

September 1, 2004

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ISSUE 04-17



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located in the basement of the Pritchard 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 September 2004 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%) per annum.

The interest rate required by RCW 4.56.110(3) and 4.56.115 for the month of September 2004 is 3.774%.

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

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

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

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

2004-2005

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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 rule making 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 04-17-001
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed August 4, 2004, 3:26 p.m.]

Subject of Possible Rule Making: WAC 415-110-315 Designation of beneficiaries—Death benefit if a member dies before retirement, 415-108-315 Can I specify who can receive my benefits if I die in service?, 415-104-450 Designation of beneficiaries—Death benefit if a member dies before retirement, and possibly other related WACs.

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 update rules pertaining to the designation of beneficiaries.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Retirement Systems (DRS) will work with the Internal Revenue Service and the Washington State Department of Labor and Industries as needed in developing any WAC.

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.

August 2, 2004
 Leslie Saeger
 Rules Coordinator

WSR 04-17-006
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed August 5, 2004, 9:46 a.m.]

Subject of Possible Rule Making: Card games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, up to \$500 cash may be paid out to players when a player supported jackpot is won. We have received a petition for rule change from the

Recreational Gaming Association requesting that \$500 cash be raised to \$2,500 cash.

Process for Developing New Rule: Negotiated rule making.

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

[Meeting Locations:] At 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on September 10, 2004; at 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on October 15, 2004; and at the Red Lion Hotel - Yakima Center, 607 East Yakima Avenue, Yakima, WA 98901, (509) 248-5900, on November 19, 2004.

August 4, 2004
 Susan Arland
 Rules Coordinator

WSR 04-17-007
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed August 5, 2004, 9:47 a.m.]

Subject of Possible Rule Making: Licensure of gambling service suppliers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from the Recreational Gaming Association requesting that mortgage companies not be required to get a license because they are already licensed/regulated by another state agency, and, requesting that certified public accountants providing services unrelated to the management or operation of the gambling activity not require a service supplier license.

Process for Developing New Rule: Negotiated rule making.

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

[Meeting Locations:] At 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on September 10, 2004; at 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on October 15, 2004; and at the Red Lion Hotel - Yakima

Center, 607 East Yakima Avenue, Yakima, WA 98901, (509) 248-5900, on November 19, 2004.

August 4, 2004
Susan Arland
Rules Coordinator

WSR 04-17-011**PREPROPOSAL STATEMENT OF INQUIRY
CENTRAL WASHINGTON UNIVERSITY**

[Filed August 5, 2004, 9:50 a.m.]

Subject of Possible Rule Making: Modify nondiscrimination language and repeal redundant sections.

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: Equal opportunity/affirmative action rules are necessary to comply with federal and state law. Changes will be proposed that would modify the nondiscrimination statement to include protection for individuals based on their gender identity and expression - a protection not provided under state or federal law. Redundant sections would be eliminated and access streamlined to the university's internal equal opportunity grievance procedures.

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.

July 30, 2004
Jerilyn S. McIntyre
President

WSR 04-17-029**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed August 9, 2004, 4:24 p.m.]

Subject of Possible Rule Making: Rules regarding diseases and pests of shellfish.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047 and 77.115.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recent geographical expansions of the presence of shellfish diseases and pests require changes to existing rules to encompass control efforts to the additional areas. This action will aid in the control of the infestations and reduce the spread of the infestation while protecting wild and private stock shellfish. Importers of shellfish from these areas find reassurance that the products they import are reasonably safe from infestation due to programmatic state protections that are in place.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

cies: The Washington Department of Agriculture has a joint authority with the Department of Fish and Wildlife to develop disease controls and plans as described in RCW 77.115.010. The Department of Agriculture also has a seat on the shellfish import advisory committee where they are able to participate in issue discussions and make recommendations on proposed rules, as well as work one-on-one with department staff in developing such rule proposals.

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. Contact by October 6, 2004. Expected filing date is on or after October 7, 2004.

August 9, 2004

Evan Jacoby
Rules Coordinator

WSR 04-17-033**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
FINANCIAL MANAGEMENT**

[Filed August 10, 2004, 9:16 a.m.]

Subject of Possible Rule Making: Updating the rules related to the process for the disclosure of public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.260.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current public disclosure rules were last updated in 1976. The proposed changes are intended to update the rules to ensure consistency with the organizational structure and current agency practices, make technical adjustments and clarifications as needed and repeal unnecessary or redundant provisions.

Process for Developing New Rule: Early solicitation and consideration of comments and recommendations respecting the proposed changes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Roselyn Marcus, Director of Legal Affairs, Office of Financial Management, 300 Insurance Building, P.O. Box 43113, Olympia, WA 98504-3113, phone (360) 902-0568, or e-mail roselyn.marcus@ofm.wa.gov.

August 10, 2004

Roselyn Marcus
Director of Legal Affairs
Rules Coordinator

WSR 04-17-034**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
FINANCIAL MANAGEMENT**

[Filed August 10, 2004, 9:16 a.m.]

Subject of Possible Rule Making: Updating the rules related to self-insurance requirements as to local governments and nonprofit corporations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.62.061 Rule making by state risk manager—Standards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, the rules, which are found in chapter 236-22 WAC, the chapter containing the rules promulgated by the Department of General Administration (GA) only provide standards for local government self-insurance programs.

