02704	AMD	04-08-040	296- 24-11011	REP-P	04-03-102
260	PREP	04-08-057	296- 20-02705	AMD-P	04-03-082	296- 24-11013	REP-P	04-03-102
260- 08-600	REP	04-05-089	296- 20-02705	AMD	04-08-040	296- 24-11015	REP-P	04-03-102
260- 08-610	REP	04-05-089	296- 20-03011	AMD-P	04-03-082	296- 24-11017	REP-P	04-03-102
260- 08-620	AMD	04-05-089	296- 20-03011	AMD	04-08-040	296- 24-119	REP-P	04-03-102
260- 08-630	AMD	04-05-089	296- 20-03012	AMD-P	04-03-082	296- 24-120	REP	04-07-161
260- 08-640	REP	04-05-089	296- 20-03012	AMD	04-08-040	296- 24-150	REP-P	04-03-085
260- 08-650	AMD	04-05-089	296- 20-135	AMD-P	04-05-075	296- 24-15001	REP-P	04-03-085
260- 08-660	AMD	04-05-089	296- 20-135	AMD	04-09-100	296- 24-15003	REP-P	04-03-085
260- 14-010	AMD	04-05-090	296- 20-200	AMD	04-04-029	296- 24-15005	REP-P	04-03-085
260- 16-065	NEW	04-05-091	296- 20-2010	NEW	04-04-029	296- 24-15007	REP-P	04-03-085
260- 24-510	AMD-P	04-07-144	296- 20-2015	NEW	04-04-029	296- 24-15009	REP-P	04-03-085
260- 24-510	AMD-E	04-09-053	296- 20-2025	NEW	04-04-029	296- 24-165	REP-P	04-03-085
260- 24-650	AMD-P	04-04-045	296- 20-2030	NEW	04-04-029	296- 24-16501	REP-P	04-03-085
260- 24-650	AMD	04-07-074	296- 20-210	REP	04-04-029	296- 24-16503	REP-P	04-03-085
260- 28-140	REP	04-05-092	296- 23-220	AMD-P	04-05-075	296- 24-16505	REP-P	04-03-085
260- 36-120	AMD-P	04-04-046	296- 23-220	AMD	04-09-100	296- 24-16507	REP-P	04-03-085
260- 36-120	AMD	04-07-075	296- 23-230	AMD-P	04-05-075	296- 24-16509	REP-P	04-03-085
260- 40-100	AMD-P	04-05-088	296- 23-230	AMD	04-09-100	296- 24-16511	REP-P	04-03-085
260- 40-100	AMD	04-09-026	296- 23-255	REP	04-04-029	296- 24-16513	REP-P	04-03-085
260- 40-160	AMD-P	04-04-047	296- 23-260	REP	04-04-029	296- 24-16515	REP-P	04-03-085
260- 40-160	AMD	04-07-076	296- 23-265	REP	04-04-029	296- 24-16517	REP-P	04-03-085
260- 48-620	AMD-P	04-04-048	296- 23-26501	REP	04-04-029	296- 24-16519	REP-P	04-03-085
260- 48-620	AMD	04-07-077	296- 23-26502	REP	04-04-029	296- 24-16521	REP-P	04-03-085
260- 48-890	AMD-P	04-04-048	296- 23-26503	REP	04-04-029	296- 24-16523	REP-P	04-03-085
260- 48-890	AMD	04-07-077	296- 23-26504	REP	04-04-029	296- 24-16525	REP-P	04-03-085
260- 48-900	AMD-P	04-04-048	296- 23-26505	REP	04-04-029	296- 24-16527	REP-P	04-03-085
260- 48-900	AMD	04-07-077	296- 23-26506	REP	04-04-029	296- 24-16529	REP-P	04-03-085
260- 48-910	AMD-P	04-04-048	296- 23-267	REP	04-04-029	296- 24-16531	REP-P	04-03-085
260- 48-910	AMD	04-07-077	296- 23-270	REP	04-04-029	296- 24-16533	REP-P	04-03-085
260- 60-350	AMD	04-05-093	296- 23-302	NEW	04-04-029	296- 24-16535	REP-P	04-03-085
260- 60-360	AMD	04-05-093	296- 23-307	NEW	04-04-029	296- 24-16537	REP-P	04-03-085
260- 70-545	NEW	04-05-094	296- 23-312	NEW	04-04-029	296- 24-16539	REP-P	04-03-085
260- 70-630	AMD	04-05-095	296- 23-317	NEW	04-04-029	296- 24-180	REP-P	04-03-085
260- 88-010	AMD	04-05-096	296- 23-322	NEW	04-04-029	296- 24-18001	REP-P	04-03-085
284- 74-400	NEW	04-04-070	296- 23-327	NEW	04-04-029	296- 24-18003	REP-P	04-03-085
284- 74-410	NEW	04-04-070	296- 23-332	NEW	04-04-029	296- 24-18005	REP-P	04-03-085
284- 74-420	NEW	04-04-070	296- 23-337	NEW	04-04-029	296- 24-18007	REP-P	04-03-085
284- 74-430	NEW	04-04-070	296- 23-342	NEW	04-04-029	296- 24-18009	REP-P	04-03-085
284- 74-440	NEW	04-04-070	296- 23-347	NEW	04-04-029	296- 24-190	REP-P	04-03-085
284- 74-450	NEW	04-04-070	296- 23-352	NEW	04-04-029	296- 24-19001	REP-P	04-03-085
284- 74-460	NEW	04-04-070	296- 23-357	NEW	04-04-029	296- 24-19003	REP-P	04-03-085
287- 01-030	AMD	04-03-114	296- 23-362	NEW	04-04-029	296- 24-19005	REP-P	04-03-085
287- 02-030	AMD	04-03-114	296- 23-367	NEW	04-04-029	296- 24-19007	REP-P	04-03-085

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-24-19009	REP-P	04-03-085	296-24-23023	REP-P	04-08-039	296-62-05305	AMD-P	04-07-159
296-24-19011	REP-P	04-03-085	296-24-23025	REP-P	04-08-039	296-62-141	AMD	04-03-081
296-24-19013	REP-P	04-03-085	296-24-23027	REP-P	04-08-039	296-62-300	AMD	04-02-053
296-24-19015	REP-P	04-03-085	296-24-23029	REP-P	04-08-039	296-65	PREP	04-05-073
296-24-195	REP-P	04-03-085	296-24-23031	REP-P	04-08-039	296-78-540	AMD	04-07-160
296-24-19501	REP-P	04-03-085	296-24-23033	REP-P	04-08-039	296-78-56511	AMD-P	04-03-085
296-24-19503	REP-P	04-03-085	296-24-23035	REP-P	04-08-039	296-78-590	AMD-P	04-03-085
296-24-19505	REP-P	04-03-085	296-24-23037	REP-P	04-08-039	296-78-605	AMD-P	04-03-085
296-24-19507	REP-P	04-03-085	296-24-260	REP	04-09-099	296-78-615	AMD-P	04-03-085
296-24-19509	REP-P	04-03-085	296-24-47511	AMD-P	04-08-039	296-78-650	AMD-P	04-03-085
296-24-19511	REP-P	04-03-085	296-24-56527	AMD	04-07-161	296-78-660	AMD-P	04-03-085
296-24-19513	REP-P	04-03-085	296-24-61703	AMD	04-07-161	296-78-665	AMD-P	04-03-085
296-24-19514	REP-P	04-03-085	296-24-63399	AMD	04-07-161	296-78-690	AMD-P	04-03-085
296-24-19517	REP-P	04-03-085	296-24-67509	PREP	04-07-155	296-78-70503	AMD-P	04-03-085
296-24-197	REP-P	04-03-085	296-24-69003	AMD-P	04-03-085	296-78-710	PREP	04-06-078
296-24-200	REP-P	04-03-085	296-24-75011	AMD	04-07-161	296-78-71007	AMD-P	04-03-085
296-24-20001	REP-P	04-03-085	296-24-88020	AMD-P	04-03-085	296-78-71017	AMD-P	04-03-085
296-24-20003	REP-P	04-03-085	296-24-90003	AMD-P	04-03-085	296-78-71505	AMD-P	04-03-085
296-24-20005	REP-P	04-03-085	296-24-95603	AMD	04-07-161	296-79-030	AMD-P	04-03-085
296-24-20007	REP-P	04-03-085	296-24-975	AMD-P	04-03-102	296-79-220	AMD-P	04-03-102
296-24-20009	REP-P	04-03-085	296-30-081	PREP	04-04-099	296-96-00500	AMD-P	04-08-087
296-24-20011	REP-P	04-03-085	296-30-081	AMD-P	04-08-091	296-96-00600	AMD-P	04-08-087
296-24-20013	REP-P	04-03-085	296-31-070	AMD-P	04-08-091	296-96-00650	AMD-P	04-08-087
296-24-20015	REP-P	04-03-085	296-45-125	AMD	04-07-160	296-96-00700	AMD-P	04-08-087
296-24-20017	REP-P	04-03-085	296-45-175	AMD-P	04-03-102	296-96-00800	AMD-P	04-08-087
296-24-20019	REP-P	04-03-085	296-46B-010	AMD-P	04-08-088	296-96-00805	NEW-P	04-08-087
296-24-20021	REP-P	04-03-085	296-46B-020	AMD-P	04-08-088	296-96-00900	NEW-P	04-08-087
296-24-205	REP-P	04-03-085	296-46B-030	AMD-P	04-08-088	296-96-00902	NEW-P	04-08-087
296-24-20501	REP-P	04-03-085	296-46B-110	AMD-P	04-08-088	296-96-00903	NEW-P	04-08-087
296-24-20503	REP-P	04-03-085	296-46B-210	AMD-P	04-08-088	296-96-00904	NEW-P	04-08-087
296-24-20505	REP-P	04-03-085	296-46B-250	AMD-P	04-08-088	296-96-00906	NEW-P	04-08-087
296-24-20507	REP-P	04-03-085	296-46B-300	AMD-P	04-08-088	296-96-00910	NEW-P	04-08-087
296-24-20509	REP-P	04-03-085	296-46B-314	AMD-P	04-08-088	296-96-00912	NEW-P	04-08-087
296-24-20511	REP-P	04-03-085	296-46B-334	AMD-P	04-08-088	296-96-00914	NEW-P	04-08-087
296-24-20513	REP-P	04-03-085	296-46B-410	AMD-P	04-08-088	296-96-00916	NEW-P	04-08-087
296-24-20515	REP-P	04-03-085	296-46B-430	AMD-P	04-08-088	296-96-00918	NEW-P	04-08-087
296-24-20517	REP-P	04-03-085	296-46B-900	AMD-P	04-08-088	296-96-00920	NEW-P	04-08-087
296-24-20519	REP-P	04-03-085	296-46B-905	AMD-P	04-08-088	296-96-00922	NEW-P	04-08-087
296-24-20521	REP-P	04-03-085	296-46B-910	AMD-P	04-08-088	296-96-00924	NEW-P	04-08-087
296-24-20523	REP-P	04-03-085	296-46B-911	AMD-P	04-08-088	296-96-00926	NEW-P	04-08-087
296-24-20525	REP-P	04-03-085	296-46B-915	AMD-P	04-08-088	296-96-00930	NEW-P	04-08-087
296-24-20527	REP-P	04-03-085	296-46B-920	AMD-P	04-08-088	296-96-01000	AMD-P	04-08-087
296-24-20529	REP-P	04-03-085	296-46B-925	AMD-P	04-08-088	296-96-01005	AMD-P	04-08-087
296-24-20531	REP-P	04-03-085	296-46B-930	AMD-P	04-08-088	296-96-01006	NEW-P	04-08-087
296-24-20533	REP-P	04-03-085	296-46B-935	AMD-P	04-08-088	296-96-01007	NEW-P	04-08-087
296-24-20699	REP-P	04-03-085	296-46B-940	AMD-P	04-08-088	296-96-01009	NEW-P	04-08-087
296-24-20700	REP-P	04-03-085	296-46B-945	AMD-P	04-08-088	296-96-01010	AMD-P	04-08-087
296-24-20710	REP-P	04-03-085	296-46B-950	AMD-P	04-08-088	296-96-01027	AMD-P	04-08-087
296-24-20720	REP-P	04-03-085	296-46B-970	AMD-P	04-08-088	296-96-01035	AMD-P	04-08-087
296-24-20730	REP-P	04-03-085	296-46B-990	AMD-P	04-08-088	296-96-01070	AMD-P	04-08-087
296-24-230	REP-P	04-08-039	296-46B-995	AMD-P	04-08-088	296-96-01075	NEW-P	04-08-087
296-24-23001	REP-P	04-08-039	296-46B-999	AMD-P	04-08-088	296-96-01080	REP-P	04-08-087
296-24-23003	REP-P	04-08-039	296-54-573	AMD-P	04-03-085	296-96-02230	NEW-P	04-08-087
296-24-23005	REP-P	04-08-039	296-54-57310	AMD-P	04-03-102	296-96-02232	NEW-P	04-08-087
296-24-23007	REP-P	04-08-039	296-56	PREP	04-07-154	296-96-02235	NEW-P	04-08-087
296-24-23009	REP-P	04-08-039	296-56-60115	AMD-X	04-05-072	296-96-02240	AMD-P	04-08-087
296-24-23011	REP-P	04-08-039	296-56-60243	AMD-X	04-05-072	296-96-02275	AMD-P	04-08-087
296-24-23013	REP-P	04-08-039	296-59-130	AMD-P	04-03-085	296-96-02276	NEW-P	04-08-087
296-24-23015	REP-P	04-08-039	296-62	PREP	04-05-073	296-96-02277	AMD-P	04-08-087
296-24-23017	REP-P	04-08-039	296-62	PREP	04-07-155	296-96-02278	AMD-P	04-08-087
296-24-23019	REP-P	04-08-039	296-62	PREP	04-07-156	296-96-02280	AMD-P	04-08-087
296-24-23021	REP-P	04-08-039	296-62	PREP	04-09-097	296-96-02281	AMD-P	04-08-087

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-96-02282	NEW-P	04-08-087	296-96-08230	AMD-P	04-08-087	296-155-487	AMD-P	04-03-085
296-96-02283	NEW-P	04-08-087	296-96-08250	AMD-P	04-08-087	296-155-488	AMD-P	04-03-085
296-96-02285	NEW-P	04-08-087	296-96-09002	AMD-P	04-08-087	296-155-525	AMD-P	04-03-085
296-96-02290	NEW-P	04-08-087	296-96-09003	NEW-P	04-08-087	296-155-575	REP	04-09-099
296-96-02310	AMD-P	04-08-087	296-96-09004	NEW-P	04-08-087	296-155-576	REP	04-09-099
296-96-02315	AMD-P	04-08-087	296-96-10002	NEW-P	04-08-087	296-155-617	PREP	04-07-154
296-96-02317	NEW-P	04-08-087	296-96-11000	REP-P	04-08-087	296-155-682	AMD-P	04-03-085
296-96-02318	NEW-P	04-08-087	296-96-11001	AMD-P	04-08-087	296-200A-900	AMD-P	04-08-092
296-96-02320	AMD-P	04-08-087	296-96-11016	AMD-P	04-08-087	296-301-020	AMD-P	04-03-085
296-96-02325	AMD-P	04-08-087	296-96-11019	AMD-P	04-08-087	296-301-020	PREP	04-06-078
296-96-02330	AMD-P	04-08-087	296-96-11022	AMD-P	04-08-087	296-301-170	AMD-P	04-03-085
296-96-02340	AMD-P	04-08-087	296-96-11045	AMD-P	04-08-087	296-302-010	REP-P	04-03-085
296-96-02350	AMD-P	04-08-087	296-96-11057	AMD-P	04-08-087	296-302-015	REP-P	04-03-085
296-96-02360	AMD-P	04-08-087	296-96-11078	AMD-P	04-08-087	296-302-020	REP-P	04-03-085
296-96-02361	NEW-P	04-08-087	296-96-11080	NEW-P	04-08-087	296-302-025	REP-P	04-03-085
296-96-02362	NEW-P	04-08-087	296-96-13135	NEW-P	04-08-087	296-302-02501	REP-P	04-03-085
296-96-02363	NEW-P	04-08-087	296-96-13139	NEW-P	04-08-087	296-302-02503	REP-P	04-03-085
296-96-02364	NEW-P	04-08-087	296-96-13143	NEW-P	04-08-087	296-302-02505	REP-P	04-03-085
296-96-02365	REP-P	04-08-087	296-96-13145	NEW-P	04-08-087	296-302-02507	REP-P	04-03-085
296-96-02366	NEW-P	04-08-087	296-96-13147	NEW-P	04-08-087	296-302-02509	REP-P	04-03-085
296-96-02367	NEW-P	04-08-087	296-96-13149	NEW-P	04-08-087	296-302-02511	REP-P	04-03-085
296-96-02370	NEW-P	04-08-087	296-96-13151	NEW-P	04-08-087	296-302-02513	REP-P	04-03-085
296-96-02371	NEW-P	04-08-087	296-96-13153	NEW-P	04-08-087	296-302-02515	REP-P	04-03-085
296-96-05010	AMD-P	04-08-087	296-96-13155	NEW-P	04-08-087	296-302-02517	REP-P	04-03-085
296-96-05030	AMD-P	04-08-087	296-96-13157	NEW-P	04-08-087	296-302-02519	REP-P	04-03-085
296-96-05070	AMD-P	04-08-087	296-96-13159	NEW-P	04-08-087	296-302-03001	REP-P	04-03-085
296-96-05160	AMD-P	04-08-087	296-96-13161	NEW-P	04-08-087	296-302-03003	REP-P	04-03-085
296-96-05170	AMD-P	04-08-087	296-96-13167	NEW-P	04-08-087	296-302-035	REP-P	04-03-085
296-96-05230	AMD-P	04-08-087	296-96-13169	NEW-P	04-08-087	296-302-040	REP-P	04-03-085
296-96-05290	AMD-P	04-08-087	296-96-13171	NEW-P	04-08-087	296-302-045	REP-P	04-03-085
296-96-07010	AMD-P	04-08-087	296-96-14045	AMD-P	04-08-087	296-302-050	REP-P	04-03-085
296-96-07021	NEW-P	04-08-087	296-96-14060	AMD-P	04-08-087	296-302-05001	REP-P	04-03-085
296-96-07024	NEW-P	04-08-087	296-96-14070	AMD-P	04-08-087	296-302-05503	REP-P	04-03-085
296-96-07080	AMD-P	04-08-087	296-96-14080	AMD-P	04-08-087	296-302-060	REP-P	04-03-085
296-96-07100	AMD-P	04-08-087	296-96-16040	AMD-P	04-08-087	296-302-065	REP-P	04-03-085
296-96-07170	AMD-P	04-08-087	296-96-16150	AMD-P	04-08-087	296-302-06501	REP-P	04-03-085
296-96-07180	AMD-P	04-08-087	296-96-23100	AMD-P	04-08-087	296-302-06503	REP-P	04-03-085
296-96-07190	AMD-P	04-08-087	296-96-23101	AMD-P	04-08-087	296-302-06505	REP-P	04-03-085
296-96-07200	AMD-P	04-08-087	296-96-23117	NEW-P	04-08-087	296-302-06507	REP-P	04-03-085
296-96-07215	NEW-P	04-08-087	296-96-23118	NEW-P	04-08-087	296-302-06509	REP-P	04-03-085
296-96-07230	AMD-P	04-08-087	296-96-23119	NEW-P	04-08-087	296-302-06511	REP-P	04-03-085
296-96-07250	AMD-P	04-08-087	296-96-23151	AMD-P	04-08-087	296-302-06513	REP-P	04-03-085
296-96-08010	AMD-P	04-08-087	296-96-23240	AMD-P	04-08-087	296-302-06515	REP-P	04-03-085
296-96-08020	AMD-P	04-08-087	296-96-23270	AMD-P	04-08-087	296-302-06517	REP-P	04-03-085
296-96-08022	NEW-P	04-08-087	296-96-23287	AMD-P	04-08-087	296-302-06519	REP-P	04-03-085
296-96-08024	NEW-P	04-08-087	296-96-23610	AMD-P	04-08-087	296-302-06521	REP-P	04-03-085
296-96-08030	AMD-P	04-08-087	296-104	PREP	04-08-114	296-302-06523	REP-P	04-03-085
296-96-08050	AMD-P	04-08-087	296-104-700	AMD-P	04-08-115	296-302-06525	REP-P	04-03-085
296-96-08060	AMD-P	04-08-087	296-115-050	AMD-P	04-03-085	296-302-06527	REP-P	04-03-085
296-96-08090	AMD-P	04-08-087	296-127	PREP	04-06-063	296-302-06529	REP-P	04-03-085
296-96-08100	AMD-P	04-08-087	296-127-011	AMD-X	04-03-083	296-302-06531	REP-P	04-03-085
296-96-08110	AMD-P	04-08-087	296-150C-3000	AMD-P	04-08-092	296-303-030	AMD-P	04-03-085
296-96-08140	AMD-P	04-08-087	296-150F-3000	AMD-P	04-08-092	296-305-01515	AMD	04-07-160
296-96-08150	AMD-P	04-08-087	296-150M-3000	AMD-P	04-08-092	296-305-04501	PREP	04-08-090
296-96-08160	AMD-P	04-08-087	296-150P-3000	AMD-P	04-08-092	296-305-06519	AMD-P	04-03-085
296-96-08170	AMD-P	04-08-087	296-150R-3000	AMD-P	04-08-092	296-307	PREP	04-09-097
296-96-08175	AMD-P	04-08-087	296-150T-3000	AMD-P	04-08-092	296-307-039	AMD	04-07-160
296-96-08180	AMD-P	04-08-087	296-150V-3000	AMD-P	04-08-092	296-307-03905	AMD	04-07-160
296-96-08190	AMD-P	04-08-087	296-155	PREP	04-03-084	296-307-03910	REP	04-07-160
296-96-08200	AMD-P	04-08-087	296-155	PREP	04-05-074	296-307-03915	REP	04-07-160
296-96-08215	NEW-P	04-08-087	296-155-120	AMD	04-07-160	296-307-03925	REP	04-07-160
296-96-08220	AMD-P	04-08-087	296-155-429	AMD-P	04-03-102	296-307-14505	AMD-X	04-07-162

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-14510	AMD-X	04-07-162	296-803-800	NEW-P	04-03-102	296-806-40518	NEW-P	04-03-085
296-400A-005	AMD-P	04-08-089	296-806-100	NEW-P	04-03-085	296-806-40520	NEW-P	04-03-085
296-400A-020	AMD-P	04-08-089	296-806-200	NEW-P	04-03-085	296-806-40522	NEW-P	04-03-085
296-400A-021	AMD-P	04-08-089	296-806-20002	NEW-P	04-03-085	296-806-40524	NEW-P	04-03-085
296-400A-023	NEW-P	04-08-089	296-806-20004	NEW-P	04-03-085	296-806-40526	NEW-P	04-03-085
296-400A-026	AMD-P	04-08-089	296-806-20006	NEW-P	04-03-085	296-806-410	NEW-P	04-03-085
296-400A-028	NEW-P	04-08-089	296-806-20008	NEW-P	04-03-085	296-806-41002	NEW-P	04-03-085
296-400A-029	NEW-P	04-08-089	296-806-20010	NEW-P	04-03-085	296-806-41004	NEW-P	04-03-085
296-400A-030	AMD-P	04-08-089	296-806-20012	NEW-P	04-03-085	296-806-415	NEW-P	04-03-085
296-400A-031	AMD-P	04-08-089	296-806-20014	NEW-P	04-03-085	296-806-41502	NEW-P	04-03-085
296-400A-035	AMD-P	04-08-089	296-806-20016	NEW-P	04-03-085	296-806-41504	NEW-P	04-03-085
296-400A-045	AMD-P	04-08-089	296-806-20018	NEW-P	04-03-085	296-806-41506	NEW-P	04-03-085
296-400A-120	AMD-P	04-08-089	296-806-20020	NEW-P	04-03-085	296-806-41508	NEW-P	04-03-085
296-400A-121	AMD-P	04-08-089	296-806-20022	NEW-P	04-03-085	296-806-420	NEW-P	04-03-085
296-400A-122	AMD-P	04-08-089	296-806-20024	NEW-P	04-03-085	296-806-42002	NEW-P	04-03-085
296-400A-130	AMD-P	04-08-089	296-806-20026	NEW-P	04-03-085	296-806-42004	NEW-P	04-03-085
296-400A-135	NEW-P	04-08-089	296-806-20028	NEW-P	04-03-085	296-806-42006	NEW-P	04-03-085
296-400A-140	AMD-P	04-08-089	296-806-20030	NEW-P	04-03-085	296-806-42008	NEW-P	04-03-085
296-400A-150	NEW-P	04-08-089	296-806-20032	NEW-P	04-03-085	296-806-42010	NEW-P	04-03-085
296-400A-155	NEW-P	04-08-089	296-806-20034	NEW-P	04-03-085	296-806-42012	NEW-P	04-03-085
296-400A-300	AMD-P	04-08-089	296-806-20036	NEW-P	04-03-085	296-806-42014	NEW-P	04-03-085
296-400A-400	AMD-P	04-08-089	296-806-20038	NEW-P	04-03-085	296-806-42016	NEW-P	04-03-085
296-400A-425	AMD-P	04-08-089	296-806-20040	NEW-P	04-03-085	296-806-42018	NEW-P	04-03-085
296-800	PREP	04-07-157	296-806-20042	NEW-P	04-03-085	296-806-42020	NEW-P	04-03-085
296-800-11045	PREP	04-06-078	296-806-20044	NEW-P	04-03-085	296-806-42022	NEW-P	04-03-085
296-800-150	AMD	04-07-160	296-806-20046	NEW-P	04-03-085	296-806-42024	NEW-P	04-03-085
296-800-15005	AMD	04-07-160	296-806-20048	NEW-P	04-03-085	296-806-42026	NEW-P	04-03-085
296-800-15010	REP	04-07-160	296-806-20050	NEW-P	04-03-085	296-806-42028	NEW-P	04-03-085
296-800-15015	REP	04-07-160	296-806-20052	NEW-P	04-03-085	296-806-42030	NEW-P	04-03-085
296-800-15025	REP	04-07-160	296-806-20054	NEW-P	04-03-085	296-806-42032	NEW-P	04-03-085
296-800-35052	PREP	04-06-078	296-806-20056	NEW-P	04-03-085	296-806-42034	NEW-P	04-03-085
296-803-100	NEW-P	04-03-102	296-806-20058	NEW-P	04-03-085	296-806-42036	NEW-P	04-03-085
296-803-200	NEW-P	04-03-102	296-806-300	NEW-P	04-03-085	296-806-42038	NEW-P	04-03-085
296-803-20005	NEW-P	04-03-102	296-806-30002	NEW-P	04-03-085	296-806-42040	NEW-P	04-03-085
296-803-300	NEW-P	04-03-102	296-806-30004	NEW-P	04-03-085	296-806-42042	NEW-P	04-03-085
296-803-30005	NEW-P	04-03-102	296-806-30006	NEW-P	04-03-085	296-806-42044	NEW-P	04-03-085
296-803-400	NEW-P	04-03-102	296-806-30008	NEW-P	04-03-085	296-806-42046	NEW-P	04-03-085
296-803-40005	NEW-P	04-03-102	296-806-30010	NEW-P	04-03-085	296-806-42048	NEW-P	04-03-085
296-803-40010	NEW-P	04-03-102	296-806-30012	NEW-P	04-03-085	296-806-42050	NEW-P	04-03-085
296-803-40015	NEW-P	04-03-102	296-806-30014	NEW-P	04-03-085	296-806-42052	NEW-P	04-03-085
296-803-40020	NEW-P	04-03-102	296-806-30016	NEW-P	04-03-085	296-806-42054	NEW-P	04-03-085
296-803-500	NEW-P	04-03-102	296-806-30018	NEW-P	04-03-085	296-806-42056	NEW-P	04-03-085
296-803-50005	NEW-P	04-03-102	296-806-30020	NEW-P	04-03-085	296-806-42058	NEW-P	04-03-085
296-803-50010	NEW-P	04-03-102	296-806-30022	NEW-P	04-03-085	296-806-42060	NEW-P	04-03-085
296-803-50015	NEW-P	04-03-102	296-806-30024	NEW-P	04-03-085	296-806-42062	NEW-P	04-03-085
296-803-50020	NEW-P	04-03-102	296-806-30026	NEW-P	04-03-085	296-806-42064	NEW-P	04-03-085
296-803-50025	NEW-P	04-03-102	296-806-30028	NEW-P	04-03-085	296-806-42066	NEW-P	04-03-085
296-803-50030	NEW-P	04-03-102	296-806-30030	NEW-P	04-03-085	296-806-42068	NEW-P	04-03-085
296-803-50035	NEW-P	04-03-102	296-806-30032	NEW-P	04-03-085	296-806-42070	NEW-P	04-03-085
296-803-50040	NEW-P	04-03-102	296-806-30034	NEW-P	04-03-085	296-806-42072	NEW-P	04-03-085
296-803-50045	NEW-P	04-03-102	296-806-30036	NEW-P	04-03-085	296-806-42074	NEW-P	04-03-085
296-803-50050	NEW-P	04-03-102	296-806-30038	NEW-P	04-03-085	296-806-42076	NEW-P	04-03-085
296-803-50055	NEW-P	04-03-102	296-806-400	NEW-P	04-03-085	296-806-42078	NEW-P	04-03-085
296-803-50060	NEW-P	04-03-102	296-806-405	NEW-P	04-03-085	296-806-425	NEW-P	04-03-085
296-803-600	NEW-P	04-03-102	296-806-40502	NEW-P	04-03-085	296-806-42502	NEW-P	04-03-085
296-803-60005	NEW-P	04-03-102	296-806-40504	NEW-P	04-03-085	296-806-42504	NEW-P	04-03-085
296-803-60010	NEW-P	04-03-102	296-806-40506	NEW-P	04-03-085	296-806-42506	NEW-P	04-03-085
296-803-60015	NEW-P	04-03-102	296-806-40508	NEW-P	04-03-085	296-806-42508	NEW-P	04-03-085
296-803-700	NEW-P	04-03-102	296-806-40510	NEW-P	04-03-085	296-806-42510	NEW-P	04-03-085
296-803-70005	NEW-P	04-03-102	296-806-40512	NEW-P	04-03-085	296-806-42512	NEW-P	04-03-085
296-803-70010	NEW-P	04-03-102	296-806-40514	NEW-P	04-03-085	296-806-42514	NEW-P	04-03-085
296-803-70015	NEW-P	04-03-102	296-806-40516	NEW-P	04-03-085	296-806-42516	NEW-P	04-03-085

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-809-70004	NEW	04-03-081	296-843-15005	NEW	04-02-053	296-863-50005	NEW-P	04-08-039
296-809-800	NEW	04-03-081	296-843-15010	NEW	04-02-053	296-863-600	NEW-P	04-08-039
296-816-100	NEW-P	04-07-159	296-843-15015	NEW	04-02-053	296-863-60005	NEW-P	04-08-039
296-816-200	NEW-P	04-07-159	296-843-160	NEW	04-02-053	296-863-60010	NEW-P	04-08-039
296-816-20005	NEW-P	04-07-159	296-843-16005	NEW	04-02-053	296-863-60015	NEW-P	04-08-039
296-816-20010	NEW-P	04-07-159	296-843-170	NEW	04-02-053	296-863-700	NEW-P	04-08-039
296-816-20015	NEW-P	04-07-159	296-843-17005	NEW	04-02-053	308-13-150	PREP	04-06-030
296-816-20020	NEW-P	04-07-159	296-843-180	NEW	04-02-053	308-15	PREP	04-04-050
296-816-300	NEW-P	04-07-159	296-843-18005	NEW	04-02-053	308-17-150	AMD-P	04-07-032
296-823-100	AMD-X	04-07-158	296-843-18010	NEW	04-02-053	308-18-150	AMD-P	04-07-031
296-823-11010	AMD-X	04-07-158	296-843-18015	NEW	04-02-053	308-20-010	AMD	04-05-005
296-823-12010	AMD-X	04-07-158	296-843-18020	NEW	04-02-053	308-20-040	AMD	04-05-005
296-823-13005	AMD-X	04-07-158	296-843-190	NEW	04-02-053	308-20-055	NEW	04-05-005
296-823-14005	AMD-X	04-07-158	296-843-19005	NEW	04-02-053	308-20-090	AMD	04-05-005
296-823-14015	AMD-X	04-07-158	296-843-200	NEW	04-02-053	308-20-101	NEW	04-05-005
296-823-14025	AMD-X	04-07-158	296-843-20005	NEW	04-02-053	308-20-110	AMD	04-05-005
296-823-14050	AMD-X	04-07-158	296-843-20010	NEW	04-02-053	308-20-550	AMD	04-05-005
296-823-14060	AMD-X	04-07-158	296-843-20015	NEW	04-02-053	308-20-555	NEW	04-05-005
296-823-14065	AMD-X	04-07-158	296-843-20020	NEW	04-02-053	308-56A	PREP	04-05-121
296-823-15010	AMD-X	04-07-158	296-843-20025	NEW	04-02-053	308-56A-020	AMD-P	04-04-006
296-823-15015	AMD-X	04-07-158	296-843-20030	NEW	04-02-053	308-56A-020	AMD	04-08-080
296-823-15020	AMD-X	04-07-158	296-843-20035	NEW	04-02-053	308-56A-030	AMD-P	04-03-120
296-823-160	AMD-X	04-07-158	296-843-210	NEW	04-02-053	308-56A-030	AMD	04-07-168
296-823-16005	AMD-X	04-07-158	296-843-21005	NEW	04-02-053	308-56A-040	AMD-P	04-03-120
296-823-16010	AMD-X	04-07-158	296-843-220	NEW	04-02-053	308-56A-040	AMD	04-07-168
296-823-16015	AMD-X	04-07-158	296-843-22005	NEW	04-02-053	308-56A-075	AMD-X	04-09-033
296-823-16025	AMD-X	04-07-158	296-843-22010	NEW	04-02-053	308-56A-140	AMD-P	04-04-006
296-823-16030	AMD-X	04-07-158	296-843-300	NEW	04-02-053	308-56A-140	AMD	04-08-080
296-823-17010	AMD-X	04-07-158	296-863-10005	NEW-P	04-08-039	308-56A-150	AMD-P	04-04-022
296-823-180	AMD-X	04-07-158	296-863-200	NEW-P	04-08-039	308-56A-150	AMD	04-08-002
296-823-18015	AMD-X	04-07-158	296-863-20005	NEW-P	04-08-039	308-56A-250	PREP	04-08-006
296-823-18045	AMD-X	04-07-158	296-863-20010	NEW-P	04-08-039	308-56A-450	AMD-P	04-04-022
296-823-18050	AMD-X	04-07-158	296-863-20015	NEW-P	04-08-039	308-56A-450	AMD	04-08-002
296-823-18055	AMD-X	04-07-158	296-863-20020	NEW-P	04-08-039	308-56A-455	AMD-P	04-04-006
296-823-200	AMD-X	04-07-158	296-863-20025	NEW-P	04-08-039	308-56A-455	AMD	04-08-080
296-829-100	NEW	04-09-099	296-863-20030	NEW-P	04-08-039	308-56A-460	AMD-P	04-04-006
296-829-200	NEW	04-09-099	296-863-20035	NEW-P	04-08-039	308-56A-460	AMD	04-08-080
296-829-20005	NEW	04-09-099	296-863-20040	NEW-P	04-08-039	308-56A-500	AMD-P	04-04-049
296-829-20010	NEW	04-09-099	296-863-300	NEW-P	04-08-039	308-56A-500	AMD	04-08-081
296-829-300	NEW	04-09-099	296-863-30005	NEW-P	04-08-039	308-56A-505	AMD-P	04-04-049
296-829-30005	NEW	04-09-099	296-863-30010	NEW-P	04-08-039	308-56A-505	AMD	04-08-081
296-829-30010	NEW	04-09-099	296-863-30015	NEW-P	04-08-039	308-56A-525	PREP	04-08-058
296-829-400	NEW	04-09-099	296-863-30020	NEW-P	04-08-039	308-56A-640	AMD	04-03-016
296-829-40005	NEW	04-09-099	296-863-30025	NEW-P	04-08-039	308-61-190	AMD-P	04-06-004
296-829-40010	NEW	04-09-099	296-863-30030	NEW-P	04-08-039	308-77-180	REP	04-09-012
296-829-40015	NEW	04-09-099	296-863-30035	NEW-P	04-08-039	308-78-010	AMD	04-06-001
296-829-40020	NEW	04-09-099	296-863-30040	NEW-P	04-08-039	308-78-045	AMD	04-06-001
296-829-500	NEW	04-09-099	296-863-400	NEW-P	04-08-039	308-93-030	PREP	04-07-054
296-841	PREP	04-07-155	296-863-40005	NEW-P	04-08-039	308-93-050	PREP	04-07-054
296-841	PREP	04-07-156	296-863-40010	NEW-P	04-08-039	308-96A	PREP	04-03-002
296-843-100	NEW	04-02-053	296-863-40015	NEW-P	04-08-039	308-96A	PREP	04-03-003
296-843-110	NEW	04-02-053	296-863-40020	NEW-P	04-08-039	308-96A-005	PREP	04-03-002
296-843-11005	NEW	04-02-053	296-863-40025	NEW-P	04-08-039	308-96A-021	AMD-P	04-03-121
296-843-11010	NEW	04-02-053	296-863-40030	NEW-P	04-08-039	308-96A-021	AMD	04-08-079
296-843-120	NEW	04-02-053	296-863-40035	NEW-P	04-08-039	308-96A-026	AMD-P	04-04-022
296-843-12005	NEW	04-02-053	296-863-40040	NEW-P	04-08-039	308-96A-026	AMD	04-08-002
296-843-130	NEW	04-02-053	296-863-40045	NEW-P	04-08-039	308-96A-070	PREP	04-09-032
296-843-13005	NEW	04-02-053	296-863-40050	NEW-P	04-08-039	308-96A-070	AMD-E	04-09-044
296-843-13010	NEW	04-02-053	296-863-40055	NEW-P	04-08-039	308-96A-071	PREP	04-09-032
296-843-140	NEW	04-02-053	296-863-40060	NEW-P	04-08-039	308-96A-071	AMD-E	04-09-044
296-843-14005	NEW	04-02-053	296-863-40065	NEW-P	04-08-039	308-96A-072	AMD-P	04-03-121
296-843-150	NEW	04-02-053	296-863-500	NEW-P	04-08-039	308-96A-072	AMD	04-08-079