SB 5869, passed in the 2004 legislative session and codified as RCW 48.62.036, added nonprofit corporations to the self-insurance program regulated by the state risk manager. The current rules need to be updated to ensure application to and provide standards for nonprofit corporations included in local government or creating new self-insurance programs.

The risk management function and the state risk manager are no longer a GA function but in accordance with RCW 43.41.300 are a division within the Office of Financial Management (OFM). One of the outcomes of this rule-making process will be to create a new chapter under OFM Title 82 WAC, where all rules related to self-insurance programs will be found.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: OFM will communicate and coordinate with the state auditor, the Property and Liability Advisory Board and the Health and Welfare Advisory Board, all of which have an interest in the rules governing local government and nonprofit self-insurance programs, as necessary.

Process for Developing New Rule: Early solicitation of public comments and recommendations will be provided, and draft rules will be presented for discussion at meetings of each of the advisory boards to solicit comments and recommendations prior to publication of the rules for the rule-making hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Nicholson, State Risk Management Coordinator, Office of Financial Management, P.O. Box 41027, Olympia, WA 98504-1027, phone (360) 902-7311, or e-mail john.Nicholson@ofm.wa.gov.

August 10, 2004

Roselyn Marcus

Director of Legal Affairs

Rules Coordinator

WSR 04-17-052**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Licensed Counselor Programs)**

[Filed August 10, 2004, 1:24 p.m.]

Subject of Possible Rule Making: WAC 246-809-XXX Maintenance and retention of records, to establish standards reflective of today's practice and to ensure consumers have appropriate access to their records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.225.040(1) and 18.225.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Standards relating to the content and documentation of mental health services need to be specified to reflect the practice standards. A rule needs to be established to provide documentation standards and record retention time frames.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: While no other state or federal agency regulates licensed counselors, Health Insurance Portability and Accountability Act of 1996 may have an impact and will be considered in the rule-making process.

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 Traci Black, Department of Health, P.O. Box 47869, Olympia, WA 98504-7869, (360) 236-4917, fax (360) 236-4918.

August 10, 2004

M. C. Selecky

Secretary

WSR 04-17-053**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Licensed Counselor Programs)**

[Filed August 10, 2004, 1:25 p.m.]

Subject of Possible Rule Making: WAC 246-809-XXX Establishing definitions and standards regarding sexual misconduct for licensed mental health counselors, licensed marriage and family therapists, and licensed social workers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.225.040(1) and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The statute, chapter 18.225 RCW, for licensed mental health counselors, marriage and family therapists, and social workers does not include definitions and standards for sexual misconduct. Rules regarding sexual misconduct are necessary for the licensed counselor profession to establish appropriate boundaries. These rules will establish clear guidelines for licensed counselors to separate counselor/client relationships and can help to reduce or eliminate disciplinary action against the counselor and protect the client from harm.

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 Traci Black, Program Manager, Department of Health, Counselor Programs, P.O. Box 47869, Olympia, WA 98504-7869, (360) 236-4917, fax (360) 236-4918.

August 10, 2004
M. C. Selecky
Secretary

WSR 04-17-056
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed August 11, 2004, 10:40 a.m.]

Subject of Possible Rule Making: Review fee methodology established in WAC 480-93-240 and 480-75-240 to evaluate alternative methods for allocating pipeline safety program costs to pipeline operators regulated by the Washington Utilities and Transportation Commission (WUTC), Docket No. P-041344.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, 81.04.160, 80.24.060, and 81.24.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 80.24.060 and 81.24.090 require the WUTC to establish by rule a fee methodology to recover the reasonable costs of administering the pipeline safety program from pipeline operators. The fee methodology provides for an equitable distribution of program costs among all pipeline companies. This rule making will provide the WUTC the opportunity to review the current fee methodology and explore alternative ways of allocating pipeline safety program costs to regulated pipeline companies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Department of Transportation, Office of Pipeline Safety, Energy Facility Site Evaluation Council, and the state Department of Ecology also have jurisdiction over some matters relating to pipeline safety and environmental effects. The commission will invite those agencies to participate in this rule making.

Process for Developing New Rule: The commission will schedule one or more workshops with representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250.

phone (360) 664-1174, fax (360) 586-1150. Interested persons may file written comments on the CR-101 by **September 8, 2004**. For specific information regarding opportunities for written comment and to ensure receipt of further information concerning this rule making, please see below.

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **September 8, 2004**.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the commission's records center at records@wutc.wa.gov. Please include:

- The docket number of this proceeding (P-041344).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's website all comments that are provided in electronic format. The website is located at <http://www.wutc.wa.gov/041344>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's website as it becomes available. If you wish to receive further information on this rule making you may: (1) Call the commission's records center at (360) 664-1234; (2) e-mail the commission at records@wutc.wa.gov; or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket No. P-041344 to ensure that you are placed on the appropriate service list. Questions may be addressed to Sondra Walsh, (360) 664-1286 or e-mail at swalsh@wutc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. P-041344, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. P-041344, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be

accessible through the commission's internet website at <<http://www.wutc.wa.gov/041344>>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

August 11, 2004
Carole J. Washburn
Executive Secretary

WSR 04-17-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed August 12, 2004, 1:16 p.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc, to include but not limited to WAC 308-56A-530 Vehicle brands and comments and 308-56A-500 Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to allow the inclusion of brands from other jurisdictions than Washington to be added to the vehicle certificate of ownership and registration documents.

The accomplishment would be greater public awareness and safety.