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308- 96A-074	AMD-P	04-03-121	314- 02-105	PREP	04-09-111	326- 20-098	AMD-P	04-02-041
308- 96A-074	AMD	04-08-079	314- 09	PREP	04-08-106	326- 20-098	AMD	04-08-075
308- 96A-076	PREP	04-09-029	314- 11-015	AMD-X	04-08-112	326- 20-110	AMD-P	04-02-043
308- 96A-077	PREP	04-09-031	314- 11-020	AMD-X	04-08-112	326- 20-110	AMD	04-08-093
308- 96A-078	PREP	04-09-030	314- 11-065	AMD-X	04-08-112	326- 20-120	AMD-P	04-02-043
308- 96A-079	PREP	04-09-060	314- 11-070	AMD-X	04-08-112	326- 20-120	AMD	04-08-093
308- 96A-175	PREP	04-09-032	314- 12	PREP	04-08-107	326- 20-125	AMD-P	04-02-042
308- 96A-175	AMD-E	04-09-044	314- 12	PREP	04-08-108	326- 20-125	AMD	04-08-074
308- 96A-307	PREP	04-09-059	314- 16	PREP	04-08-107	326- 20-160	AMD-P	04-02-043
308- 96A-311	PREP	04-03-003	314- 16	PREP	04-08-108	326- 20-160	AMD	04-08-093
308- 96A-550	AMD-P	04-03-121	314- 17	PREP	04-02-074	326- 20-173	AMD-P	04-02-043
308- 96A-550	AMD	04-08-079	314- 17-020	AMD-P	04-08-111	326- 20-173	AMD	04-08-093
308- 96A-560	AMD-P	04-03-121	314- 17-030	AMD-P	04-08-111	326- 20-180	AMD-P	04-02-043
308- 96A-560	AMD	04-08-079	314- 17-050	AMD-P	04-08-111	326- 20-180	AMD	04-08-093
308- 99-020	AMD-P	04-07-047	314- 17-055	AMD-P	04-08-111	322- 24-301	AMD-X	04-08-094
308- 99-020	AMD-W	04-08-001	314- 17-060	AMD-P	04-08-111	332-130-100	AMD-X	04-05-030
308- 99-040	AMD-P	04-07-047	314- 17-065	AMD-P	04-08-111	352- 32	PREP	04-06-089
308- 99-040	AMD-W	04-08-001	314- 17-070	AMD-P	04-08-111	352- 44	PREP	04-06-088
308- 99-060	AMD-P	04-07-047	314- 17-080	AMD-P	04-08-111	352- 44-020	PREP	04-06-088
308- 99-060	AMD-W	04-08-001	314- 17-085	AMD-P	04-08-111	356- 18-140	AMD-E	04-07-053
308-124A-025	AMD-P	04-03-039	314- 17-095	AMD-P	04-08-111	356- 18-220	AMD-E	04-07-053
308-124A-025	AMD	04-08-012	314- 17-105	AMD-P	04-08-111	356- 26-030	AMD-P	04-08-119
308-124A-110	AMD-P	04-03-039	314- 20	PREP	04-08-105	356- 26-140	AMD-P	04-08-119
308-124A-110	AMD	04-07-153	314- 20-020	AMD	04-06-007	356- 30-330	AMD-P	04-08-119
308-124A-440	AMD-P	04-03-039	314- 24	PREP	04-08-105	356- 60-010	AMD-P	04-07-188
308-124A-440	AMD	04-08-012	314- 29	PREP	04-08-109	356- 60-010	DECOD-P	04-07-188
308-124C-030	AMD-P	04-03-037	314- 42	PREP	04-08-109	356- 60-010	RECOD-P	04-07-188
308-124C-030	AMD	04-07-151	326- 02-010	AMD-P	04-02-043	356- 60-020	AMD-P	04-07-188
308-124D-030	AMD-P	04-03-038	326- 02-010	AMD	04-08-093	356- 60-020	DECOD-P	04-07-188
308-124D-030	AMD	04-07-152	326- 02-030	AMD-P	04-02-043	356- 60-020	RECOD-P	04-07-188
308-125-200	AMD	04-04-052	326- 02-030	AMD	04-08-093	356- 60-030	AMD-P	04-07-188
308-127-140	AMD-P	04-05-098	326- 02-034	AMD-P	04-07-041	356- 60-030	DECOD-P	04-07-188
308-127-140	AMD	04-08-003	326- 02-040	AMD-P	04-02-043	356- 60-030	RECOD-P	04-07-188
308-127-160	AMD-P	04-05-098	326- 02-040	AMD	04-08-093	356- 60-032	NEW-P	04-07-188
308-127-160	AMD	04-08-003	326- 02-045	AMD-P	04-02-043	356- 60-034	NEW-P	04-07-188
308-127-160	AMD-P	04-09-095	326- 02-045	AMD	04-08-093	356- 60-040	REP-P	04-07-188
308-127-225	AMD-P	04-05-098	326- 07-030	AMD-P	04-02-043	356- 60-050	REP-P	04-07-188
308-127-225	AMD	04-08-003	326- 07-030	AMD	04-08-093	356- 60-055	AMD-P	04-07-188
308-129-110	AMD-P	04-09-096	326- 20-010	AMD-P	04-02-043	356- 60-057	AMD-P	04-07-188
308-390-101	AMD-P	04-09-105	326- 20-010	AMD	04-08-093	356- 60-060	REP-P	04-07-188
308-390-102	AMD-P	04-09-105	326- 20-045	NEW-P	04-02-043	357- 10-005	NEW-P	04-04-109
308-390-104	AMD-P	04-09-105	326- 20-045	NEW	04-08-093	357- 10-005	NEW	04-07-052
308-390-105	AMD-P	04-09-105	326- 20-046	NEW-P	04-02-043	357- 10-010	NEW-P	04-04-109
308-390-108	AMD-P	04-09-105	326- 20-046	NEW	04-08-093	357- 10-010	NEW	04-07-052
308-390-200	REP-P	04-09-105	326- 20-047	NEW-P	04-02-043	357- 10-020	NEW-P	04-04-109
308-390-201	AMD-P	04-09-105	326- 20-047	NEW	04-08-093	357- 10-020	NEW	04-07-052
308-390-203	AMD-P	04-09-105	326- 20-048	NEW-P	04-02-043	363-116-300	AMD-P	04-08-008
308-390-204	AMD-P	04-09-105	326- 20-048	NEW	04-08-093	365-230-010	NEW-P	04-05-062
308-390-300	AMD-P	04-09-105	326- 20-050	AMD-P	04-02-043	365-230-015	NEW-P	04-05-062
308-390-302	AMD-P	04-09-105	326- 20-050	AMD	04-08-093	365-230-016	NEW-P	04-05-062
308-390-401	AMD-P	04-09-105	326- 20-070	AMD-P	04-02-043	365-230-020	NEW-P	04-05-062
308-390-500	AMD-P	04-09-105	326- 20-070	AMD	04-08-093	365-230-030	NEW-P	04-05-062
308-390-502	AMD-P	04-09-105	326- 20-080	AMD-P	04-02-043	365-230-035	NEW-P	04-05-062
308-390-503	AMD-P	04-09-105	326- 20-080	AMD	04-08-093	365-230-040	NEW-P	04-05-062
308-390-505	AMD-P	04-09-105	326- 20-092	AMD-P	04-02-041	365-230-050	NEW-P	04-05-062
308-390-602	AMD-P	04-09-105	326- 20-092	AMD	04-08-075	365-230-060	NEW-P	04-05-062
308-420-200	AMD-P	04-05-097	326- 20-094	AMD-P	04-02-041	365-230-070	NEW-P	04-05-062
308-420-200	AMD-W	04-08-004	326- 20-094	AMD	04-08-075	365-230-080	NEW-P	04-05-062
314- 02	PREP	04-08-107	326- 20-095	AMD-P	04-02-041	365-230-090	NEW-P	04-05-062
314- 02	PREP	04-08-108	326- 20-095	AMD	04-08-075	365-230-100	NEW-P	04-05-062
314- 02-105	AMD-P	04-02-075	326- 20-096	AMD-P	04-02-041	365-230-110	NEW-P	04-05-062
314- 02-105	AMD	04-07-020	326- 20-096	AMD	04-08-075	365-230-120	NEW-P	04-05-062

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
365-230-130	NEW-P	04-05-062	388- 14A-4175	NEW-E	04-07-057	388- 71-0920	PREP	04-07-061
365-230-132	NEW-P	04-05-062	388- 14A-5000	PREP	04-07-166	388- 71-0925	PREP	04-07-061
365-230-134	NEW-P	04-05-062	388- 14A-5001	PREP	04-08-069	388- 71-0930	PREP	04-07-061
365-230-140	NEW-P	04-05-062	388- 14A-6300	PREP	04-09-036	388- 71-0935	PREP	04-07-061
365-230-150	NEW-P	04-05-062	388- 25	PREP	04-07-059	388- 71-0940	PREP	04-07-061
365-230-160	NEW-P	04-05-062	388- 25-0225	PREP	04-08-068	388- 71-0945	PREP	04-07-061
365-230-170	NEW-P	04-05-062	388- 25-0226	PREP	04-08-068	388- 71-0950	PREP	04-07-061
365-230-180	NEW-P	04-05-062	388- 25-0230	PREP	04-08-068	388- 71-0955	PREP	04-07-061
365-230-190	NEW-P	04-05-062	388- 25-1000	NEW-E	04-07-091	388- 71-0960	PREP	04-07-061
365-230-200	NEW-P	04-05-062	388- 25-1010	NEW-E	04-07-091	388- 71-0965	PREP	04-07-061
365-230-210	NEW-P	04-05-062	388- 25-1020	NEW-E	04-07-091	388- 72A	PREP	04-09-089
365-230-220	NEW-P	04-05-062	388- 25-1030	NEW-E	04-07-091	388- 72A-0010	AMD-E	04-09-094
365-230-230	NEW-P	04-05-062	388- 25-1040	NEW-E	04-07-091	388- 72A-0036	NEW-E	04-09-094
365-230-240	NEW-P	04-05-062	388- 25-1050	NEW-E	04-07-091	388- 72A-0037	NEW-E	04-09-094
365-230-250	NEW-P	04-05-062	388- 27-0120	AMD-E	04-03-018	388- 72A-0038	NEW-E	04-09-094
365-230-260	NEW-P	04-05-062	388- 27-0120	AMD	04-06-024	388- 72A-0039	NEW-E	04-09-094
365-230-270	NEW-P	04-05-062	388- 27-0130	AMD-E	04-03-018	388- 72A-0040	REP-E	04-09-094
371- 08-306	NEW	04-03-001	388- 27-0130	AMD	04-06-024	388- 72A-0041	NEW-E	04-09-094
371- 08-315	AMD	04-03-001	388- 27-0135	AMD-E	04-03-018	388- 72A-0055	AMD-E	04-09-094
388- 02-0215	AMD-E	04-07-090	388- 27-0135	AMD	04-06-024	388- 72A-0060	AMD-E	04-09-094
388- 11-032	PREP-W	04-07-112	388- 27-0155	AMD-E	04-03-018	388- 72A-0065	AMD-E	04-09-094
388- 11-045	PREP-W	04-07-112	388- 27-0155	AMD	04-06-024	388- 72A-0069	NEW-E	04-09-094
388- 11-048	PREP-W	04-07-112	388- 27-0160	AMD-E	04-03-018	388- 72A-0070	AMD-E	04-09-094
388- 11-205	PREP-W	04-07-112	388- 27-0160	AMD	04-06-024	388- 72A-0075	REP-E	04-09-094
388- 14-045	PREP-W	04-07-112	388- 27-0165	AMD-E	04-03-018	388- 72A-0080	AMD-E	04-09-094
388- 14-450	PREP-W	04-07-112	388- 27-0165	AMD	04-06-024	388- 72A-0081	NEW-E	04-09-094
388- 14A	PREP	04-07-113	388- 27-0175	AMD-E	04-03-018	388- 72A-0082	NEW-E	04-09-094
388- 14A-1020	PREP	04-06-053	388- 27-0175	AMD	04-06-024	388- 72A-0083	NEW-E	04-09-094
388- 14A-1020	AMD-E	04-07-057	388- 27-0190	AMD-E	04-03-018	388- 72A-0084	NEW-E	04-09-094
388- 14A-1020	PREP	04-09-036	388- 27-0190	AMD	04-06-024	388- 72A-0085	AMD-E	04-09-094
388- 14A-3140	PREP	04-09-036	388- 27-0195	AMD-E	04-03-018	388- 72A-0086	NEW-E	04-09-094
388- 14A-3370	PREP	04-09-036	388- 27-0195	AMD	04-06-024	388- 72A-0087	NEW-E	04-09-094
388- 14A-3600	PREP	04-09-036	388- 27-0200	AMD-E	04-03-018	388- 72A-0090	AMD-E	04-09-094
388- 14A-3810	PREP	04-06-053	388- 27-0200	AMD	04-06-024	388- 72A-0092	NEW-E	04-09-094
388- 14A-3810	PREP	04-09-036	388- 27-0210	AMD-E	04-03-018	388- 72A-0095	AMD-E	04-09-094
388- 14A-4040	AMD-E	04-07-057	388- 27-0210	AMD	04-06-024	388- 72A-0115	NEW-E	04-09-094
388- 14A-4100	PREP-W	04-07-022	388- 27-0215	AMD-E	04-03-018	388- 78A	PREP	04-06-072
388- 14A-4100	AMD-E	04-07-057	388- 27-0215	AMD	04-06-024	388- 78A	PREP	04-07-189
388- 14A-4100	PREP	04-07-062	388- 27-0220	AMD-E	04-03-018	388- 78A	PREP-W	04-08-034
388- 14A-4110	PREP-W	04-07-022	388- 27-0220	AMD	04-06-024	388- 96	PREP	04-08-133
388- 14A-4110	AMD-E	04-07-057	388- 27-0225	REP-E	04-03-018	388- 97-125	PREP	04-06-055
388- 14A-4110	PREP	04-07-062	388- 27-0225	REP	04-06-024	388-105-0005	AMD-P	04-04-044
388- 14A-4120	PREP-W	04-07-022	388- 27-0230	AMD-E	04-03-018	388-105-0005	AMD-E	04-06-038
388- 14A-4120	AMD-E	04-07-057	388- 27-0230	AMD	04-06-024	388-105-0005	AMD-W	04-06-056
388- 14A-4120	PREP	04-07-062	388- 27-0235	REP-E	04-03-018	388-105-0005	AMD-P	04-06-075
388- 14A-4121	NEW-E	04-07-057	388- 27-0235	REP	04-06-024	388-105-0005	AMD	04-09-092
388- 14A-4122	NEW-E	04-07-057	388- 27-0240	REP-E	04-03-018	388-105-0030	AMD-P	04-04-044
388- 14A-4123	NEW-E	04-07-057	388- 27-0240	REP	04-06-024	388-105-0030	AMD-E	04-06-038
388- 14A-4124	NEW-E	04-07-057	388- 27-0245	REP-E	04-03-018	388-105-0030	AMD-W	04-06-056
388- 14A-4125	NEW-E	04-07-057	388- 27-0245	REP	04-06-024	388-105-0030	AMD-P	04-06-075
388- 14A-4126	NEW-E	04-07-057	388- 27-0270	REP-E	04-03-018	388-105-0030	AMD	04-09-092
388- 14A-4130	PREP-W	04-07-022	388- 27-0270	REP	04-06-024	388-105-0040	AMD-P	04-04-044
388- 14A-4130	AMD-E	04-07-057	388- 71-0105	AMD-E	04-06-039	388-105-0040	AMD-E	04-06-038
388- 14A-4130	PREP	04-07-062	388- 71-0116	NEW-E	04-06-039	388-105-0040	AMD-W	04-06-056
388- 14A-4135	NEW-E	04-07-057	388- 71-0202	AMD	04-04-042	388-105-0040	AMD-P	04-06-075
388- 14A-4140	NEW-E	04-07-057	388- 71-0531	NEW	04-04-042	388-105-0040	AMD	04-09-092
388- 14A-4143	NEW-E	04-07-057	388- 71-0531	REP-E	04-07-058	388-105-0045	NEW-P	04-04-044
388- 14A-4145	NEW-E	04-07-057	388- 71-0531	PREP	04-07-060	388-105-0045	NEW-E	04-06-038
388- 14A-4150	NEW-E	04-07-057	388- 71-0900	PREP	04-07-061	388-105-0045	NEW-W	04-06-056
388- 14A-4160	NEW-E	04-07-057	388- 71-0905	PREP	04-07-061	388-105-0045	NEW-P	04-06-075
388- 14A-4165	NEW-E	04-07-057	388- 71-0910	PREP	04-07-061	388-105-0045	NEW	04-09-092
388- 14A-4170	NEW-E	04-07-057	388- 71-0915	PREP	04-07-061	388-140-0005	NEW-E	04-03-0100