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 Katherine Iyall Vasquez, Rules Manager, Policy and Projects Office, Mailstop 48001, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 902-3827, TTY (360) 664-8885, e-mail Kvasquez@dol.wa.gov.

August 12, 2004
Katherine Vasquez
for Steve Boruchowitz, Manager
Policy and Projects Office

WSR 04-17-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed August 12, 2004, 1:18 p.m.]

Subject of Possible Rule Making: New WAC pertaining to earning service credit for retirement.

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 clarify that members may not earn more than one service credit per month, or twelve service credits for a given year.

Process for Developing New Rule: The Department of Retirement Systems (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.

August 10, 2004
Leslie Saeger
Rules Coordinator

WSR 04-17-075
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed August 13, 2004, 11:44 a.m.]

Subject of Possible Rule Making: WAC 388-474-0012
What is a state supplemental payment and who can get it?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.500, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to amend this rule to update program language and clarify who is eligible for state supplemental payment.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lorri Gagnon, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4619, e-mail gagnola@dshs.wa.gov, fax (360) 493-3493.

August 9, 2004
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-17-078**PREPROPOSAL STATEMENT OF INQUIRY
HIGHLINE COMMUNITY COLLEGE**

[Filed August 13, 2004, 1:29 p.m.]

Subject of Possible Rule Making: College parking and college library.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW et seq. and 28B.50.140 (10) and (13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Housekeeping, change of appeal periods, and moving fines from the WAC.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Connie Johnson, Highline Community College, MS 1-1, P.O. Box 98000, Des Moines, WA 98198-9800, phone (206) 878-3710, ext. 3203, fax (206) 870-3754.

August 11, 2004

Laura E. Saunders

Vice-President for Administration

WSR 04-17-102**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed August 17, 2004, 1:35 p.m.]

Subject of Possible Rule Making: WAC 388-478-0015 Need standards for cash assistance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.770, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule needs to be changed, as it contains need standards for cash assistance programs, and DSHS is required under RCW 74.04.770 to establish standards of need for cash assistance programs on an annual basis. These standards are based on studies of actual living costs for basic requirements.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amber Gillum, Policy Analyst, Division of Employment and Assistance Programs, P.O. Box

45470, Olympia, WA 98504-5470, phone (360) 725-4612, fax (360) 413-3493, e-mail gilluae@dshs.wa.gov.

August 16, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-17-103**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed August 17, 2004, 1:36 p.m.]

Subject of Possible Rule Making: The Division of Employment and Assistance Programs will amend WAC 388-450-0200 Will the medical expenses of an elderly or disabled person in my assistance unit be used as an income deduction for Basic Food?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.500, and 74.04.510, also HB 2663 (chapter 175, Laws of 2004).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The WAC must be updated to incorporate United States Food and Nutrition Service (FNS) policy requirements regarding how medical expense deductions will be handled for clients with a Medicare prescription drug card.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rebecca Henrie, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3074, fax (360) 413-3493, e-mail henrira@dshs.wa.gov.

August 16, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-17-104**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed August 17, 2004, 1:37 p.m.]

Subject of Possible Rule Making: The voluntary placement program (VPP) is managed by the ADSA Division of Developmental Disabilities (DDD). Chapter 388-826 WAC governs program management. DDD is adding a new section to chapter 388-826 WAC to include the DDD-VPP foster care rate assessment and structure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.13.350.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules for the VPP were adopted in 2002. A foster care assessment process and rate structure was developed in the program in 2003. Rules for the application of the assessment process and rate structure need to be included in the WAC. RCW 74.13.350 give statutory authority to the VPP and directs the division to adopt rules.

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

Process for Developing New Rule: At a later date, the department will file a proposed rule and proposed rule-making notice for publication in the Washington 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 Linda Gil, Program Manager, DDD-HQ Program Support, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 902-8440, fax (360) 902-8482, e-mail GiLL@dshs.wa.gov.

August 16, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-17-105**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed August 17, 2004, 1:38 p.m.]

Subject of Possible Rule Making: The Division of Child Care and Early Learning is repealing WAC 388-295-6010. This WAC section is written incorrectly and is being repealed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.15 RCW, RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 388-295-6010 What are the regulations regarding discrimination?, is duplicative of WAC 388-295-0040 Do I have to follow other regulations or have other inspections? We will utilize WAC 388-295-0040 with regards to discriminatory practices.

The following agencies have authority to regulate discriminatory practices, the:

- Washington State Human Rights Commission.
- U.S. Department of Health and Human Services, Office of Civil Rights.
- U.S. Department of Justice.
- U.S. Equal Employment Opportunity Commission.
- U.S. Department of Agriculture, Food and Nutrition 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: Postcards will be sent to each child care center in the state of Washington announcing the draft change and location on the DCCEL internet site for review and comment. For information about this rule making, or to be on a mailing list to receiving notices about this rule, 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 Liz Egge, Licensing Program Manager, Division of Child Care and Early Learning, P.O. Box 45480, Olympia, WA 98504-5480, phone (360) 413-3134, fax (360) 413-3482, e-mail EGgeeh@dshs.wa.gov, street address 1009 College Street, Lacey, WA 98503.

August 16, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-17-106**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed August 17, 2004, 1:39 p.m.]

Subject of Possible Rule Making: WAC 388-505-0220 Family medical eligibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending the rule to add language clarifying that an adult meeting all Medicaid criteria cannot be determined eligible for a family Medicaid program unless the household includes a child eligible for and receiving Medicaid.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1330, fax (360) 664-0910, TTY 1-800-848-5429, e-mail scotsjk@dshs.wa.gov.

August 16, 2004
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-17-123

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed August 17, 2004, 3:07 p.m.]

Subject of Possible Rule Making: Expiration dates on bingo gift certificates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A new law, EHB 3036, codified as chapter 19.240 RCW prohibits expiration dates on gift certificates. Therefore, Title 230 WAC requires updating to reflect this new law.

Process for Developing New Rule: Negotiated rule making.

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

[Meeting Locations:] At 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on September 10, 2004; at 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on October 15, 2004; and at the Red Lion Hotel - Yakima Center, 607 East Yakima Avenue, Yakima, WA 98901, (509) 248-5900, on November 19, 2004.

August 17, 2004
 Susan Arland
 Rules Coordinator

WSR 04-17-126

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2004-05—Filed August 18, 2004, 8:07 a.m.]

Subject of Possible Rule Making: Chapter 284-43 WAC, Subchapter I - Health Plan Rates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.20.060, 48.44.050, 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner is committed to the review of existing regulations to improve the clarity and efficiency of Title 284 WAC. This review contemplates changes to improve the regulatory framework of chapter 284-43 WAC, Subchapter I - Health Plan Rates, eliminate outdated provisions, and bring the regulations into compliance with HB 2460 (chapter 244, Laws of 2004).

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 by sending written comments to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, by October 1, 2004.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

August 17, 2004
 Mike Kreidler
 Insurance Commissioner

WSR 04-17-130

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH (Examining Board of Psychology)

[Filed August 18, 2004, 8:34 a.m.]

Subject of Possible Rule Making: Psychology rules, WAC 246-924-040 Psychologists—Education prerequisite to licensing, 246-924-060 Psychologists—Experience prerequisite to licensing, 246-924-070 Psychologists—Written examination, 246-924-080 Psychology examination—Application submittal date, 246-924-090 Psychologists—Oral examination, 246-924-095 Failure of oral examination, 246-924-100 Qualifications for granting of license by endorsement, 246-924-150 Certificates of qualification—Procedure for additional areas of function, 246-924-160 Continued supervision of persons receiving certificates of qualification, and 246-924-480 Temporary permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.83.050 (1), (3), 18.83.070 (2), (3), (4), 18.83.170 (2)(c), chapter 262, Laws of 2004.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6554 was passed in 2004 to eliminate barriers to licensing for health profession-

als. The legislation gave further authority and discretion to the board in several areas. It gave authority to the board to determine the method of administration of the licensing examination(s); it removed the requirement that one year of an applicant's supervised experience be obtained after the doctoral degree was completed; it allowed the board to recognize credentials issued by certain professional organizations. The board is now able to adopt by rule the certificate of qualification, the National Register, and/or other credentialing organizations certification.

The board is also considering adopting previously identified rules requiring completion of a course in psychopharmacology and requiring two interns per internship setting.

Rules on these subjects are needed to notify applicants about the education, experience and examination requirements they must meet for licensure, as well as an alternative mechanism for meeting requirements for a temporary permit and licensure by endorsement. The board is asking for assistance in addressing the following before moving forward in the decision-making process:

1. Should the board recognize the Association of State and Provincial's Certificate of Qualification and/or the National Register of Health Service Providers in Psychology, or some other organization, as the approved credentialing organization for the purpose of licensing by endorsement and issuing temporary permits?

2. Should education requirements be changed to include coursework in psychopharmacology and require internships to have at least two interns?

3. How should the two year/3,000 hour experience requirement be distributed?

4. What is the most effective method of examination administration to assess minimum competency for a psychology license? Should the oral examination be eliminated?

5. Should passing a written examination on Washington state laws be required for licensure?

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by attending board meetings and rule-writing workshops, submitting written comments, reviewing and commenting on draft rule proposals, and by providing testimony at the rule hearing.

Please send comments to Janice K. Boden, P.O. Box 47869, Olympia, WA 98405-7869 [98504-7869], (360) 236-4912, fax (360) 236-4909, janice.boden@doh.wa.gov, <http://www.doh.wa.gov/hsqa/hpqad/psychology/default/htm>.

August 5, 2004

Janice K. Boden
Program Manager

WSR 04-17-131

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed August 18, 2004, 8:41 a.m.]

Subject of Possible Rule Making: Chapter 212-80 WAC, Fire sprinkler system contractors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 43.43 and 18.160 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify and amend rules for definitions and level of classifications. To clarify and amend rules for the issuance and use of certificate of competency stamps for inspection and testing of fire sprinkler systems. To clarify and add rules for issuing fines and citations.

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

Process for Developing New Rule: Recommendation and study by the Fire Sprinkler Technical Advisory Group of the State Fire Marshal's Office.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Deputy State Fire Marshal, Larry Glenn, P.O. Box 42600, Olympia, WA 98504-2600, (360) 570-3133, fax (360) 570-3136, larry.glenn@wsp.wa.gov.

August 16, 2004

P. S. Beckley
for Lowell M. Porter
Chief

WSR 04-17-132

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed August 18, 2004, 8:41 a.m.]

Subject of Possible Rule Making: Chapter 204-74A WAC, Standards for school bus warning lamps.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.290 and 46.37.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The WAC is outdated, and the update is needed to stay current with the changing technology of school bus warning lamp systems.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of Superintendent of Public Instruction (OSPI), they brought the changes to our attention.