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-148-0130	AMD	04-08-073	388-148-0335	AMD	04-08-073	388-148-0525	AMD-P	04-03-116
388-148-0135	AMD-P	04-03-116	388-148-0340	AMD-P	04-03-116	388-148-0525	AMD	04-08-073
388-148-0135	AMD	04-08-073	388-148-0340	AMD	04-08-073	388-148-0535	AMD-P	04-03-116
388-148-0140	AMD-P	04-03-116	388-148-0345	AMD-P	04-03-116	388-148-0535	AMD	04-08-073
388-148-0140	AMD-E	04-05-035	388-148-0345	AMD-E	04-05-035	388-148-0540	AMD-P	04-03-116
388-148-0140	AMD	04-08-073	388-148-0345	AMD	04-08-073	388-148-0540	AMD	04-08-073
388-148-0150	AMD-P	04-03-116	388-148-0350	AMD-P	04-03-116	388-148-0541	NEW-P	04-03-116
388-148-0150	AMD	04-08-073	388-148-0350	AMD-E	04-05-035	388-148-0541	NEW	04-08-073
388-148-0165	AMD-P	04-03-116	388-148-0350	AMD	04-08-073	388-148-0542	NEW-P	04-03-116
388-148-0165	AMD	04-08-073	388-148-0352	NEW-P	04-03-116	388-148-0542	NEW-E	04-05-035
388-148-0170	AMD-P	04-03-116	388-148-0352	NEW	04-08-073	388-148-0542	NEW	04-08-073
388-148-0170	AMD-E	04-05-035	388-148-0355	AMD-P	04-03-116	388-148-0555	AMD-P	04-03-116
388-148-0170	AMD	04-08-073	388-148-0355	AMD	04-08-073	388-148-0555	AMD	04-08-073
388-148-0180	AMD-P	04-03-116	388-148-0360	REP-P	04-03-116	388-148-0560	AMD-P	04-03-116
388-148-0180	AMD	04-08-073	388-148-0360	REP	04-08-073	388-148-0560	AMD-E	04-05-035
388-148-0185	AMD-P	04-03-116	388-148-0365	AMD-P	04-03-116	388-148-0560	AMD	04-08-073
388-148-0185	AMD	04-08-073	388-148-0365	AMD	04-08-073	388-148-0585	AMD-P	04-03-116
388-148-0200	AMD-P	04-03-116	388-148-0375	AMD-P	04-03-116	388-148-0585	AMD-E	04-05-035
388-148-0200	AMD	04-08-073	388-148-0375	AMD	04-08-073	388-148-0585	AMD	04-08-073
388-148-0210	AMD-P	04-03-116	388-148-0380	AMD-P	04-03-116	388-148-0600	AMD-P	04-03-116
388-148-0210	AMD	04-08-073	388-148-0380	AMD	04-08-073	388-148-0600	AMD	04-08-073
388-148-0220	AMD-P	04-03-116	388-148-0385	AMD-P	04-03-116	388-148-0605	AMD-P	04-03-116
388-148-0220	AMD-E	04-05-035	388-148-0385	AMD	04-08-073	388-148-0605	AMD	04-08-073
388-148-0220	AMD	04-08-073	388-148-0395	AMD-P	04-03-116	388-148-0610	AMD-P	04-03-116
388-148-0225	AMD-P	04-03-116	388-148-0395	AMD-E	04-05-035	388-148-0610	AMD	04-08-073
388-148-0225	AMD	04-08-073	388-148-0395	AMD	04-08-073	388-148-0615	REP-P	04-03-116
388-148-0230	AMD-P	04-03-116	388-148-0400	AMD-P	04-03-116	388-148-0615	REP	04-08-073
388-148-0230	AMD	04-08-073	388-148-0400	AMD	04-08-073	388-148-0620	AMD-P	04-03-116
388-148-0235	AMD-P	04-03-116	388-148-0422	NEW-P	04-03-116	388-148-0620	AMD	04-08-073
388-148-0235	AMD	04-08-073	388-148-0422	NEW	04-08-073	388-148-0625	AMD-P	04-03-116
388-148-0240	AMD-P	04-03-116	388-148-0425	AMD-P	04-03-116	388-148-0625	AMD	04-08-073
388-148-0240	AMD	04-08-073	388-148-0425	AMD	04-08-073	388-148-0630	REP-P	04-03-116
388-148-0245	AMD-P	04-03-116	388-148-0427	NEW-E	04-05-035	388-148-0630	AMD-E	04-05-035
388-148-0245	AMD	04-08-073	388-148-0430	AMD-P	04-03-116	388-148-0630	REP	04-08-073
388-148-0250	AMD-P	04-03-116	388-148-0430	AMD	04-08-073	388-148-0635	REP-P	04-03-116
388-148-0250	AMD	04-08-073	388-148-0445	AMD-P	04-03-116	388-148-0635	REP	04-08-073
388-148-0255	AMD-P	04-03-116	388-148-0445	AMD	04-08-073	388-148-0640	AMD-P	04-03-116
388-148-0255	AMD	04-08-073	388-148-0450	REP-P	04-03-116	388-148-0640	AMD	04-08-073
388-148-0260	AMD-P	04-03-116	388-148-0450	REP	04-08-073	388-148-0645	AMD-P	04-03-116
388-148-0260	AMD-E	04-05-035	388-148-0455	AMD-P	04-03-116	388-148-0645	AMD	04-08-073
388-148-0260	AMD	04-08-073	388-148-0455	AMD	04-08-073	388-148-0650	REP-P	04-03-116
388-148-0265	AMD-P	04-03-116	388-148-0460	AMD-P	04-03-116	388-148-0650	REP	04-08-073
388-148-0265	AMD	04-08-073	388-148-0460	AMD-E	04-05-035	388-148-0655	AMD-P	04-03-116
388-148-0270	AMD-P	04-03-116	388-148-0460	AMD	04-08-073	388-148-0655	AMD	04-08-073
388-148-0270	AMD-E	04-05-035	388-148-0462	NEW-E	04-05-035	388-148-0660	AMD-P	04-03-116
388-148-0270	AMD	04-08-073	388-148-0470	AMD-P	04-03-116	388-148-0660	AMD	04-08-073
388-148-0275	AMD-P	04-03-116	388-148-0470	AMD	04-08-073	388-148-0670	AMD-P	04-03-116
388-148-0275	AMD	04-08-073	388-148-0480	AMD-P	04-03-116	388-148-0670	AMD	04-08-073
388-148-0285	REP-P	04-03-116	388-148-0480	AMD	04-08-073	388-148-0685	AMD-P	04-03-116
388-148-0285	REP	04-08-073	388-148-0485	AMD-P	04-03-116	388-148-0685	AMD	04-08-073
388-148-0300	AMD-P	04-03-116	388-148-0485	AMD	04-08-073	388-148-0695	AMD-P	04-03-116
388-148-0300	AMD	04-08-073	388-148-0487	NEW-P	04-03-116	388-148-0695	AMD	04-08-073
388-148-0305	AMD-P	04-03-116	388-148-0487	NEW	04-08-073	388-148-0700	AMD-P	04-03-116
388-148-0305	AMD	04-08-073	388-148-0488	NEW-P	04-03-116	388-148-0700	AMD-E	04-05-035
388-148-0315	AMD-P	04-03-116	388-148-0488	NEW	04-08-073	388-148-0700	AMD	04-08-073
388-148-0315	AMD	04-08-073	388-148-0490	AMD-P	04-03-116	388-148-0705	AMD-P	04-03-116
388-148-0320	AMD-P	04-03-116	388-148-0490	AMD	04-08-073	388-148-0705	AMD	04-08-073
388-148-0320	AMD	04-08-073	388-148-0500	REP-P	04-03-116	388-148-0710	AMD-P	04-03-116
388-148-0325	AMD-P	04-03-116	388-148-0500	REP	04-08-073	388-148-0710	AMD	04-08-073
388-148-0325	AMD	04-08-073	388-148-0520	AMD-P	04-03-116	388-148-0715	AMD-P	04-03-116
388-148-0335	AMD-P	04-03-116	388-148-0520	AMD-E	04-05-035	388-148-0715	AMD	04-08-073
388-148-0335	AMD-E	04-05-035	388-148-0520	AMD	04-08-073	388-148-0718	NEW-P	04-03-116

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-148-0718	NEW	04-08-073	388-148-0995	AMD	04-08-073	388-148-1250	NEW	04-08-073
388-148-0720	AMD-P	04-03-116	388-148-1020	REP-P	04-03-116	388-148-1255	NEW-P	04-03-116
388-148-0720	AMD-E	04-05-035	388-148-1020	REP	04-08-073	388-148-1255	NEW	04-08-073
388-148-0720	AMD	04-08-073	388-148-1025	AMD-P	04-03-116	388-148-1260	NEW-P	04-03-116
388-148-0722	NEW-P	04-03-116	388-148-1025	AMD	04-08-073	388-148-1260	NEW	04-08-073
388-148-0722	NEW-E	04-05-035	388-148-1030	AMD-P	04-03-116	388-148-1265	NEW-P	04-03-116
388-148-0722	NEW	04-08-073	388-148-1030	AMD	04-08-073	388-148-1265	NEW	04-08-073
388-148-0725	AMD-P	04-03-116	388-148-1035	AMD-P	04-03-116	388-148-1270	NEW-P	04-03-116
388-148-0725	AMD-E	04-05-035	388-148-1035	AMD	04-08-073	388-148-1270	NEW	04-08-073
388-148-0725	AMD	04-08-073	388-148-1045	AMD-P	04-03-116	388-148-1275	NEW-P	04-03-116
388-148-0730	AMD-P	04-03-116	388-148-1045	AMD	04-08-073	388-148-1275	NEW	04-08-073
388-148-0730	AMD	04-08-073	388-148-1050	AMD-P	04-03-116	388-148-1280	NEW-P	04-03-116
388-148-0735	REP-P	04-03-116	388-148-1050	AMD	04-08-073	388-148-1280	NEW	04-08-073
388-148-0735	REP	04-08-073	388-148-1060	AMD-P	04-03-116	388-155-005	REP-P	04-07-134
388-148-0750	AMD-P	04-03-116	388-148-1060	AMD-E	04-05-035	388-155-010	REP-P	04-07-134
388-148-0750	AMD	04-08-073	388-148-1060	AMD	04-08-073	388-155-020	REP-P	04-07-134
388-148-0765	AMD-P	04-03-116	388-148-1065	REP-P	04-03-116	388-155-040	REP-P	04-07-134
388-148-0765	AMD	04-08-073	388-148-1065	REP	04-08-073	388-155-050	REP-P	04-07-134
388-148-0775	AMD-P	04-03-116	388-148-1066	NEW-P	04-03-116	388-155-060	REP-P	04-07-134
388-148-0775	AMD	04-08-073	388-148-1066	NEW	04-08-073	388-155-070	REP-P	04-07-134
388-148-0785	AMD-P	04-03-116	388-148-1070	AMD-P	04-03-116	388-155-080	REP-P	04-07-134
388-148-0785	AMD-E	04-05-035	388-148-1070	AMD-E	04-05-035	388-155-083	REP-P	04-07-134
388-148-0785	AMD	04-08-073	388-148-1070	AMD	04-08-073	388-155-085	REP-P	04-07-134
388-148-0795	AMD-P	04-03-116	388-148-1076	NEW-P	04-03-116	388-155-090	REP-P	04-07-134
388-148-0795	AMD	04-08-073	388-148-1076	NEW-E	04-05-035	388-155-092	REP-P	04-07-134
388-148-0800	AMD-P	04-03-116	388-148-1076	NEW	04-08-073	388-155-093	REP-P	04-07-134
388-148-0800	AMD	04-08-073	388-148-1077	NEW-P	04-03-116	388-155-094	REP-P	04-07-134
388-148-0805	AMD-P	04-03-116	388-148-1077	NEW-E	04-05-035	388-155-095	REP-P	04-07-134
388-148-0805	AMD	04-08-073	388-148-1077	NEW	04-08-073	388-155-096	REP-P	04-07-134
388-148-0810	AMD-P	04-03-116	388-148-1078	NEW-P	04-03-116	388-155-097	REP-P	04-07-134
388-148-0810	AMD	04-08-073	388-148-1078	NEW-E	04-05-035	388-155-098	REP-P	04-07-134
388-148-0830	AMD-P	04-03-116	388-148-1078	NEW	04-08-073	388-155-100	REP-P	04-07-134
388-148-0830	AMD	04-08-073	388-148-1079	NEW-P	04-03-116	388-155-110	REP-P	04-07-134
388-148-0860	AMD-P	04-03-116	388-148-1079	NEW-E	04-05-035	388-155-120	REP-P	04-07-134
388-148-0860	AMD	04-08-073	388-148-1079	NEW	04-08-073	388-155-130	REP-P	04-07-134
388-148-0870	AMD-P	04-03-116	388-148-1085	AMD-P	04-03-116	388-155-140	REP-P	04-07-134
388-148-0870	AMD	04-08-073	388-148-1085	AMD	04-08-073	388-155-150	REP-P	04-07-134
388-148-0875	AMD-P	04-03-116	388-148-1115	AMD-P	04-03-116	388-155-160	REP-P	04-07-134
388-148-0875	AMD	04-08-073	388-148-1115	AMD-E	04-05-035	388-155-165	REP-P	04-07-134
388-148-0880	AMD-P	04-03-116	388-148-1115	AMD	04-08-073	388-155-170	REP-P	04-07-134
388-148-0880	AMD-E	04-05-035	388-148-1120	AMD-P	04-03-116	388-155-180	REP-P	04-07-134
388-148-0880	AMD	04-08-073	388-148-1120	AMD-E	04-05-035	388-155-190	REP-P	04-07-134
388-148-0885	AMD-P	04-03-116	388-148-1120	AMD	04-08-073	388-155-200	REP-P	04-07-134
388-148-0885	AMD	04-08-073	388-148-1205	NEW-P	04-03-116	388-155-220	REP-P	04-07-134
388-148-0890	AMD-P	04-03-116	388-148-1205	NEW	04-08-073	388-155-230	REP-P	04-07-134
388-148-0890	AMD	04-08-073	388-148-1210	NEW-P	04-03-116	388-155-240	REP-P	04-07-134
388-148-0892	NEW-P	04-03-116	388-148-1210	NEW	04-08-073	388-155-250	REP-P	04-07-134
388-148-0892	NEW-E	04-05-035	388-148-1215	NEW-P	04-03-116	388-155-270	REP-P	04-07-134
388-148-0892	NEW	04-08-073	388-148-1215	NEW	04-08-073	388-155-280	REP-P	04-07-134
388-148-0895	AMD-P	04-03-116	388-148-1220	NEW-P	04-03-116	388-155-290	REP-P	04-07-134
388-148-0895	AMD	04-08-073	388-148-1220	NEW	04-08-073	388-155-295	REP-P	04-07-134
388-148-0900	AMD-P	04-03-116	388-148-1225	NEW-P	04-03-116	388-155-310	REP-P	04-07-134
388-148-0900	AMD	04-08-073	388-148-1225	NEW	04-08-073	388-155-320	REP-P	04-07-134
388-148-0905	AMD-P	04-03-116	388-148-1230	NEW-P	04-03-116	388-155-330	REP-P	04-07-134
388-148-0905	AMD	04-08-073	388-148-1230	NEW	04-08-073	388-155-340	REP-P	04-07-134
388-148-0915	AMD-P	04-03-116	388-148-1235	NEW-P	04-03-116	388-155-350	REP-P	04-07-134
388-148-0915	AMD-E	04-05-035	388-148-1235	NEW	04-08-073	388-155-360	REP-P	04-07-134
388-148-0915	AMD	04-08-073	388-148-1240	NEW-P	04-03-116	388-155-370	REP-P	04-07-134
388-148-0935	REP-P	04-03-116	388-148-1240	NEW	04-08-073	388-155-380	REP-P	04-07-134
388-148-0935	REP	04-08-073	388-148-1245	NEW-P	04-03-116	388-155-390	REP-P	04-07-134
388-148-0995	AMD-P	04-03-116	388-148-1245	NEW	04-08-073	388-155-400	REP-P	04-07-134
388-148-0995	AMD-E	04-05-035	388-148-1250	NEW-P	04-03-116	388-155-410	REP-P	04-07-134

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-155-420	REP-P	04-07-134	388-290-0040	AMD	04-08-021	388-290-0130	AMD-E	04-04-030
388-155-430	REP-P	04-07-134	388-290-0040	AMD	04-08-134	388-290-0130	AMD	04-08-021
388-155-440	REP-P	04-07-134	388-290-0045	AMD-P	04-02-047	388-290-0130	AMD	04-08-134
388-155-450	REP-P	04-07-134	388-290-0045	AMD	04-08-021	388-290-0135	AMD-P	04-02-047
388-155-460	REP-P	04-07-134	388-290-0045	AMD	04-08-134	388-290-0135	AMD	04-08-021
388-155-470	REP-P	04-07-134	388-290-0050	AMD-P	04-02-047	388-290-0135	AMD	04-08-134
388-155-480	REP-P	04-07-134	388-290-0050	AMD	04-08-021	388-290-0140	AMD-P	04-02-047
388-155-490	REP-P	04-07-134	388-290-0050	AMD	04-08-134	388-290-0140	AMD	04-08-021
388-155-500	REP-P	04-07-134	388-290-0055	AMD-P	04-02-047	388-290-0140	AMD	04-08-134
388-155-600	REP-P	04-07-134	388-290-0055	AMD	04-08-021	388-290-0143	AMD-P	04-02-047
388-155-605	REP-P	04-07-134	388-290-0055	AMD	04-08-134	388-290-0143	AMD	04-08-021
388-155-610	REP-P	04-07-134	388-290-0060	AMD-P	04-02-047	388-290-0143	AMD	04-08-134
388-155-620	REP-P	04-07-134	388-290-0060	AMD	04-08-021	388-290-0145	AMD-P	04-02-047
388-155-630	REP-P	04-07-134	388-290-0060	AMD	04-08-134	388-290-0145	AMD	04-08-021
388-155-640	REP-P	04-07-134	388-290-0065	AMD-P	04-02-047	388-290-0145	AMD	04-08-134
388-155-650	REP-P	04-07-134	388-290-0065	AMD	04-08-021	388-290-0150	AMD-P	04-02-047
388-155-660	REP-P	04-07-134	388-290-0065	AMD	04-08-134	388-290-0150	AMD	04-08-021
388-155-670	REP-P	04-07-134	388-290-0070	AMD-P	04-02-047	388-290-0150	AMD	04-08-134
388-155-680	REP-P	04-07-134	388-290-0070	AMD	04-08-021	388-290-0155	AMD-P	04-02-047
388-155-991	REP-P	04-07-134	388-290-0070	AMD	04-08-134	388-290-0155	AMD	04-08-021
388-155-992	REP-P	04-07-134	388-290-0075	AMD-P	04-02-047	388-290-0155	AMD	04-08-134
388-155-993	REP-P	04-07-134	388-290-0075	AMD-E	04-05-079	388-290-0160	AMD-P	04-02-047
388-273-0025	AMD-E	04-03-097	388-290-0075	AMD	04-08-021	388-290-0160	AMD	04-08-021
388-273-0025	AMD-P	04-07-089	388-290-0075	AMD	04-08-134	388-290-0160	AMD	04-08-134
388-273-0030	AMD-E	04-03-097	388-290-0080	REP-P	04-02-047	388-290-0165	AMD-P	04-02-047
388-273-0030	AMD-P	04-07-089	388-290-0080	REP	04-08-021	388-290-0165	AMD	04-08-021
388-273-0035	AMD-E	04-03-097	388-290-0080	REP	04-08-134	388-290-0165	AMD	04-08-134
388-273-0035	AMD-P	04-07-089	388-290-0082	NEW-P	04-02-047	388-290-0167	AMD-P	04-02-047
388-290-0001	AMD-P	04-02-047	388-290-0082	NEW	04-08-021	388-290-0167	AMD	04-08-021
388-290-0001	AMD	04-08-021	388-290-0082	NEW	04-08-134	388-290-0167	AMD	04-08-134
388-290-0001	AMD	04-08-134	388-290-0085	AMD-P	04-02-047	388-290-0180	AMD-P	04-02-047
388-290-0005	AMD-P	04-02-047	388-290-0085	AMD-E	04-05-079	388-290-0180	AMD	04-08-021
388-290-0005	AMD	04-08-021	388-290-0085	AMD	04-08-021	388-290-0180	AMD	04-08-134
388-290-0005	AMD	04-08-134	388-290-0085	AMD	04-08-134	388-290-0190	AMD-P	04-02-047
388-290-0010	AMD-P	04-02-047	388-290-0090	AMD-P	04-02-047	388-290-0190	AMD-E	04-05-079
388-290-0010	AMD	04-08-021	388-290-0090	AMD	04-08-021	388-290-0190	AMD	04-08-021
388-290-0010	AMD	04-08-134	388-290-0090	AMD	04-08-134	388-290-0190	AMD	04-08-134
388-290-0012	NEW-P	04-02-047	388-290-0095	AMD-P	04-02-047	388-290-0200	AMD-P	04-02-047
388-290-0012	NEW	04-08-021	388-290-0095	AMD	04-08-021	388-290-0200	AMD	04-08-021
388-290-0012	NEW	04-08-134	388-290-0095	AMD	04-08-134	388-290-0200	AMD	04-08-134
388-290-0015	AMD-P	04-02-047	388-290-0100	AMD-P	04-02-047	388-290-0205	AMD-P	04-02-047
388-290-0015	AMD	04-08-021	388-290-0100	AMD	04-08-021	388-290-0205	AMD	04-08-021
388-290-0015	AMD	04-08-134	388-290-0100	AMD	04-08-134	388-290-0205	AMD	04-08-134
388-290-0020	AMD-P	04-02-047	388-290-0105	AMD-P	04-02-047	388-290-0210	REP-P	04-02-047
388-290-0020	AMD	04-08-021	388-290-0105	AMD	04-08-021	388-290-0210	REP-E	04-05-079
388-290-0020	AMD	04-08-134	388-290-0105	AMD	04-08-134	388-290-0210	REP	04-08-021
388-290-0025	AMD-P	04-02-047	388-290-0107	NEW-P	04-02-047	388-290-0210	REP	04-08-134
388-290-0025	AMD	04-08-021	388-290-0107	NEW	04-08-021	388-290-0220	AMD-P	04-02-047
388-290-0025	AMD	04-08-134	388-290-0107	NEW	04-08-134	388-290-0220	AMD	04-08-021
388-290-0030	AMD-P	04-02-047	388-290-0108	NEW-P	04-02-047	388-290-0220	AMD	04-08-134
388-290-0030	AMD	04-08-021	388-290-0108	NEW	04-08-021	388-290-0225	AMD-P	04-02-047
388-290-0030	AMD	04-08-134	388-290-0108	NEW	04-08-134	388-290-0225	AMD	04-08-021
388-290-0031	NEW-P	04-02-047	388-290-0110	AMD-P	04-02-047	388-290-0225	AMD	04-08-134
388-290-0031	NEW	04-08-021	388-290-0110	AMD	04-08-021	388-290-0230	AMD-P	04-02-047
388-290-0031	NEW	04-08-134	388-290-0110	AMD	04-08-134	388-290-0230	AMD	04-08-021
388-290-0032	NEW-P	04-02-047	388-290-0120	AMD-P	04-02-047	388-290-0230	AMD	04-08-134
388-290-0032	NEW	04-08-021	388-290-0120	AMD	04-08-021	388-290-0235	AMD-P	04-02-047
388-290-0032	NEW	04-08-134	388-290-0120	AMD	04-08-134	388-290-0235	AMD	04-08-021
388-290-0035	AMD-P	04-02-047	388-290-0125	AMD-P	04-02-047	388-290-0235	AMD	04-08-134
388-290-0035	AMD	04-08-021	388-290-0125	AMD	04-08-021	388-290-0245	AMD-P	04-02-047
388-290-0035	AMD	04-08-134	388-290-0125	AMD	04-08-134	388-290-0245	AMD	04-08-021
388-290-0040	AMD-P	04-02-047	388-290-0130	AMD-P	04-02-047	388-290-0245	AMD	04-08-134