Process for Developing New Rule: Worked with OSPI to update the WAC according to the manufacturing of school buses has changed in relation to the warning lamps.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington State Patrol, Equipment and Standards Review Unit, P.O. Box 42614, Olympia, WA

98504-2614, christine.fox@wsp.wa.gov, (360) 753-3697, or fax (360) 586-8233.

August 13, 2004
Lowell M. Porter
Chief

WSR 04-17-134

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 04-11—Filed August 18, 2004, 9:07 a.m.]

Subject of Possible Rule Making: This rule making will propose a new rule, chapter 173-546 WAC, for management of the waters in the Entiat River Basin (WRIA 46). The rule will, at a minimum, adopt instream flows, make a determination regarding water availability in the basin, and reserve water for future out-of-stream uses meeting certain criteria.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 43.27A, 90.54, and 90.82 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule will establish a water resource management program for the Entiat River watershed (WRIA 46). The rule will govern water allocation, instream resources protection, and management of the waters in the watershed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This rule is being developed in coordination with the recommendations of the Entiat WRI Planning Unit (EWPU). The EWPU is comprised of two environmental organizations (Audubon and NW Ecosystem Alliance), the Yakama Nation, several federal agencies (e.g., the Natural Resources Conservation Service and U.S. Forest Service), the City of Entiat, Entiat Irrigation District, Chelan County, several local business interests (Longview Fiber, local partnership ditch companies), landowners, and other interested parties in the watershed. Implementation and monitoring of the rule will be done by the Department of Ecology and partners through the EWPU, to assess how closely water use and instream resource protection and restoration actions track the forecasts of the EWPU, so the program can be adjusted if necessary to accomplish its goals.

Process for Developing New Rule: The process authorized by, and described in, chapter 90.82 RCW, Watershed planning.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sarah Walker, Chelan County Conservation District, EWPU Cooordinator, (509) 664-0271, sarah-walker@wa.nacdnet.org; John Monohan, CRO, 15 West Yakima Avenue, Suite 200, Yakima, WA 98902, (509) 457-7112, jmon461@ecy.wa.gov; or Thom Lufkin, Ecology Headquarters, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6631, tlhw461@ecy.wa.gov.

August 13, 2004
Joe Stohr
Water Resources
Program Manager

PREPROPOSAL

WSR 04-16-124
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed August 4, 2004, 11:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-128.

Title of Rule and Other Identifying Information: Changes to the following rules regarding beer and wine tax reporting and payment requirements: WAC 314-19-015 What are the monthly reporting and tax payment requirements?, 314-19-020 What if a licensee doesn't report or pay the taxes due, or reports or pays late?, 314-19-030 How can a licensee claim a credit or refund for tax-paid product?, 314-19-035 Reduced tax rate for beer, and 314-19-040 Is there any exception to the additional tax imposed on fortified wine?

Hearing Location(s): Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on October 6, 2004, at 10:00 a.m.

Date of Intended Adoption: October 13, 2004.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, e-mail rules@liq.wa.gov, fax (360) 704-4921, by October 11, 2004.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by October 5, 2004, TTY (800) 855-2880 or (360) 664-1648.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Changes to these rules in chapter 314-19 WAC are needed to:

- Clarify language in the rules, and in some places add more detail, for issues that cause confusion for customers.
- Implement SSB 6655, passed during the 2004 legislative session, which will take effect on January 1, 2005. The law change will allow an authorized representative of an out-of-state brewery or winery to ship beer and wine into Washington state for resale. Currently only the actual brewery or winery may ship beer or wine into Washington for resale. The law will require persons who ship foreign-produced beer or wine into Washington for resale to get a certificate of approval license, just like suppliers of United States product.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.

Statute Being Implemented: RCW 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.

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

Name of Proponent: [Liquor Control Board], governmental.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1648; Implementation: Randy Simmons, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1600; and

Enforcement: Lorraine Lee, Randy Simmons, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1600.

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

A cost-benefit analysis is not required under RCW 34.05.328. The Washington State Liquor Control Board is not a listed agency in RCW 34.05.328.

August 4, 2004
 Merritt D. Long
 Chairman

AMENDATORY SECTION (Amending WSR 00-17-065, filed 8/9/00, effective 9/9/00)

WAC 314-19-005 What is the purpose of chapter 314-19 WAC? The purpose of this chapter is to outline the beer and wine tax reporting and payment requirements for the following liquor licensees:

Type of liquor license	Laws that outline tax rates and requirements
(a) Washington beer and/or wine distributor	RCWs 66.24.210, 66.24.230, 66.24.290, 66.24.305
(b) Washington beer and/or wine importer	RCW 66.24.230
(c) domestic brewery	RCWs 66.24.270, 66.24.290, 66.24.305
(d) domestic brewery/brand owner	RCWs 66.24.270, 66.24.290, 66.24.305
(e) microbrewery	RCWs 66.24.270, 66.24.290, 66.24.305
(f) domestic winery	RCWs 66.24.210, 66.24.215, 66.24.230, 66.24.305
(g) public house	RCW 66.24.290, 66.24.580
(h) beer certificate of approval holder	RCW 66.24.270
(i) wine certificate of approval holder	RCWs 66.24.210, 66.24.206
(j) authorized representative certificate of approval holder—U.S. produced beer	RCWs 66.04.010, 66.24.261, 66.24.270
(k) authorized representative certificate of approval holder—foreign produced beer	RCWs 66.04.010, 66.24.261, 66.24.270
(l) authorized representative certificate of approval holder—U.S. produced wine	RCWs 66.04.010, 66.24.203, 66.24.206

PROPOSED

Type of liquor license	Laws that outline tax rates and requirements
(m) authorized representative certificate of approval holder—foreign produced wine	RCWs 66.04.010, 66.24.203, 66.24.206

AMENDATORY SECTION (Amending WSR 00-17-065, filed 8/9/00, effective 9/9/00)

WAC 314-19-015 What are the monthly reporting and tax payment requirements? (1) The required monthly beer and/or wine tax reports must be:

- (a) on a form furnished by the board or in a format approved by the board;
- (b) filed every month, including months with no activity or taxes due; ~~((and))~~
- (c) submitted, with the tax due, to the board on or before the twentieth day of each month, for the previous month (for example, a report listing transactions for the month of January is due by February 20). When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day~~((:)); and~~
- (d) filed separately for each type of liquor license that the licensee holds.

Type of licensee	Tax Payment Requirements
(2) Washington beer and/or wine distributor	<p>(a) Distributors must pay taxes on all beer and/or wine received during the preceding calendar month, including samples received at no charge <u>(see WAC 314-64-080 and WAC 314-64-090 for more information)</u>. The total tax due (per barrel for beer and per liter for wine) is to be paid by the first distributor to receive the product and must be included with the monthly report.</p> <p>(b) Distributors do not pay taxes on beer and/or wine received from another in-state licensed distributor who has already paid the Washington state tax on the product.</p> <p>(c) Distributors may claim a tax refund or credit, <u>provided that they have paid the taxes prior to claiming the credit</u>, for the following (see WAC 314-19-030 for information on claiming a tax refund or credit):</p> <ul style="list-style-type: none"> (i) shipments exported directly to a point outside the state of Washington, including sales to interstate common carriers; (ii) sales to any military reservation in Washington State; ((iii)) samples on which the tax has already been paid; and ((iv)) (iii) product that is deemed unsalable due to freight damage, <u>product quality</u>, or other causes that occurred prior to receipt by the distributor, subject to the following conditions: <ul style="list-style-type: none"> (A) the unsalable product must be destroyed within the state of Washington (per RCW 66.24.305);

Type of licensee	Tax Payment Requirements
	<p>(B) the licensee must notify their local liquor enforcement officer in advance for destruction of more than fifty cases of wine or two hundred cases of beer;</p> <p>(C) the licensee must report the destroyed product on the next required monthly report; ((and))</p> <p>(D) the licensee must keep records showing the reason for the destruction and an inventory of products destroyed. These records must be kept on the licensed premises and available for inspection by board employees for a period of two years((:)); and</p> <p><u>(E) the licensee must provide documentation from the freight company with the report if they are claiming a credit due to freight damage.</u></p>
(3) Washington beer and/or wine importers	<p>Importers must pay taxes on samples received during the preceding calendar month, as follows:</p> <ul style="list-style-type: none"> (a) If the samples are used by the importer within the state of Washington, the importer must pay the tax. (b) If samples are provided to a distributor ((for use by the distributor)), the distributor must pay the tax.
(4) Domestic breweries, ((domestic brewery/brand owner;)) microbreweries, and domestic wineries	<p><u>(a) Domestic breweries, microbreweries, and domestic wineries must list production for the current month only. The brewery that the domestic brewery/brand owner contracts with is required to include any products they produce for the brand owner in their production count.</u></p> <p>((a)) (b) Domestic breweries, ((domestic breweries/brand owners;)) microbreweries, and domestic wineries must pay taxes on beer and/or wine that is:</p> <ul style="list-style-type: none"> (i) sold at retail on the licensed premises (or <u>shipped to additional winery locations as authorized by RCW 66.24.170(4)</u>, including retail sales to out-of-state residents; (ii) sold to retail licensees; (iii) furnished as samples to <u>retail</u> licensees as authorized by RCW 66.28.040, ((and)) WAC 314-64-080, and WAC 314-64-090 <u>(does not include samples provided to distributors)</u>; (iv) provided as donations to qualifying 501 (c)(3) non-profit organizations((:)) per RCW 66.28.040((:)) or to the Washington wine commission per RCW 66.12.180 and RCW 66.24.210; ((and)) (v) received via an inter-plant transfer if used as outlined in above subsections (i), (ii), (iii), or (iv)((:)); or (vi) sold at farmers markets as authorized by RCWs 66.24.170(5), 66.24.240(4) and/or 66.24.244(5). <p>((b)) (c) Domestic breweries, ((domestic breweries/brand owners;)) microbreweries, and domestic wineries do not pay tax on beer and/or wine that is:</p> <ul style="list-style-type: none"> (i) sold to distributors;