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-296-1370	NEW-P	04-07-134	388-448-0030	AMD	04-07-140	388-475-1250	AMD-X	04-09-091
388-296-1380	NEW-P	04-07-134	388-448-0120	AMD-P	04-02-048	388-478-0005	AMD-C	04-02-058
388-296-1390	NEW-P	04-07-134	388-448-0120	AMD	04-07-140	388-478-0005	AMD	04-05-010
388-296-1400	NEW-P	04-07-134	388-448-0160	AMD-P	04-02-048	388-478-0055	AMD-S	04-03-096
388-296-1410	NEW-P	04-07-134	388-448-0160	AMD-E	04-02-051	388-478-0055	AMD	04-07-024
388-296-1420	NEW-P	04-07-134	388-448-0160	AMD-E	04-03-010E	388-478-0075	AMD-E	04-07-143
388-296-1430	NEW-P	04-07-134	388-448-0160	AMD	04-07-140	388-478-0075	PREP	04-07-165
388-296-1440	NEW-P	04-07-134	388-448-0170	REP-P	04-02-048	388-478-0075	AMD-E	04-09-001
388-296-1450	NEW-P	04-07-134	388-448-0170	REP-E	04-02-051	388-478-0085	AMD-E	04-07-167
388-310-1500	AMD-C	04-02-058	388-448-0170	REP-E	04-03-010E	388-484-0005	AMD-C	04-02-058
388-310-1500	AMD	04-05-010	388-448-0170	REP	04-07-140	388-484-0005	AMD	04-05-010
388-310-1600	AMD-P	04-03-095	388-448-0180	AMD-P	04-02-048	388-492	PREP-W	04-04-094
388-310-1600	AMD	04-07-025	388-448-0180	AMD	04-07-140	388-492	PREP	04-04-097
388-310-1650	AMD-P	04-03-095	388-448-0190	REP-P	04-02-048	388-492-0010	REP-E	04-05-003
388-310-1650	AMD	04-07-025	388-448-0190	REP-E	04-02-051	388-492-0020	AMD-E	04-05-003
388-310-2000	AMD-C	04-02-058	388-448-0190	REP-E	04-03-010E	388-492-0030	AMD-E	04-05-003
388-310-2000	AMD	04-05-010	388-448-0190	REP	04-07-140	388-492-0040	AMD-E	04-05-003
388-408-0015	PREP	04-07-164	388-448-0200	AMD-P	04-02-048	388-492-0050	AMD-E	04-05-003
388-408-0034	AMD-P	04-02-050	388-448-0200	AMD	04-07-140	388-492-0060	AMD-E	04-05-003
388-408-0034	AMD	04-06-025	388-448-0210	AMD-P	04-02-048	388-492-0070	AMD-E	04-05-003
388-408-0035	AMD-P	04-02-050	388-448-0210	AMD	04-07-140	388-492-0080	AMD-E	04-05-003
388-408-0035	AMD	04-06-025	388-450-0005	AMD-C	04-02-058	388-492-0090	AMD-E	04-05-003
388-410-0001	AMD-C	04-02-058	388-450-0005	AMD-W	04-04-034	388-492-0100	AMD-E	04-05-003
388-410-0001	AMD	04-05-010	388-450-0020	REP	04-09-005	388-492-0110	AMD-E	04-05-003
388-414-0001	AMD-P	04-04-076	388-450-0100	PREP	04-05-034	388-492-0120	AMD-E	04-05-003
388-414-0001	AMD	04-07-139	388-450-0150	REP	04-09-005	388-492-0130	AMD-E	04-05-003
388-414-0001	PREP	04-08-036	388-450-0165	AMD-C	04-02-058	388-502-0160	PREP	04-07-088
388-416-0015	AMD	04-03-019	388-450-0165	AMD	04-05-010	388-503-0505	AMD-P	04-04-074
388-416-0030	REP-P	04-04-074	388-450-0170	AMD	04-03-051	388-503-0505	AMD-E	04-06-023
388-416-0030	REP	04-07-141	388-450-0190	AMD-P	04-04-075	388-503-0505	AMD	04-07-141
388-418-0005	AMD-W	04-02-052	388-450-0190	AMD	04-07-138	388-505-0110	PREP	04-04-095
388-418-0005	AMD-P	04-02-072	388-450-0215	AMD	04-06-052	388-505-0110	AMD-P	04-09-090
388-418-0005	AMD-E	04-02-073	388-450-0500	PREP	04-07-085	388-505-0211	NEW	04-08-125
388-418-0005	AMD	04-06-026	388-452-0005	AMD-P	04-06-040	388-511-1130	REP	04-09-004
388-418-0025	AMD	04-03-019	388-454-0010	AMD-C	04-03-010F	388-513-1301	AMD-E	04-08-019
388-426	PREP-W	04-03-052	388-454-0010	AMD	04-05-012	388-513-1315	AMD-E	04-08-019
388-426-0005	AMD	04-03-050	388-466-0130	AMD-C	04-02-058	388-513-1350	AMD-C	04-02-056
388-434-0005	AMD	04-03-019	388-466-0130	AMD	04-05-010	388-513-1350	AMD	04-04-072
388-434-0005	PREP	04-07-086	388-470-0040	REP	04-09-003	388-513-1380	AMD-C	04-02-056
388-436-0002	AMD-P	04-02-049	388-472-0010	AMD-P	04-03-093	388-513-1380	AMD	04-04-072
388-436-0002	AMD-E	04-03-098	388-475-0050	NEW	04-09-002	388-515-1510	AMD-E	04-08-019
388-436-0002	AMD	04-07-023	388-475-0100	NEW	04-09-002	388-526	PREP	04-04-096
388-436-0015	AMD-C	04-02-057	388-475-0150	NEW	04-09-002	388-527-2700	AMD-P	04-05-082
388-436-0015	AMD	04-05-013	388-475-0200	NEW	04-09-002	388-527-2730	AMD-P	04-05-082
388-436-0040	AMD-C	04-02-058	388-475-0250	NEW	04-09-002	388-527-2733	AMD-P	04-05-082
388-436-0040	AMD	04-05-010	388-475-0300	NEW	04-09-002	388-527-2740	AMD-P	04-05-082
388-438-0100	REP-P	04-04-074	388-475-0350	NEW	04-09-003	388-527-2742	AMD-P	04-05-082
388-438-0100	REP-E	04-06-023	388-475-0400	NEW	04-09-003	388-527-2750	AMD-P	04-05-082
388-438-0100	REP	04-07-141	388-475-0450	NEW	04-09-003	388-527-2754	AMD-P	04-05-082
388-440	PREP-W	04-03-052	388-475-0500	NEW	04-09-003	388-527-2790	AMD-P	04-05-082
388-440-0001	AMD-C	04-02-058	388-475-0550	NEW	04-09-004	388-527-2792	NEW-P	04-05-082
388-440-0001	AMD	04-05-010	388-475-0600	NEW	04-09-004	388-527-2795	AMD-P	04-05-082
388-444-0055	AMD-C	04-02-058	388-475-0650	NEW	04-09-004	388-529	PREP	04-06-054
388-444-0055	AMD	04-05-010	388-475-0700	NEW	04-09-004	388-530-1050	PREP	04-09-035
388-446-0005	AMD-P	04-03-094	388-475-0750	NEW	04-09-004	388-530-1125	PREP	04-09-035
388-448-0001	AMD-P	04-02-048	388-475-0800	NEW	04-09-005	388-530-1200	PREP	04-09-035
388-448-0001	AMD	04-07-140	388-475-0820	NEW	04-09-005	388-530-1250	PREP	04-09-035
388-448-0010	AMD-P	04-02-048	388-475-0840	NEW	04-09-005	388-530-1260	PREP	04-09-035
388-448-0010	AMD	04-07-140	388-475-0860	NEW	04-09-005	388-530-1850	PREP	04-03-089
388-448-0020	AMD-P	04-02-048	388-475-0880	NEW	04-09-005	388-530-1850	AMD-P	04-07-137
388-448-0020	AMD	04-07-140	388-475-0900	NEW	04-09-005	388-532-001	NEW	04-05-011
388-448-0030	AMD-P	04-02-048	388-475-1050	AMD-X	04-09-091	388-532-050	AMD	04-05-011

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-532-100	AMD	04-05-011	388-551	PREP	04-02-061	388-825-276	REP-E	04-08-020
388-532-110	NEW	04-05-011	388-551	PREP-W	04-07-111	388-825-278	REP-E	04-08-020
388-532-120	NEW	04-05-011	388-551	PREP	04-07-114	388-825-280	REP-E	04-08-020
388-532-130	NEW	04-05-011	388-553-100	NEW-C	04-02-055	388-825-282	REP-E	04-08-020
388-532-140	NEW	04-05-011	388-553-200	NEW-C	04-02-055	388-825-284	REP-E	04-08-020
388-532-500	NEW	04-05-011	388-553-300	NEW-C	04-02-055	388-825-300	NEW-E	04-08-020
388-532-510	NEW	04-05-011	388-553-400	NEW-C	04-02-055	388-825-305	NEW-E	04-08-020
388-532-520	NEW	04-05-011	388-553-500	NEW-C	04-02-055	388-825-310	NEW-E	04-08-020
388-532-530	NEW	04-05-011	388-720-0020	AMD-C	04-02-059	388-825-315	NEW-E	04-08-020
388-532-540	NEW	04-05-011	388-720-0020	AMD	04-05-080	388-825-320	NEW-E	04-08-020
388-532-550	NEW	04-05-011	388-820-020	AMD	04-04-043	388-825-325	NEW-E	04-08-020
388-533-0300	AMD-P	04-05-083	388-820-030	AMD	04-04-043	388-825-330	NEW-E	04-08-020
388-533-0310	NEW-P	04-05-083	388-820-050	AMD	04-04-043	388-825-335	NEW-E	04-08-020
388-533-0315	NEW-P	04-05-083	388-820-056	NEW	04-04-043	388-825-340	NEW-E	04-08-020
388-533-0320	NEW-P	04-05-083	388-820-060	AMD	04-04-043	388-825-345	NEW-E	04-08-020
388-533-0325	NEW-P	04-05-083	388-820-070	AMD	04-04-043	388-825-355	NEW-E	04-08-020
388-533-0330	NEW-P	04-05-083	388-820-076	NEW	04-04-043	388-825-360	NEW-E	04-08-020
388-533-0340	NEW-P	04-05-083	388-820-086	NEW	04-04-043	388-825-365	NEW-E	04-08-020
388-533-0345	NEW-P	04-05-083	388-820-090	AMD	04-04-043	388-825-370	NEW-E	04-08-020
388-533-0350	REP-P	04-05-083	388-820-100	AMD	04-04-043	388-825-375	NEW-E	04-08-020
388-533-0360	NEW-P	04-05-083	388-820-120	AMD	04-04-043	388-825-380	NEW-E	04-08-020
388-533-0365	NEW-P	04-05-083	388-820-230	AMD	04-04-043	388-825-385	NEW-E	04-08-020
388-533-0370	NEW-P	04-05-083	388-820-260	AMD	04-04-043	388-825-390	NEW-E	04-08-020
388-533-0375	NEW-P	04-05-083	388-820-290	AMD	04-04-043	388-825-395	NEW-E	04-08-020
388-533-0380	NEW-P	04-05-083	388-820-300	AMD	04-04-043	388-825-400	NEW-E	04-08-020
388-533-0385	NEW-P	04-05-083	388-820-310	AMD	04-04-043	388-827	PREP	04-08-070
388-533-0386	NEW-P	04-05-083	388-820-320	AMD	04-04-043	388-845-0010	NEW-E	04-08-020
388-533-0390	NEW-P	04-05-083	388-820-330	AMD	04-04-043	388-845-0015	NEW-E	04-08-020
388-533-0390	NEW-P	04-05-083	388-820-340	AMD	04-04-043	388-845-0020	NEW-E	04-08-020
388-533-701	NEW-P	04-07-136	388-820-350	AMD	04-04-043	388-845-0025	NEW-E	04-08-020
388-533-710	NEW-P	04-07-136	388-820-350	AMD	04-04-043	388-845-0030	NEW-E	04-08-020
388-533-720	NEW-P	04-07-136	388-820-400	AMD	04-04-043	388-845-0035	NEW-E	04-08-020
388-533-730	NEW-P	04-07-136	388-820-405	NEW	04-04-043	388-845-0040	NEW-E	04-08-020
388-535	PREP	04-07-115	388-820-410	AMD	04-04-043	388-845-0045	NEW-E	04-08-020
388-535-1050	AMD-X	04-07-142	388-820-550	AMD	04-04-043	388-845-0050	NEW-E	04-08-020
388-535-1065	AMD-X	04-07-142	388-820-555	NEW	04-04-043	388-845-0055	NEW-E	04-08-020
388-535A-0050	AMD-E	04-04-073	388-820-560	AMD	04-04-043	388-845-0060	NEW-E	04-08-020
388-535A-0060	AMD-E	04-04-073	388-820-600	AMD	04-04-043	388-845-0065	NEW-E	04-08-020
388-538-063	PREP	04-04-095	388-820-650	AMD	04-04-043	388-845-0070	NEW-E	04-08-020
388-538-063	NEW-P	04-09-090	388-820-690	AMD	04-04-043	388-845-0075	NEW-E	04-08-020
388-538-112	AMD-P	04-07-135	388-825	PREP	04-08-071	388-845-0080	NEW-E	04-08-020
388-542-0100	AMD	04-08-018	388-825-070	AMD-P	04-08-072	388-845-0085	NEW-E	04-08-020
388-542-0125	AMD	04-08-018	388-825-090	AMD-P	04-08-072	388-845-0090	NEW-E	04-08-020
388-542-0500	AMD	04-08-018	388-825-120	AMD-E	04-08-020	388-845-0095	NEW-E	04-08-020
388-544	PREP-W	04-04-031	388-825-125	NEW-E	04-08-020	388-845-0100	NEW-E	04-08-020
388-544	PREP	04-07-087	388-825-130	NEW-E	04-08-020	388-845-0105	NEW-E	04-08-020
388-545	PREP-W	04-04-031	388-825-135	NEW-E	04-08-020	388-845-0110	NEW-E	04-08-020
388-546	PREP	04-02-060	388-825-140	NEW-E	04-08-020	388-845-0115	NEW-E	04-08-020
388-547	PREP-W	04-04-031	388-825-145	NEW-E	04-08-020	388-845-0120	NEW-E	04-08-020
388-550	PREP	04-03-092	388-825-150	NEW-E	04-08-020	388-845-0200	NEW-E	04-08-020
388-550-2800	PREP	04-03-091	388-825-155	NEW-E	04-08-020	388-845-0205	NEW-E	04-08-020
388-550-2900	PREP	04-03-091	388-825-160	NEW-E	04-08-020	388-845-0210	NEW-E	04-08-020
388-550-3100	PREP	04-05-085A	388-825-165	NEW-E	04-08-020	388-845-0215	NEW-E	04-08-020
388-550-3100	AMD-P	04-08-123	388-825-170	REP-E	04-08-020	388-845-0220	NEW-E	04-08-020
388-550-4900	PREP	04-03-090	388-825-180	REP-E	04-08-020	388-845-0300	NEW-E	04-08-020
388-550-4900	AMD-P	04-08-124	388-825-190	REP-E	04-08-020	388-845-0305	NEW-E	04-08-020
388-550-5000	PREP	04-03-090	388-825-260	REP-E	04-08-020	388-845-0310	NEW-E	04-08-020
388-550-5100	PREP	04-03-090	388-825-262	REP-E	04-08-020	388-845-0400	NEW-E	04-08-020
388-550-5100	AMD-P	04-08-124	388-825-264	REP-E	04-08-020	388-845-0405	NEW-E	04-08-020
388-550-5200	PREP	04-03-090	388-825-266	REP-E	04-08-020	388-845-0410	NEW-E	04-08-020
388-550-5200	AMD-P	04-08-124	388-825-268	REP-E	04-08-020	388-845-0500	NEW-E	04-08-020
388-550-5210	NEW-P	04-08-124	388-825-270	REP-E	04-08-020	388-845-0505	NEW-E	04-08-020
388-550-5220	NEW-P	04-08-124	388-825-272	REP-E	04-08-020			