PROPOSED

Type of licensee	Tax Payment Requirements
	<p>(ii) shipped out of a particular location for an inter-plant transfer;</p> <p>(iii) exported directly to a point outside the state of Washington, including sales to interstate common carriers;</p> <p>(iv) sold to the Washington State liquor control board;</p> <p>(v) sold to any military reservation in Washington State; or</p> <p>(vi) provided as a tasting on the brewery or winery premises or at additional winery locations at no charge, as authorized by RCW 66.24.170(4). See WAC 314-19-010(3) for the definition of "tastings."</p>
<u>(5) Domestic brewery—brand owners</u>	<p>(a) <u>Domestic brewery-brand owners must file a report showing the quantity of all beer sold or delivered to each licensed beer distributor, or beer exported directly to a point outside the state of Washington, during the preceding month.</u></p> <p>(b) <u>Domestic brewery-brand owners are not responsible for the tax on beer that is contract produced.</u></p>
<u>((5)) (6) Out-of-state beer and/or wine certificate of approval holders</u>	<p>(a) Certificate of approval holders must file a report showing the quantity of all beer and/or wine sold or delivered to each licensed beer or wine distributor or importer, <u>including samples</u>, during the preceding month.</p> <p>(b) Tax is due from the certificate of approval holder only on samples shipped to licensed agents, directly to retailers <u>(:)</u> per <u>WAC 314-64-080 and WAC 314-64-090, donations to the Washington wine commission per RCW 66.12.180 and RCW 66.24.210 or to 501 (c)(3) non-profit charitable associations within Washington State per RCW 66.28.040.</u> <u>((See WAC 314-64-080 for information on providing samples. See RCW 66.28.040 regarding donations to nonprofit charitable associations.))</u></p>
<u>(7) Authorized representative certificate of approval holders-US and/or foreign produced beer or wine</u>	<p>(a) <u>Authorized representative certificate of approval holders must file a report showing the quantity of all beer and/or wine sold or delivered to each licensed beer or wine distributor or importer, including samples. They must list the brewery and/or winery that they represent and that had shipments into Washington State during the preceding month.</u></p> <p>(b) <u>Tax is due from the authorized representative beer and/or wine certificate of approval holders only on samples shipped to licensed agents, directly to retailers per WAC 314-64-080 and WAC 314-64-090, donations to the Washington wine commission per RCW 66.12.180 and RCW 66.24.210, or to 501 (c)(3) non-profit charitable associations within Washington State per RCW 66.28.040.</u></p>
<u>((6)) (8) Public House licensees</u>	Public house licensees must pay taxes on all sales of their own product during the preceding calendar month.

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 00-17-065, filed 8/9/00, effective 9/9/00)

WAC 314-19-020 What if a licensee doesn't report or pay the taxes due, or reports or pays late? The board may take the following actions against a ~~((domestic brewery, domestic brewery/brand owner, microbrewery, domestic winery, beer/wine distributor, beer/wine importer, public house licensee, or beer/wine certificate of approval holder))~~ licensee in order to collect any of the reports or taxes due that are outlined in this title.

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(1) Suspension or revocation of license	<p>(a) Failure to make a report and/or pay the taxes in the manner and dates outlined in this chapter will be sufficient ground for the board to suspend or revoke a liquor license or certificate of approval (per RCW 66.08.150, RCW 66.24.010, RCW 66.24.120, RCW 66.24.206, and RCW 66.24.270).</p> <p>(b) The suspension will remain in effect until all missing reports and/or taxes have been filed with the board (see WAC 314-19-010(1) for the definition of "missing").</p>
(2) Penalties	A penalty of <u>two percent per month</u> will be assessed on any tax payments postmarked after the twentieth day of the month following the month of sale (per the reporting requirements outlined in WAC 314-19-015, RCW 66.24.290, and RCW 66.24.210). When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day.
(3) Surety bond requirements	<p>(a) What is a surety bond? A "surety bond" is a type of insurance policy that guarantees beer and/or wine tax payment to the state. The surety bond must be:</p> <p>(i) Executed by a surety company authorized to do business in the state of Washington;</p> <p>(ii) On a form and in an amount acceptable to the board;</p> <p>(iii) Payable to the Washington state liquor control board; and</p> <p>(iv) Conditioned that the licensee will pay the taxes and penalties levied by RCW 66.24.210 and/or RCW 66.24.290.</p> <p>(v) As an option to obtaining a surety bond, a licensee may create an assignment of savings account for the board in the same amount as required for a surety bond. Requests for this option must be submitted in writing to the board's financial division.</p> <p>(b) When will the board require a surety bond? If any of the following occur at one or more licensed locations, the board will require the licensee to obtain a surety bond or assignment of savings account for each licensed location, within twenty-one days:</p> <p>(i) A report or tax payment is missing, as defined in WAC 314-19-010(1), for two or more consecutive months; or</p> <p>(ii) A report or tax payment is missing, as defined in WAC 314-19-010(1), two or more times within a two year period.</p>

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(c) What will happen if the licensee does not acquire the surety bond or savings account? Failure to meet the bonding or savings account requirements outlined in subsections (a) and (b) of this rule may result in immediate suspension of license privileges until all missing reports are filed and late taxes have been paid and the surety bond is acquired or the savings account is established.

(d) In what amount and for how long will the board require a surety bond? The amount of a surety bond or savings account required by this chapter must be either \$3,000, or the total of the highest four months' worth of tax liability for the previous twelve month period, whichever is greater.

(i) The licensee must maintain the bond for at least two years. After the two year period the licensee may request an exemption as outlined in subsection (f) of this rule.

~~((iii))~~ (ii) Surety bond and savings account amounts will be reviewed annually and compared to the last twelve months' tax liability of the licensee. If the current bond or savings account amount does not meet the requirements outlined in this section, the licensee will be required to increase the bond amount or amount on deposit within twenty-one days.