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-845-0510	NEW-E	04-08-020	388-845-3030	NEW-E	04-08-020	392-140-609	AMD	04-08-118
388-845-0600	NEW-E	04-08-020	388-845-3035	NEW-E	04-08-020	392-140-626	AMD-P	04-04-005
388-845-0605	NEW-E	04-08-020	388-845-4000	NEW-E	04-08-020	392-140-626	AMD	04-08-118
388-845-0610	NEW-E	04-08-020	388-845-4005	NEW-E	04-08-020	392-140-630	AMD-P	04-04-005
388-845-0700	NEW-E	04-08-020	388-845-4010	NEW-E	04-08-020	392-140-630	AMD	04-08-118
388-845-0705	NEW-E	04-08-020	388-845-4015	NEW-E	04-08-020	392-140-640	AMD-P	04-04-005
388-845-0710	NEW-E	04-08-020	388-865	PREP	04-08-122	392-140-640	AMD	04-08-118
388-845-0800	NEW-E	04-08-020	388-865-0335	PREP	04-05-085	392-140-643	AMD-P	04-04-005
388-845-0805	NEW-E	04-08-020	388-865-0340	PREP	04-05-085	392-140-643	AMD	04-08-118
388-845-0810	NEW-E	04-08-020	388-865-0465	AMD-P	04-05-081	392-140-646	AMD-P	04-04-005
388-845-0820	NEW-E	04-08-020	388-865-0500	AMD	04-07-014	392-140-646	AMD	04-08-118
388-845-0900	NEW-E	04-08-020	388-865-0501	REP	04-07-014	392-140-653	AMD-P	04-04-005
388-845-0905	NEW-E	04-08-020	388-865-0502	REP	04-07-014	392-140-653	AMD	04-08-118
388-845-0910	NEW-E	04-08-020	388-865-0504	REP	04-07-014	392-142-115	REP-P	04-05-054
388-845-1000	NEW-E	04-08-020	388-865-0505	REP	04-07-014	392-142-115	REP	04-08-116
388-845-1010	NEW-E	04-08-020	388-865-0510	REP	04-07-014	392-142-130	REP-P	04-05-054
388-845-1015	NEW-E	04-08-020	388-865-0511	NEW	04-07-014	392-142-130	REP	04-08-116
388-845-1100	NEW-E	04-08-020	388-865-0515	REP	04-07-014	392-142-135	REP-P	04-05-054
388-845-1105	NEW-E	04-08-020	388-865-0516	NEW	04-07-014	392-142-135	REP	04-08-116
388-845-1110	NEW-E	04-08-020	388-865-0520	NEW	04-07-014	392-142-165	AMD-P	04-05-054
388-845-1200	NEW-E	04-08-020	388-865-0525	REP	04-07-014	392-142-165	AMD	04-08-116
388-845-1205	NEW-E	04-08-020	388-865-0526	NEW	04-07-014	392-142-205	AMD-P	04-05-054
388-845-1210	NEW-E	04-08-020	388-865-0530	REP	04-07-014	392-142-205	AMD	04-08-116
388-845-1300	NEW-E	04-08-020	388-865-0531	NEW	04-07-014	392-143-010	AMD-P	04-05-055
388-845-1305	NEW-E	04-08-020	388-865-0535	REP	04-07-014	392-143-010	AMD	04-08-117
388-845-1310	NEW-E	04-08-020	388-865-0536	NEW	04-07-014	392-143-015	AMD-P	04-05-055
388-845-1400	NEW-E	04-08-020	388-865-0540	REP	04-07-014	392-143-015	AMD	04-08-117
388-845-1405	NEW-E	04-08-020	388-865-0541	NEW	04-07-014	392-143-030	AMD-P	04-05-055
388-845-1410	NEW-E	04-08-020	388-865-0545	REP-W	04-08-028	392-143-030	AMD	04-08-117
388-845-1500	NEW-E	04-08-020	388-865-0546	REP-W	04-08-028	392-143-031	AMD-P	04-05-055
388-845-1505	NEW-E	04-08-020	388-865-0547	NEW	04-07-014	392-143-031	AMD	04-08-117
388-845-1510	NEW-E	04-08-020	388-865-0550	REP	04-07-014	392-143-032	AMD-P	04-05-055
388-845-1515	NEW-E	04-08-020	388-865-0551	NEW	04-07-014	392-143-032	AMD	04-08-117
388-845-1600	NEW-E	04-08-020	388-865-0555	REP	04-07-014	392-143-050	AMD-P	04-05-055
388-845-1605	NEW-E	04-08-020	388-865-0557	REP	04-07-014	392-143-050	AMD	04-08-117
388-845-1610	NEW-E	04-08-020	388-865-0560	REP	04-07-014	392-143-061	REP-P	04-05-055
388-845-1615	NEW-E	04-08-020	388-865-0561	NEW	04-07-014	392-143-061	REP	04-08-117
388-845-1620	NEW-E	04-08-020	388-865-0565	REP	04-07-014	392-143-065	REP-P	04-05-055
388-845-1700	NEW-E	04-08-020	388-865-0566	NEW	04-07-014	392-143-065	REP	04-08-117
388-845-1705	NEW-E	04-08-020	388-865-0570	NEW	04-07-014	392-143-070	AMD-P	04-05-055
388-845-1710	NEW-E	04-08-020	388-865-0575	NEW	04-07-014	392-143-070	AMD	04-08-117
388-845-1800	NEW-E	04-08-020	388-865-0580	NEW	04-07-014	392-143-080	AMD-P	04-05-055
388-845-1805	NEW-E	04-08-020	388-865-0585	NEW	04-07-014	392-143-080	AMD	04-08-117
388-845-1810	NEW-E	04-08-020	390	PREP	04-05-070	399- 30-060	AMD-X	04-05-024
388-845-1900	NEW-E	04-08-020	390- 05-295	NEW-P	04-08-086	399- 30-060	AMD	04-09-085
388-845-1905	NEW-E	04-08-020	390- 12-010	AMD-P	04-08-086	415- 02-030	AMD	04-04-037
388-845-1910	NEW-E	04-08-020	390- 16-207	AMD-P	04-08-086	415- 02-200	NEW	04-04-038
388-845-2000	NEW-E	04-08-020	390- 16-238	AMD-P	04-08-086	415- 02-520	AMD-P	04-05-039
388-845-2005	NEW-E	04-08-020	390- 17-030	AMD-P	04-08-086	415- 02-520	AMD	04-09-043
388-845-2010	NEW-E	04-08-020	390- 18-030	AMD-P	04-08-086	415- 02-720	NEW	04-04-040
388-845-2100	NEW-E	04-08-020	390- 37-030	AMD-P	04-08-086	415- 04-040	AMD-P	04-05-017
388-845-2105	NEW-E	04-08-020	390- 37-041	AMD-E	04-07-049	415- 04-040	AMD	04-09-042
388-845-2110	NEW-E	04-08-020	390- 37-041	AMD-P	04-08-086	415-104	PREP	04-09-040
388-845-2200	NEW-E	04-08-020	392-121-124	AMD-P	04-08-127	415-104-475	NEW	04-04-039
388-845-2205	NEW-E	04-08-020	392-136-020	PREP	04-06-048	415-108-710	AMD	04-04-037
388-845-2210	NEW-E	04-08-020	392-140-600	AMD-P	04-04-005	415-110-010	AMD	04-04-041
388-845-3000	NEW-E	04-08-020	392-140-600	AMD	04-08-118	415-110-680	AMD	04-04-041
388-845-3005	NEW-E	04-08-020	392-140-605	AMD-P	04-04-005	415-110-685	NEW	04-04-041
388-845-3010	NEW-E	04-08-020	392-140-605	AMD	04-08-118	415-110-710	AMD	04-04-037
388-845-3015	NEW-E	04-08-020	392-140-608	AMD-P	04-04-005	415-110-728	AMD	04-04-041
388-845-3020	NEW-E	04-08-020	392-140-608	AMD	04-08-118	415-110-910	AMD	04-04-041
388-845-3025	NEW-E	04-08-020	392-140-609	AMD-P	04-04-005	415-112-430	AMD-P	04-05-063

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-12-005	NEW	04-04-018	434-120-305	AMD	04-04-018	478-116-191	AMD-P	04-07-127
434-12-010	REP	04-05-041	434-120-307	NEW	04-04-018	478-116-201	AMD-P	04-07-127
434-12-015	NEW	04-05-041	434-120-310	AMD	04-04-018	478-116-211	AMD-P	04-07-127
434-12-020	REP	04-05-041	434-120-320	REP	04-04-018	478-116-227	AMD-P	04-07-127
434-12-025	NEW	04-04-018	434-120-330	AMD	04-04-018	478-116-251	AMD-P	04-07-127
434-12-030	REP	04-05-041	434-120-345	NEW	04-04-018	478-116-253	AMD-P	04-07-127
434-12-040	REP	04-05-041	434-120-355	NEW	04-04-018	478-116-255	AMD-P	04-07-127
434-12-050	REP	04-05-041	434-120-360	NEW	04-04-018	478-116-271	AMD-P	04-07-127
434-12-060	REP	04-05-041	434-130-020	REP	04-04-018	478-116-301	AMD-P	04-07-127
434-12-070	REP	04-05-041	434-130-030	REP	04-04-018	478-116-311	AMD-P	04-07-127
434-12-080	REP	04-05-041	434-135-020	REP	04-04-018	478-116-431	AMD-P	04-07-127
434-12-090	REP	04-05-041	434-135-030	REP	04-04-018	478-116-520	AMD-P	04-07-127
434-12-100	REP	04-05-041	434-135-070	REP	04-04-018	478-116-531	AMD-P	04-07-127
434-12-110	REP	04-05-041	434-180-110	REP	04-04-018	478-116-670	AMD-P	04-07-127
434-12-120	REP	04-05-041	458-20-104	PREP	04-05-102	478-168	PREP	04-04-016
434-12-130	REP	04-05-041	458-20-186	PREP	04-03-101	478-168-160	AMD-P	04-09-076
434-12-140	REP	04-05-041	458-20-18601	PREP	04-03-101	478-168-170	REP-P	04-09-076
434-12-150	REP	04-05-041	458-20-207	AMD-X	04-08-009	478-168-180	AMD-P	04-09-076
434-12-160	REP	04-05-041	458-20-252	PREP	04-02-070	478-168-190	AMD-P	04-09-076
434-12-170	REP	04-05-041	458-20-265	PREP	04-02-070	478-168-200	REP-P	04-09-076
434-12-180	REP	04-05-041	458-40-640	PREP	04-06-065	478-168-270	AMD-P	04-09-076
434-12-200	REP	04-05-041	458-40-660	PREP	04-06-064	478-168-290	REP-P	04-09-076
434-12-210	REP	04-05-041	460-42A-081	AMD	04-07-035	478-168-294	REP-P	04-09-076
434-12-220	REP	04-05-041	463-06-040	REP	04-08-014	478-168-298	REP-P	04-09-076
434-12-230	REP	04-05-041	463-39-005	AMD-X	04-05-058	478-168-300	REP-P	04-09-076
434-110-070	REP	04-04-018	463-39-030	AMD-X	04-05-058	478-168-310	AMD-P	04-09-076
434-110-080	REP	04-04-018	463-39-090	AMD-X	04-05-058	478-168-320	AMD-P	04-09-076
434-110-090	REP	04-04-018	463-39-100	AMD-X	04-05-058	478-168-325	AMD-P	04-09-076
434-110-100	AMD	04-04-018	463-39-115	AMD-X	04-05-058	478-168-340	REP-P	04-09-076
434-112-010	NEW	04-04-018	463-39-135	AMD-X	04-05-058	478-168-345	REP-P	04-09-076
434-112-020	NEW	04-04-018	468-38-265	PREP	04-09-067	478-168-350	REP-P	04-09-076
434-112-025	NEW	04-04-018	468-60-010	NEW-P	04-03-112	478-168-360	REP-P	04-09-076
434-112-030	NEW	04-04-018	468-60-010	NEW	04-06-087	478-168-380	AMD-P	04-09-076
434-112-040	NEW	04-04-018	468-70-020	AMD-E	04-09-024	478-168-390	AMD-P	04-09-076
434-112-045	NEW	04-04-018	468-70-070	AMD-E	04-09-024	480-30-110	AMD	04-05-031
434-112-050	NEW	04-04-018	468-70-085	REP-E	04-09-014	480-51-100	AMD	04-05-031
434-112-065	NEW	04-04-018	468-95-315	NEW-P	04-05-016	480-62	PREP	04-05-103
434-112-070	NEW	04-04-018	468-95-315	NEW	04-08-010	480-62-125	AMD-P	04-05-104
434-112-075	NEW	04-04-018	468-100-306	AMD-X	04-03-113	480-62-300	AMD	04-05-031
434-112-080	NEW	04-04-018	468-100-306	AMD	04-08-041	480-62-320	AMD-P	04-05-104
434-112-085	NEW	04-04-018	468-310-020	PREP	04-03-011	480-70-076	AMD	04-05-031
434-112-090	NEW	04-04-018	468-310-020	AMD-P	04-07-092	480-80	PREP	04-03-118
434-112-095	NEW	04-04-018	468-310-050	PREP	04-03-011	480-90-208	AMD	04-05-031
434-120-015	REP	04-04-018	468-310-050	AMD-P	04-07-092	480-100-208	AMD	04-05-031
434-120-017	NEW	04-04-018	478-116-051	AMD-P	04-07-127	480-110	PREP	04-08-132
434-120-020	REP	04-04-018	478-116-061	AMD-P	04-07-127	480-110-275	AMD	04-05-031
434-120-025	AMD	04-04-018	478-116-101	AMD-P	04-07-127	480-120	PREP	04-03-118
434-120-040	AMD	04-04-018	478-116-111	AMD-P	04-07-127	480-120-146	AMD-S	04-03-117
434-120-045	NEW	04-04-018	478-116-114	AMD-P	04-07-127	480-120-146	AMD	04-09-068
434-120-050	NEW	04-04-018	478-116-116	AMD-P	04-07-127	480-120-303	AMD	04-05-031
434-120-103	AMD	04-04-018	478-116-121	AMD-P	04-07-127	480-120-304	AMD	04-05-031
434-120-105	AMD	04-04-018	478-116-125	AMD-P	04-07-127	480-122	PREP	04-04-021
434-120-110	NEW	04-04-018	478-116-131	AMD-P	04-07-127	495A-121-011	AMD-P	04-07-150
434-120-145	AMD	04-04-018	478-116-141	AMD-P	04-07-127	495A-121-041	AMD-P	04-07-150
434-120-155	REP	04-04-018	478-116-145	AMD-P	04-07-127	495A-121-044	AMD-P	04-07-150
434-120-160	AMD	04-04-018	478-116-161	AMD-P	04-07-127	516-60-001	AMD-P	04-03-073
434-120-170	AMD	04-04-018	478-116-165	AMD-P	04-07-127	516-60-001	AMD	04-09-106
434-120-212	AMD	04-04-018	478-116-167	AMD-P	04-07-127	516-60-010	NEW-P	04-03-073
434-120-215	AMD	04-04-018	478-116-171	AMD-P	04-07-127	516-60-010	NEW	04-09-106
434-120-240	AMD	04-04-018	478-116-181	AMD-P	04-07-127			
434-120-250	AMD	04-04-018	478-116-184	AMD-P	04-07-127			
434-120-260	AMD	04-04-018	478-116-186	AMD-P	04-07-127			

TABLE



Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY

COMMISSION

Meetings MISC 04-01-113

ACCOUNTANCY, BOARD OF

Administration PERM 04-01-076
fees PREP 04-06-085

Meetings MISC 04-01-077

Rules PREP 04-08-033
review and updates

ADVANCED TUITION PAYMENT, COMMITTEE ON

Meetings MISC 04-01-040

AFRICAN AMERICAN AFFAIRS, COMMISSION ON

Meetings MISC 04-01-148

AGING AND ADULT SERVICES

(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)

AGRICULTURE, DEPARTMENT OF

Alfalfa seed commission meetings MISC 04-06-015

Barley commission marketing orders PROP 04-03-111
meetings MISC 04-03-013

Beef commission meetings MISC 04-03-028
MISC 04-06-016
MISC 04-07-072

Blueberry commission meetings MISC 04-04-064

Calibration services, special inspection and testing fees PREP 04-09-083

Caneberry planting stock PREP 04-09-081

Commercial feed and pet food PREP 04-06-074

Dairy products commission meetings MISC 04-03-008

Forest reproductive material certification and fees PROP 04-01-180
PERM 04-06-028

Fruit and vegetable program PROP 04-08-128

Fryer commission marketing order PERM 04-07-128

Hop commission meetings MISC 04-03-012
MISC 04-07-119

Horticulture plant tagging PREP 04-02-054
PROP 04-06-083
PERM 04-09-084

planting stock certification program PREP 04-06-080

plants shipped from outside the state, record keeping PREP 04-06-082
PREP 04-07-045
EMER 04-07-046

winter pears, controlled atmosphere storage requirements PROP 04-01-185
PERM 04-05-117

Livestock inspection and identification PERM 04-01-171

livestock nutrient management program (LNMP) EMER 04-01-014
PERM 04-02-063

Noxious weed control board meetings MISC 04-04-032

noxious weed list EXPE 04-07-021

Nursery inspection fees PREP 04-04-108
PROP 04-07-172
PREP 04-09-079

Pea and lentil commission market order PROP 04-04-107

Pesticides and herbicides applications by airblast sprayers or aircraft near schools or hospitals PREP 04-03-005

ethyl parathion EXPE 04-06-073

phytotoxicity PREP 04-03-004

Poultry slaughtering pastured chickens PROP 04-05-119
PERM 04-08-062

Quarantine agricultural pests PREP 04-09-080

annual bluegrass PROP 04-01-182

apple maggot PERM 04-06-019
PROP 04-01-202
PROP 04-05-025

grape phylloxera PERM 04-09-027

phytophthora ramorum PREP 04-09-078
PREP 04-06-081

seeds EMER 04-08-082
PREP 04-01-184
PROP 04-05-118

Red raspberry commission PERM 04-08-043

marketing order PROP 04-07-194

meetings MISC 04-01-084
MISC 04-05-037

Rules MISC 04-04-019

agenda MISC 04-05-052

Salmon commission, Puget Sound PROP 04-01-179

Seed certification and fees PROP 04-01-181
PREP 04-01-183
PROP 04-05-120

Strawberry planting stock PERM 04-06-018

Turfgrass seed commission PERM 04-06-029

marketing orders EXPE 04-07-170
PROP 04-07-171

Weights and measures national handbooks PERM 04-08-044

Wine commission PROP 04-09-104

meetings MISC 04-01-062
MISC 04-05-065

MISC 04-09-015

ASIAN PACIFIC AMERICAN AFFAIRS, COMMISSION ON

Meetings MISC 04-09-038

ATTORNEY GENERAL

Copies of Attorney General Opinions can be found at the Attorney General's website:

<http://www.wa.gov/ago>, under the subheading

Publications, Opinions or by contacting the

opinions secretary at (360) 586-4218

Notice of request for opinion MISC 04-03-027
MISC 04-07-096

Rules MISC 04-08-085

coordinator

BAIL AND BOND AGENCIES

(See LICENSING, DEPARTMENT OF)

BATES TECHNICAL COLLEGE

Meetings MISC 04-01-033
MISC 04-01-081

MISC 04-03-042
MISC 04-04-023

MISC 04-04-059
MISC 04-04-065

MISC 04-04-066
MISC 04-05-020

MISC 04-08-015
MISC 04-05-006

Rules coordinator PREP 04-01-028

Student rights and responsibilities PROP 04-07-150

BELLEVUE COMMUNITY COLLEGE

Meetings MISC 04-01-123

Parking and traffic rules PERM 04-01-046

BELLINGHAM TECHNICAL COLLEGE

Meetings MISC 04-01-018
MISC 04-02-046

MISC 04-05-018
MISC 04-07-033

BLIND, DEPARTMENT OF SERVICES FOR THE

General administration EXPE 04-07-110

Meetings MISC 04-04-026

Rules coordinator MISC 04-07-107

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

BUILDING CODE COUNCIL

Code reviews and adoptions			
building code	PERM	04-01-108	
energy code	PERM	04-01-106	
fire code	PERM	04-01-105	
mechanical code	PERM	04-01-104	
plumbing code	PERM	04-01-110	
residential code	PERM	04-01-109	
statewide and local amendments, policies and procedures	PERM	04-01-107	
	EXPE	04-03-034	
	PERM	04-07-193	
ventilation and indoor air quality code	EXPE	04-03-033	
	PERM	04-07-192	
Rules			
withdrawals	PROP	04-07-082	
	PROP	04-07-083	
	PROP	04-07-084	

COUNTY ROAD ADMINISTRATION BOARD

Regional prioritization of RAP projects	PERM	04-05-001
Rules coordinator	MISC	04-01-172

CRIMINAL JUSTICE TRAINING COMMISSION

Basic corrections training	PREP	04-06-057
	PROP	04-09-069
Business office address	PROP	04-02-040
	PERM	04-07-146
Dog handlers and certification of canine teams	PREP	04-05-064
	PROP	04-08-130
Officers with out-of-state drivers' licenses	PREP	04-04-017
	PROP	04-07-145

DEAF, WASHINGTON STATE SCHOOL FOR THE

Emergency expulsion of students	PERM	04-02-002
Meetings	MISC	04-01-137
	MISC	04-04-080
	MISC	04-06-017
	MISC	04-07-106

DEVELOPMENTAL DISABILITIES

(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)

EASTERN WASHINGTON UNIVERSITY

Meetings	MISC	04-01-047
	MISC	04-03-078
	MISC	04-04-025
	MISC	04-04-058
	MISC	04-08-031
	MISC	04-08-067
	MISC	04-09-072
	MISC	04-09-075

ECOLOGY, DEPARTMENT OF

Dam safety	PROP	04-09-109
Dangerous waste		
federal regulations	PREP	04-04-101
Elwha-Dungeness instream resources protection	PREP	04-07-129
Fine particulate matter areas, designation of public hearings	MISC	04-01-115
Instream resources protection program		
Lower and Upper Skagit (WRIA 3 and 4)	PREP	04-06-027
Walla Walla Basin (WRIA 32)	PREP	04-08-061
Natural resource damage assessment committee (NRDA)	MISC	04-01-078
NPDES permit		
fresh fruit packing facilities	MISC	04-07-149
Policy statements	MISC	04-03-110
Public hearings	MISC	04-01-115
	MISC	04-03-099
	MISC	04-03-100
	MISC	04-06-062
	MISC	04-08-131
Quilcene-Snow instream resources protection	PREP	04-07-185
Rules agenda	MISC	04-03-021
Shoreline management	PERM	04-01-117
	EXPE	04-05-105

Solid waste		
incinerator facilities	PERM	04-01-159
Total maximum daily loads (TMDL)	MISC	04-03-122
Wastewater discharge permits		
fees	PREP	04-01-116
	PROP	04-08-104
Water quality assessment	MISC	04-03-020

ECONOMIC DEVELOPMENT FINANCE AUTHORITY

Meetings	MISC	04-03-079
	MISC	04-05-029

EDMONDS COMMUNITY COLLEGE

Meetings	MISC	04-01-061
	MISC	04-03-029
	MISC	04-06-049

EDUCATION, STATE BOARD OF

Adult education	PREP	04-09-063
Bus driver qualifications	PROP	04-04-087
	PERM	04-08-055
Certification, standards	PERM	04-04-009
	PERM	04-04-010
	PERM	04-04-011

CENTRAL WASHINGTON UNIVERSITY

Parking regulations	PREP	04-09-071
Tobacco use in university buildings	PROP	04-06-014

CHIROPRACTIC QUALITY ASSURANCE COMMISSION (See HEALTH, DEPARTMENT OF)

CLARK COLLEGE

Meetings	MISC	04-01-153
----------	------	-----------

CODE REVISER'S OFFICE

Ergonomics rules, Initiative 841	MISC	04-01-012
Quarterly reports		
03-19 - 03-24 See Issue 04-01		
04-01 - 04-06 See Issue 04-07		
Rule-making process	PERM	04-02-071

COLUMBIA RIVER GORGE COMMISSION

Economic development certification process	PROP	04-01-020
	PERM	04-06-033
Open meetings	PROP	04-05-050
Public records disclosure	PROP	04-05-049

COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF

Developmental disabilities council	MISC	04-05-047
Lead-based paint accreditation and certification	PROP	04-05-062
Low-income home energy assistance program	MISC	04-09-073
Public hearings	MISC	04-07-124
Public works board	MISC	04-03-045
	EXPE	04-05-024
	PERM	04-09-085

COMMUNITY AND TECHNICAL COLLEGES, BOARD FOR

Certification requirements for professional-technical faculty	PROP	04-04-033
	PERM	04-07-094
Information services, center for	MISC	04-01-075
Rules		
revisions required by EHB 1403	PREP	04-03-032
	PROP	04-07-095
Tuition charges	PREP	04-01-146
	PROP	04-07-093

CONSERVATION COMMISSION

Meetings	MISC	04-01-006
	MISC	04-03-007
	MISC	04-09-050

CONVENTION AND TRADE CENTER

Meetings	MISC	04-01-017
	MISC	04-03-046
	MISC	04-07-069

CORRECTIONS, DEPARTMENT OF

Meetings	MISC	04-01-103
Prisons		
discipline	PREP	04-01-167
tobacco	PROP	04-05-076
	PERM	04-07-163
Rules		
agenda	MISC	04-01-173

Subject/Agency Index

(Citation in bold type refer to material in this issue)

	PERM 04-04-012	relief from active duty	PERM 04-01-056
	PREP 04-04-084	Fish and wildlife commission	
	PERM 04-04-088	meetings	MISC 04-01-038
	PREP 04-08-056	Fishing, commercial	
Classified staff, unprofessional conduct	PREP 04-09-064	anchovy	EMER 04-01-101
Continuing education requirements	PROP 04-04-085		EMER 04-05-056
	PERM 04-08-054	beam trawl and bottom trawl	EMER 04-07-029
Courses of study and equivalency	PREP 04-01-045	bottomfish	EMER 04-01-005
	PROP 04-04-086		EMER 04-03-010C
District organization	PERM 04-04-091		EMER 04-05-056
High school graduation requirements	PERM 04-04-092	carp fishers, fish receiving ticket	PREP 04-04-069
	PREP 04-09-062	clams, razor	EMER 04-01-102
Library media centers	PREP 04-09-065	coastal pilchard fishery	PREP 04-04-007
Meetings	MISC 04-01-024		PROP 04-07-186
	MISC 04-07-016	crab	EMER 04-01-004
Preparation programs	PERM 04-04-089		EMER 04-01-059
	PERM 04-04-090		EMER 04-02-019
Rules			EMER 04-03-049
clarifications	PERM 04-04-093		EMER 04-05-007
withdrawals	PROP 04-07-081		EMER 04-05-014
Standardized high school transcript	PREP 04-09-061		EMER 04-06-003
State support of public schools	PREP 04-09-066		EMER 04-06-013
			EMER 04-06-042
EDUCATOR STANDARDS BOARD, PROFESSIONAL			EMER 04-07-013
Basic skills test (WEST-B)	PROP 04-04-105		EMER 04-07-019
	PERM 04-08-047		EMER 04-07-042
Subject knowledge test (WEST-E/Praxis II)	PROP 04-04-106		EMER 04-08-038
	PERM 04-08-048	dogfish	EMER 04-05-056
		fish receiving ticket descriptions	PREP 04-03-030
		fish transportation tickets	PROP 04-01-135
			PERM 04-05-028
ELECTIONS		groundfish, federal buy-back rules	PREP 04-05-040
(See SECRETARY OF STATE)		herring	EMER 04-01-101
			EMER 04-05-056
EMERGENCY SERVICES		Hood Canal, permanent closures	PREP 04-07-036
(See MILITARY DEPARTMENT)		salmon	EMER 04-06-002
			EMER 04-06-059
EMPLOYMENT SECURITY, DEPARTMENT OF			EMER 04-07-008
Rules			EMER 04-07-028
agenda	MISC 04-04-062		EMER 04-07-050
Unemployment insurance program revisions	EMER 04-02-039		EMER 04-07-078
			EMER 04-07-118
ENERGY FACILITY SITE EVALUATION COUNCIL			EMER 04-07-169
General and operating permit regulations for air	EXPE 04-05-058		EMER 04-08-011
pollution sources	EXPE 04-01-097		EMER 04-09-021
Meetings	PERM 04-08-014	sea cucumbers	EMER 04-03-031
			EMER 04-05-008
ENVIRONMENTAL HEARINGS OFFICE			EMER 04-05-045
Environmental and land use hearings board	EMER 04-02-027		EMER 04-06-041
Livestock nutrient management program			PREP 04-09-077
(LNMP)	EMER 04-01-011	sea urchins	EMER 04-01-042
	PERM 04-03-001		EMER 04-01-060
			EMER 04-02-006
EVERETT COMMUNITY COLLEGE			EMER 04-03-010B
Meetings	MISC 04-01-039		EMER 04-03-074
	MISC 04-01-193		EMER 04-06-012
	MISC 04-06-050		PREP 04-09-077
	MISC 04-08-129	shad	EMER 04-09-018
EVERGREEN STATE COLLEGE, THE		shrimp	PROP 04-01-136
Meetings	MISC 04-01-082		PERM 04-05-027
			EMER 04-09-007
EXCISE TAX		smelt	EMER 04-01-101
(See REVENUE, DEPARTMENT OF)			EMER 04-01-189
			EMER 04-01-190
EXECUTIVE ETHICS BOARD			EMER 04-05-056
Meetings	MISC 04-07-030		EMER 04-07-117
		sturgeon	EMER 04-02-005
FINANCIAL INSTITUTIONS, DEPARTMENT OF			EMER 04-03-075
Check cashers, check sellers and small loan lenders	PREP 04-03-080		EMER 04-04-053
Mortgage lending fraud prosecution fund	PERM 04-02-008		EMER 04-04-071
Overdraft protection programs	MISC 04-09-086		EMER 04-07-027
Rules		Fishing, recreational	
agenda	MISC 04-04-051	bottomfish	EMER 04-05-057
Toronto Stock Exchange	PERM 04-07-035	canary rockfish	EMER 04-07-006
Uniform Money Services Act	EMER 04-07-182	crab	EMER 04-01-036
		direct retail endorsement	PERM 04-08-025
FINANCIAL MANAGEMENT, OFFICE OF		herring	EMER 04-01-101
Pay dates	EXPE 04-08-126		EMER 04-05-057
		Hood Canal, permanent closures	PREP 04-07-036
FISH AND WILDLIFE, DEPARTMENT OF		Kline Pond, fishing kids event	EMER 04-08-049
Birds, rehabilitation requirements	PREP 04-05-019	licenses	PERM 04-01-051
Enforcement officers			PERM 04-01-095

Subject/Agency Index

(Citation in bold type refer to material in this issue)

continuing education	PREP	04-01-198	fees	PROP	04-06-046
delegation of services	PREP	04-02-064	Group A public drinking water	PERM	04-04-056
licensure endorsement	PREP	04-01-199		PREP	04-06-044
Dental quality assurance commission					
continuing education	PREP	04-08-095	HEALTH CARE AUTHORITY		
licensure without examination for dentists	PREP	04-08-096	Basic health		
supervision, placement of antimicrobials	PREP	04-09-055	health coverage tax credit	PREP	04-09-008
Emergency medical service personnel certification	PROP	04-01-200	Nonprofit community clinics	PERM	04-03-006
	PERM	04-08-103	Prescription drug programs	PROP	04-01-186
	PROP	04-09-056		PERM	04-06-021
Food handling			Public employees benefits board (PEBB)		
Hearing and speech			local government employees and dependents	PREP	04-07-080
audiologists and speech-language pathologists	PERM	04-02-068	meetings	MISC	04-01-010
In-home service agencies	PERM	04-01-197	premium refunds and appeals	PREP	04-07-079
	PREP	04-09-054	Rules		
			agenda	MISC	04-04-003
Mental health counselors, marriage and family therapists, and social workers	PERM	04-06-010			
	PERM	04-06-011	HIGHER EDUCATION COORDINATING BOARD		
Nursing			Future teacher conditional scholarship program	PREP	04-08-059
assistants	EMER	04-06-008	State need grant	PROP	04-03-108
practical and registered	EMER	04-06-009		PERM	04-08-060
technicians	EMER	04-05-043			
	PROP	04-09-057	HIGHLINE COMMUNITY COLLEGE		
Optometry, board of			Meetings	MISC	04-01-073
controlled substances, prescription and administration	PROP	04-06-045		MISC	04-03-115
optometrist certification	PROP	04-01-201			
	PERM	04-05-004	HISPANIC AFFAIRS, COMMISSION ON		
Pharmacy			Meetings	MISC	04-01-118
medication assistance	PROP	04-08-097		MISC	04-09-013
schedule III controlled substances	EXPE	04-03-105	Rules		
Physical therapy			coordinator	MISC	04-01-064
applicants from unapproved schools	PREP	04-07-176			
approved schools	PREP	04-07-173	HORSE RACING COMMISSION		
assistance programs	PREP	04-07-174	Appeal to the commission	PROP	04-02-038
continuing competency	PROP	04-03-104		PERM	04-05-096
	PERM	04-08-101	Bred owners bonus distribution formula	PERM	04-05-091
	PROP	04-08-046	Claims	PROP	04-02-035
interim permits	PROP	04-07-195		PERM	04-05-093
licensure by endorsement	PROP	04-03-107	Class 1 racing associations, parimutuel wagering	PREP	04-08-057
mandatory reporting	PERM	04-08-100	Clockers and clocking	PROP	04-04-045
	PROP	04-08-046		PERM	04-07-074
personnel identification	PREP	04-07-177	Controlled medication program	PROP	04-02-036
professional conduct principles	PREP	04-07-178		PROP	04-02-037
reinstatement	PROP	04-03-119		PERM	04-05-094
sexual misconduct	PERM	04-08-102	Definitions	PERM	04-05-095
	PROP	04-08-046		PROP	04-02-032
supervision, responsibilities of	PROP	04-05-044	Disqualified person, horses owned or managed by	PERM	04-05-090
Physician assistants	PROP	04-02-065		PROP	04-04-047
Policy or interpretive statements	MISC	04-03-103	Employment of persons under sixteen	PERM	04-07-076
	MISC	04-05-042		PROP	04-02-034
	MISC	04-07-071	Interpretive or policy statements	PERM	04-05-092
	MISC	04-09-074		MISC	04-07-120
Professional standards and licensing			Licenses	MISC	04-09-070
fees and renewal cycle	PERM	04-04-054		PROP	04-04-046
medical quality assurance commission	PERM	04-04-067	Mutuels	PERM	04-07-075
Psychology, examining board				PROP	04-04-048
parenting plan evaluations	PROP	04-08-098	Performance records	PERM	04-07-077
Radiation				PROP	04-05-088
fees	PROP	04-07-181	Public records	PERM	04-09-026
protection				PROP	04-02-031
air emissions	PROP	04-07-180	Rules	PERM	04-05-089
fees	PROP	04-07-175	coordinator		
	PROP	04-07-181	Special rates	MISC	04-08-032
radioactive devices	PERM	04-04-055	Stewards	PROP	04-02-033
Recreational water			Veterinarians, license to train	PROP	04-07-144
water recreation facilities	PROP	04-08-099	Violations	PREP	04-07-073
Retired physicians as volunteers during emergencies and disasters				EMER	04-09-053
	PREP	04-03-106	HUMAN RIGHTS COMMISSION		
Rules			Meetings	MISC	04-01-112
agenda	MISC	04-07-011		MISC	04-04-079
withdrawals	PROP	04-02-066	HUNTING		
	PROP	04-02-067	(See FISH AND WILDLIFE, DEPARTMENT OF)		
	PROP	04-04-078	INSURANCE COMMISSIONER, OFFICE OF THE		
	PREP	04-06-020	Automobile claims, repairs, and total loss		
	PREP	04-07-010	settlements	PERM	04-01-176
	PREP	04-03-010	Mortality tables	PERM	04-04-070
Sewage systems, large onsite			Notice of hearing	MISC	04-04-102
Trauma/emergency medical services	PERM	04-01-041		MISC	04-06-084
designation process and standards	PROP	04-07-179		MISC	04-07-108
trust account					
Water systems					
drinking water operating permits	PERM	04-06-047			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Private investigators	PROP	04-07-032	NATURAL RESOURCES, DEPARTMENT OF	
Private security guards	PROP	04-07-031	Forest practices board	
	PREP	04-08-078	administrative procedures	PERM 04-05-122
Professional athletics	PREP	04-09-009	agenda	MISC 04-01-149
Real estate	PROP	04-01-138	industrial restrictions	EXPE 04-08-094
	PROP	04-03-037	marbled murrelets	PERM 04-05-087
	PROP	04-03-038	meetings	MISC 04-01-150
	PROP	04-03-039		MISC 04-07-100
	PERM	04-04-052		MISC 04-07-125
	PERM	04-07-151	rules	
	PERM	04-07-152	coordinator	MISC 04-01-151
	PERM	04-07-153	Land boundary surveys	
	PERM	04-08-012	equipment and procedures	EXPE 04-05-030
Real estate commission	MISC	04-03-036	Natural heritage advisory council	
Rules			meetings	MISC 04-09-110
agenda	MISC	04-01-013	Rules	
withdrawals	PROP	04-05-061	agenda	MISC 04-02-007
	PROP	04-08-001	coordinator	MISC 04-01-007
	PROP	04-08-004		
	PROP	04-09-096	OLYMPIC COLLEGE	
Sellers of travel			Meetings	MISC 04-01-124
Special fuel tax				
appeals	EXPE	04-01-092		
	PERM	04-09-012	OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR	
Special license plate review board	MISC	04-08-076	(See INTERAGENCY COMMITTEE, OFFICE OF THE)	
Timeshares	PREP	04-01-122		
	PROP	04-05-098	PARKS AND RECREATION COMMISSION	
	PERM	04-08-003	Meetings	MISC 04-01-168
	PROP	04-09-095		MISC 04-01-169
	PROP	04-09-105	Moorage and use of inland water facilities	PERM 04-01-068
Uniform Commercial Code, revised Article 9			Public use of state park areas	PERM 04-01-067
Vessels			Recreational conveyances	PREP 04-06-088
registration and certification	PREP	04-07-054	Seaweed	PREP 04-06-089
LIQUOR CONTROL BOARD			PENSION POLICY, SELECT COMMITTEE ON	
Administrative hearings	PREP	04-08-109	Meetings	MISC 04-08-027
Beer				
strong beer	PERM	04-06-007		
Certificate of approval liquor licenses	PREP	04-08-105	PERSONNEL, DEPARTMENT OF	
General requirements for licensees	EXPE	04-08-112	Background checks	PROP 04-08-119
Licenses			Classification plan for state employees	PROP 04-04-109
application process	PREP	04-08-107		PERM 04-07-052
contested applications	PREP	04-08-106	Collective bargaining, leave provisions	EMER 04-07-053
Mandatory alcohol server training	PREP	04-02-074	Combined fund drive	PROP 04-07-188
	PROP	04-08-111	Rules	
On-premises consumption	PREP	04-08-108	withdrawals	PROP 04-07-187
Rules				
agenda	MISC	04-08-113	PIERCE COLLEGE	
Sampling in beer/wine specialty shops	PROP	04-02-075	Meetings	MISC 04-01-166
	PERM	04-07-020		
	PREP	04-09-111	PILOTAGE COMMISSIONERS, BOARD OF	
Special occasion licenses	PREP	04-08-110	Puget Sound pilotage district tariff and rates	PROP 04-08-008
Violations	PREP	04-08-109		
			PRISONS AND PRISONERS	
			(See CORRECTIONS, DEPARTMENT OF)	
LOTTERY COMMISSION			PUBLIC ASSISTANCE	
Meetings	MISC	04-09-034	(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)	
			PUBLIC DISCLOSURE COMMISSION	
MEDICAL ASSISTANCE			Enforcement procedures	EMER 04-07-049
(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)			Expenditures, promises to pay	PREP 04-05-070
				PROP 04-08-086
MEDICAL CARE			Forms for lobbyists	PERM 04-02-028
(See HEALTH, DEPARTMENT OF)			Meetings	MISC 04-01-057
			Reporting requirements	PERM 04-01-128
MILITARY DEPARTMENT				PERM 04-01-129
Disaster recovery program	PERM	04-08-007		PERM 04-01-130
Enhanced 9-1-1 technical and operational standards	PERM	04-01-066		PERM 04-01-131
				PERM 04-01-132
MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF				PERM 04-01-133
Classification codes	PROP	04-02-041		PERM 04-01-134
Fee calculation formula	PREP	04-02-044		PREP 04-01-147
	PROP	04-07-041		PROP 04-08-086
	PERM	04-08-075		
Processing fee	PROP	04-02-042	Rules	
	PERM	04-08-074	agenda	MISC 04-02-029
Rules				
agenda	MISC	04-04-057	PUBLIC EMPLOYEES BENEFITS BOARD	
Socially and economically disadvantaged business enterprises (SEDBE)	PROP	04-02-043	(See HEALTH CARE AUTHORITY)	
	PERM	04-08-093		
			PUBLIC EMPLOYMENT RELATIONS COMMISSION	
MOTOR VEHICLES			Meetings	MISC 04-01-074
(See LICENSING, DEPARTMENT OF)			Rules	
			agenda	MISC 04-03-086

Subject/Agency Index

(Citation in bold type refer to material in this issue)

coordinator	MISC	04-05-046	RULES COORDINATORS		
PUBLIC INSTRUCTION, SUPERINTENDENT OF			Attorney general	MISC	04-08-085
Conversion of accumulated sick leave	PREP	04-06-048	Bates Technical College	MISC	04-05-006
Enrollment			Blind, department of services for the	MISC	04-07-107
work based learning	PROP	04-08-127	County road administration board	MISC	04-01-172
Rules			Forest practices board	MISC	04-01-151
coordinator	MISC	04-08-030	Hispanic affairs, commission on	MISC	04-01-064
Special education safety net funding	PROP	04-04-005	Horse racing commission	MISC	04-08-032
	PERM	04-08-118	Natural resources, department of	MISC	04-01-007
Transportation			Public employment relations commission	MISC	04-05-046
replacement and depreciation allocation	PROP	04-05-054	Public instruction, superintendent of	MISC	04-08-030
	PERM	04-08-116	Retirement systems, department of	MISC	04-08-084
specifications for school buses	PROP	04-05-055	(See Issue 04-01 for complete list designated as of 12/29/03)		
	PERM	04-08-117			
	PERM	04-01-058	SALMON RECOVERY FUNDING BOARD		
Vocational indirect cost limit			(See INTERAGENCY COMMITTEE, OFFICE OF THE)		
PUGET SOUND CLEAN AIR AGENCY					
Gasoline dispensing facilities	PROP	04-03-109	SCHOOLS		
	PROP	04-06-051	(See EDUCATION, STATE BOARD OF)		
	PERM	04-08-042			
Notice of construction process	PROP	04-04-083	SECRETARY OF STATE		
	PERM	04-08-017	Elections		
Public hearings	MISC	04-05-038	absentee voting	PERM	04-01-072
			administration certification requirements	PREP	04-08-052
QUARTERLY REPORTS			ballots	PREP	04-08-053
(See CODE REVISER'S OFFICE)			electronic voting requirements	EMER	04-01-071
			Help America Vote Act	PREP	04-08-051
REAL ESTATE APPRAISERS			primary	PREP	04-08-050
(See LICENSING, DEPARTMENT OF)			Electronic filing and digital imaging	PERM	04-04-018
			Trademarks	PERM	04-05-041
RETIREMENT SYSTEMS, DEPARTMENT OF			SHORELINE COMMUNITY COLLEGE		
Defined contribution plans, Plan 3	PERM	04-02-004	Meetings	MISC	04-04-103
General provision				MISC	04-07-055
LEOFF Plan 1 service transfer	PROP	04-01-048		MISC	04-07-183
	PERM	04-04-038			
Law enforcement officers' and firefighters' retirement system	PROP	04-01-049	SKAGIT VALLEY COLLEGE		
	PERM	04-02-003	Meetings	MISC	04-03-072
	PERM	04-04-039		MISC	04-04-063
	PREP	04-09-040		MISC	04-06-031
	PREP	04-04-020		MISC	04-07-034
Military leave vis a vis service credit				MISC	04-09-039
Pension			SOCIAL AND HEALTH SERVICES, DEPARTMENT OF		
bills anticipated for 2004 legislature	PREP	04-01-009	Aging and adult services		
petition process	PROP	04-05-017	adult family homes minimum licensing		
	PERM	04-09-042	requirements	PERM	04-01-032
school employees' retirement system	PROP	04-01-154	boarding home licensing rules	PREP	04-06-072
	PERM	04-04-041		PREP	04-07-189
Processing legal orders, fees	PROP	04-01-008			
	PERM	04-04-040	comprehensive assessment reporting evaluation		
Property division dissolution order	PROP	04-05-039	tool (CARE)	PREP	04-01-087
	PERM	04-09-043		PREP	04-09-089
Public employees' retirement system				EMER	04-09-094
30-year program for Plan 1	PREP	04-04-104	contracted residential care services	PROP	04-04-044
minimum monthly benefit	PREP	04-09-041	home and community services and programs	PREP	04-01-087
Retire/rehire provisions	PROP	04-01-050		PERM	04-01-090
	PERM	04-04-037		PERM	04-02-001
Rules				PERM	04-04-042
coordinator	MISC	04-08-084		EMER	04-06-039
Teachers' retirement system				EMER	04-07-058
30-year program for	PREP	04-04-104		PREP	04-07-060
average final compensation calculation	PROP	04-05-063		PREP	04-07-061
Unpaid leave, service credit	PREP	04-04-004		EMER	04-08-019
				EMER	04-08-020
REVENUE, DEPARTMENT OF				PREP	04-01-192
Excise tax			in-home waiver program		
cigarettes	PREP	04-03-101	Medicaid rates for contracted home and community		
extracting natural products	PERM	04-01-126	residential care services	EMER	04-06-038
legal, arbitration, and mediation services	EXPE	04-08-009		PROP	04-06-075
manufacturing and research/development			nursing facility payment system	PERM	04-09-092
activities in distressed areas	PERM	04-01-127	nursing homes	PREP	04-08-133
small business tax relief	PREP	04-05-102	Assistance programs	PREP	04-06-055
Forest land and timber	PERM	04-01-125	assistance units	PREP	04-07-164
	PERM	04-02-018	change of circumstance	PROP	04-02-072
	PREP	04-06-064		EMER	04-02-073
	PREP	04-06-065	child care centers, minimum licensing	PERM	04-06-026
Hazardous substance tax and petroleum products			requirements	PROP	04-05-084
tax	PREP	04-02-070		PERM	04-09-093
Personal property	PERM	04-01-119	client complaints	PERM	04-03-050
Rules			combined application program	PREP	04-04-097
agenda	MISC	04-02-069			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

emergency cash assistance	PROP 04-02-049	children's health insurance plan (CHIP)	PERM 04-08-018
	EMER 04-03-098	client not in home, institutional medical	EMER 04-02-013
family home child care	PERM 04-07-023		PROP 04-02-056
food assistance	PROP 04-07-134		PERM 04-04-072
	PROP 04-02-050	critical access hospital program	EMER 04-08-019
	PROP 04-04-076	definitions	PREP 04-01-141
	PERM 04-06-025	dental-related services	PROP 04-01-043
incapacity	PERM 04-07-139		PREP 04-07-115
	PREP 04-08-036	determination process for equipment or services	EXPE 04-07-142
	PROP 04-02-048	eligibility	PROP 04-01-044
	EMER 04-02-051		EMER 04-06-023
	EMER 04-03-010E	estate recovery, services subject to	PREP 04-07-086
	PERM 04-07-140	family and children's medical programs	PROP 04-05-082
income	EXPE 04-01-031		PERM 04-03-019
	PERM 04-02-025	family planning services	PERM 04-08-125
	PERM 04-03-051	healthcare for workers with disabilities	PERM 04-05-011
	PREP 04-05-034		PERM 04-09-002
	PERM 04-06-052		PERM 04-09-003
	PREP 04-07-085		PERM 04-09-004
	PERM 04-07-138		PERM 04-09-005
interview requirements	PROP 04-06-040	hospital services	EXPE 04-09-091
living with a relative	PROP 04-03-010F		PREP 04-03-090
	PERM 04-05-012		PREP 04-03-091
rights and responsibilities	PROP 04-03-093		PREP 04-03-092
standards for payment	EMER 04-02-011		PREP 04-05-085A
	EMER 04-02-012		PROP 04-08-123
	PROP 04-03-096		PROP 04-08-124
	PERM 04-07-024	income	PROP 04-04-075
telephone assistance program	EMER 04-03-097	interpreters and translators	
	PROP 04-07-089	certification	PREP 04-01-142
working connections child care (WCCC)	PROP 04-02-047	interpretive or policy statements	MISC 04-01-029
	EMER 04-04-030		MISC 04-01-030
	EMER 04-05-079		MISC 04-01-085
	PERM 04-08-021		MISC 04-01-098
	PERM 04-08-134		MISC 04-02-020
Child care agencies/licensing requirements			MISC 04-02-021
foster homes, group care programs/facilities,	PROP 04-03-116		MISC 04-02-022
and agencies	EMER 04-05-035		MISC 04-02-023
	PERM 04-08-073		MISC 04-02-024
group receiving centers	EMER 04-03-010D		MISC 04-03-010G
	PERM 04-08-073		MISC 04-03-010H
Child support			MISC 04-03-010I
division of child support rules	PREP 04-06-053		MISC 04-03-010J
	EMER 04-07-057		MISC 04-03-010K
	PREP 04-07-062		MISC 04-03-010L
	PREP 04-07-113		MISC 04-03-017
	PREP 04-07-166		MISC 04-03-053
	PREP 04-08-069		MISC 04-03-054
	PREP 04-09-036		MISC 04-03-055
Child welfare services			MISC 04-03-056
adoption	PROP 04-01-088		MISC 04-03-057
	PROP 04-02-026		MISC 04-03-058
	EMER 04-03-018		MISC 04-03-059
	PERM 04-06-024		MISC 04-03-060
foster care	PREP 04-08-068		MISC 04-03-061
state supplemental payment program	PREP 04-07-059		MISC 04-03-062
	EMER 04-07-091		MISC 04-03-063
			MISC 04-03-064
			MISC 04-03-065
Developmental disabilities services			MISC 04-03-066
community residential services and support	PERM 04-04-043		MISC 04-03-067
Fircrest School	PREP 04-02-009		MISC 04-03-070
	EMER 04-02-010		MISC 04-03-071
home and community based service waivers	EMER 04-08-019		MISC 04-03-071
	EMER 04-08-020		MISC 04-03-088
service rules	PREP 04-08-071		MISC 04-06-022
	PROP 04-08-072		MISC 04-06-066
state supplemental payment (SSP)	EMER 04-01-143		MISC 04-06-067
	EMER 04-01-144		MISC 04-06-068
	EMER 04-01-145		MISC 04-06-069
	PERM 04-02-014		MISC 04-06-070
	PERM 04-02-015		MISC 04-06-071
	PREP 04-08-070		MISC 04-07-063
	EMER 04-07-090		MISC 04-07-064
Hearing rules			MISC 04-07-065
Juvenile rehabilitation			MISC 04-07-066
collection of costs	PROP 04-02-059		MISC 04-07-130
cost reimbursement schedule	PERM 04-05-080		MISC 04-07-131
Medical assistance			MISC 04-07-132
administration of programs	PERM 04-01-099		MISC 04-07-133
	PREP 04-07-088		MISC 04-07-190
administrative hearings	PREP 04-04-096		MISC 04-07-191
alternatives to hospital services	PREP 04-02-061		MISC 04-08-035
	PREP 04-07-114		

Subject/Agency Index

(Citation in bold type refer to material in this issue)

	MISC	04-08-120	TRANSPORTATION, DEPARTMENT OF		
	MISC	04-08-121	Commute trip reduction performance grant program	PROP	04-03-112
managed care	MISC	04-09-037		PERM	04-06-087
maternity related services	PROP	04-07-135	Ferries		
	PROP	04-05-083	auto, procure new	PREP	04-03-011
medically indigent program	PROP	04-07-136		PROP	04-07-092
	PROP	04-04-074	Motorcycles, construction warning sign	PREP	04-01-069
orthodontic services	PERM	04-07-141		EMER	04-01-070
pharmacy services	EMER	04-04-073		PROP	04-05-016
	PERM	04-01-089		PERM	04-08-010
	PREP	04-03-089	Motorists information sign program	EMER	04-09-014
	PROP	04-07-137		EMER	04-09-024
pilot project, medical care services management	PREP	04-09-035		PREP	04-09-025
	PREP	04-04-095	Reestablishment expenses - nonresidential moves	EXPE	04-03-113
scope of medical services	PROP	04-09-090		PERM	04-08-041
standards for payment	PREP	04-06-054	Tow trucks		
	EMER	04-07-143	oversize and overweight tows	PREP	04-09-067
	PREP	04-07-165			
	EMER	04-07-167	TRANSPORTATION COMMISSION		
transportation services	EMER	04-09-001	Meetings	MISC	04-07-068
vision and hearing aid services	PREP	04-02-060			
Washington combined application program (WASHCAP)	PREP	04-07-087			
Mental health			TREASURER'S OFFICE		
community mental health and involuntary treatment programs	EMER	04-05-003	Usury rate (See inside cover)		
			UNIFORM LEGISLATION COMMISSION		
	PERM	04-01-091	Meetings	MISC	04-05-051
	PROP	04-05-081			
	PREP	04-05-085	UNIVERSITY OF WASHINGTON		
	PERM	04-07-014	Libraries	PREP	04-04-016
	PREP	04-08-122		PROP	04-09-076
Public hearings	PROP	04-02-055	Meetings	MISC	04-03-041
	PROP	04-02-058		MISC	04-04-081
Rules				MISC	04-07-098
agenda	MISC	04-05-086		MISC	04-08-022
corrections	PROP	04-02-057		MISC	04-08-023
	PROP	04-03-094		MISC	04-08-024
	PERM	04-05-010		MISC	04-08-066
	PERM	04-05-013		MISC	04-09-107
withdrawals	PREP	04-01-086		MISC	04-09-108
	PROP	04-02-052	Parking and traffic	PROP	04-07-127
	PREP	04-03-052	Policy statements	MISC	04-04-015
	PREP	04-03-087		MISC	04-09-051
	PREP	04-04-031			
	PROP	04-04-034	Rules		
	PREP	04-04-035	agenda	MISC	04-04-002
	PREP	04-04-094			
	PROP	04-06-056	USURY RATE		
	PREP	04-07-022	(See inside cover)		
	PREP	04-07-111	UTILITIES AND TRANSPORTATION COMMISSION		
	PREP	04-07-112	Adoption-by-reference dates	PERM	04-01-152
	PROP	04-08-028	Interpretive or policy statement	MISC	04-01-140
	PREP	04-08-034	Minimum regulatory fees	PERM	04-05-031
Workfirst			Railroads		
sanction and child SafetyNet	PROP	04-03-095	operations	PREP	04-05-103
	PERM	04-07-025		PROP	04-05-104
			Rules		
SOUTH PUGET SOUND COMMUNITY COLLEGE			agenda	MISC	04-05-002
Meetings	MISC	04-06-034	Telephone assistance program	PREP	04-04-021
			Telephone companies	PROP	04-03-117
SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY				PREP	04-03-118
General regulations	PROP	04-01-160		PERM	04-09-068
	PERM	04-07-048	Utilities general	PREP	04-03-118
			Water companies	PREP	04-08-132
SUPREME COURT, STATE			WALLA WALLA COMMUNITY COLLEGE		
Admission to practice rules	MISC	04-07-037	Meetings	MISC	04-05-066
	MISC	04-07-040			
General application, rules of	MISC	04-01-015	WASHINGTON STATE PATROL		
	MISC	04-07-038	Fire protection policy board		
	MISC	04-07-039	meetings	MISC	04-01-065
	MISC	04-07-040		MISC	04-06-032
TACOMA COMMUNITY COLLEGE			Motor vehicles		
Code of student rights and responsibilities	PREP	04-05-022	impounds	PROP	04-01-019
	PROP	04-09-017		PERM	04-07-012
Hazing policy	PREP	04-05-021	WASHINGTON STATE UNIVERSITY		
	PROP	04-09-016	Meetings	MISC	04-03-077
Meetings	MISC	04-04-024			
TAX APPEALS, BOARD OF			WASTEWATER		
Meetings	MISC	04-01-027	(See ECOLOGY, DEPARTMENT OF)		

Subject/Agency Index

(Citation in bold type refer to material in this issue)

WENATCHEE VALLEY COLLEGE		
Meetings	MISC	04-01-165
WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD		
Meetings	MISC	04-07-184
WESTERN WASHINGTON UNIVERSITY		
Admission and registration procedures	PROP	04-03-073
	PERM	04-09-106
Meetings	MISC	04-07-099
	MISC	04-08-016
WHATCOM COMMUNITY COLLEGE		
Meetings	MISC	04-03-043
WINE COMMISSION (See AGRICULTURE, DEPARTMENT OF)		
WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD		
Meetings	MISC	04-03-076
	MISC	04-07-056
	MISC	04-07-070
YAKIMA VALLEY COMMUNITY COLLEGE		
Meetings	MISC	04-02-030





WASHINGTON STATE REGISTER Subscriptions

To: Subscription Clerk
WASHINGTON STATE REGISTER
Code Reviser's Office
PO Box 40552
Olympia, WA 98504-0552
(360) 786-6369

I would like to order _____ subscription(s) to the WASHINGTON STATE REGISTER, at an annual rate of \$211.38, sales tax included (\$195 for state agencies). Enclosed is my check or money order for \$_____. All subscriptions run from January through December. Please start my subscription with the January issue of 2004.

NAME _____

ADDRESS _____

THE WASHINGTON STATE REGISTER, published under RCW 34.08.020, is distributed on the first and third Wednesdays of each month. The Register contains the full text of proposed, emergency, and permanently adopted rules of state agencies, executive orders of the governor, notices of public meetings of state agencies, rules of the state supreme court, summaries of attorney general opinions, and juvenile disposition standards that have been filed in the code reviser's office before the closing date for that issue of the Register. A cumulative table of existing sections of the Washington Administrative Code (WAC) affected by a particular agency action guides the user to the proper issue of the Register.

The code reviser's office has established an annual subscription price of \$195 for a Register subscription, and single copies cost \$8.25. Sales tax of 8.4% applies to all sales other than to state agencies. State law requires payment in advance. To subscribe to the Register, please complete the order form above and forward it to the address indicated, accompanied by your check or money order in the amount of \$211.38 (\$195 for state agencies) payable to the code reviser's office.

Send Address Changes to:

WASHINGTON STATE REGISTER
(ISSN 0164-6389)
Code Reviser's Office
PO Box 40552
OLYMPIA, WA 98504-0552

P E R I O D I C A L S