(e) What action will the board take when a licensee holds a surety bond and does not pay taxes due or pays late? If a licensee holds a surety bond or savings account, the board will immediately start the process to collect overdue taxes from the surety company or assigned account. If the exact amount of taxes due is not known due to missing reports, the board will estimate the taxes due based on previous production, receipts, and/or sales.

(f) Can a licensee request an exemption to the surety bond or savings account requirement? A licensee may make a written request to the board's financial division for an exemption from the surety bond or assignment of savings account requirements. The board will grant an exemption once the following criteria are met for each of the requesting licensee's locations:

(i) The licensee has filed reports and paid applicable taxes to the board for at least two years immediately prior to the exemption request; and

(ii) there have been no late or missing reports or tax payments during the previous two years.

(iii) In order to remain exempt from the surety bond or assignment of savings account requirements, the licensee must continue to meet the tax reporting and payment requirements outlined in this title (outlined in WAC 314-19-015, RCW 66.24.206, RCW 66.24.210, RCW 66.24.270, RCW 66.24.290, and RCW 66.24.580).

AMENDATORY SECTION (Amending WSR 00-17-065, filed 8/9/00, effective 9/9/00)

WAC 314-19-030 How can a licensee claim a credit or refund for tax-paid product?

(1) How to claim a tax credit	(2) How to claim a tax refund
(a) On the next monthly report, show the amount of product for which a tax credit is due in the appropriate section(s) of the form.	(a) A licensee may request a refund, rather than claim a credit, if ((no tax is due on the next required report)) <u>the amount of the credit is too large to be used in a reasonable amount of time or the licensee has discontinued business.</u>
(b) Deduct the total credit from the total amount due on this report.	(b) On the next monthly report, the licensee must show the amount of product for which a tax refund is due in the appropriate section(s) of the form.
	(c) The board will not issue a refund check until the total amount to be refunded accumulates to at least ten dollars.

AMENDATORY SECTION (Amending WSR 00-17-065, filed 8/9/00, effective 9/9/00)

WAC 314-19-035 Reduced tax rate for beer, (1) The additional beer taxes imposed under RCW 66.24.290 (3)(a) do not apply to the first sixty thousand barrels of beer sold by a brewery in Washington each fiscal year, if:

(a) the beer is produced in the United States; and

(b) the producing brewery or domestic brewery-brand owner meets the qualifications of 26 U.S.C. Sec. 5051 (a)(2).

(2) In order to qualify for this exemption, the Washington brewer or the out-of-state beer certificate of approval holder must provide the board a copy of an ~~((Bureau of Alcohol, Tobacco and Firearms))~~ Alcohol and Tobacco Tax and Trade Bureau (TTB) acknowledged copy of their filing "Notice of Brewer to Pay Reduced Rate of Tax" for the calendar year ~~((as required under 27 C.F.R. Sec. 25.167(9))~~; a variance for any year that waives annual submission to the TTB; or the Brewer's Notice which waives annual submission to the TTB.

(3) The tax exemption will not apply until the first day of the second month following the month the notice is received (for example, if the notice is received by the Board on January 10, the tax exemption will start on March 1).

(4) How will the distributor know what tax rate to pay for each brewery's products?

(a) The board will provide distributors a list of breweries that qualify for the reduced tax rate; and

(b) The qualifying brewery is responsible to inform the distributors when product sold to distributors exceeds the first sixty thousand barrels exempted from the additional tax.

(c) Once a qualifying brewery's sales to distributors exceeds sixty thousand barrels, the distributors must begin paying the full tax rate on their next monthly tax report.

(5) Per RCW 66.24.290, authorized representative certificate of approval holders do not qualify for the reduced rate in Washington State.

AMENDATORY SECTION (Amending WSR 00-17-065, filed 8/9/00, effective 9/9/00)

WAC 314-19-040 Is there any exception to the additional tax imposed on fortified wine? (1) RCW 66.24.210 (4) imposes an additional tax on fortified wine. RCW 66.04.010(~~((37))~~)(38) defines "fortified wine" as wine that has an alcohol content greater than fourteen percent of alcohol by volume, and outlines exceptions for when wine can be over fourteen percent alcohol by volume and not be considered "fortified."

(2) In order to not pay the additional tax on fortified wine that falls under one of the exceptions in RCW 66.04.010(~~((34))~~)(38), a manufacturer, importer, (~~((or))~~) distributor, or authorized representative who holds a certificate of approval license must file an affidavit of exception on a form prescribed by the board.

(a) The form must be submitted to the board's licensing and regulation division.

(b) The board will only exempt payments owed and/or submitted after the affidavit is on file with the board. Tax payments owed and/or submitted prior to the board receiving the affidavit will not be adjusted.

(c) The licensee who files the affidavit is responsible for the information it contains. Any affidavit which the board finds to contain false information may result in suspension of label and product approval for the wine products that are the subject of the affidavit, for not less than one year.

WSR 04-17-013
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed August 5, 2004, 2:43 p.m.]

Continuance of WSR 04-08-064.

Preproposal statement of inquiry was filed as WSR 04-04-008.

Title of Rule and Other Identifying Information: Integration of hydraulic project approvals and forest practices applications for nonfish bearing streams.

Waive the requirement for a hydraulic project approval (HPA) for forest practices conducted in or across nonfish bearing waters under an approved forest practices application (FPA) issued by the Department of Natural Resources (DNR).

Hearing Location(s): Chelan County Auditorium, 400 Douglas Street, Wenatchee, WA, on November 5-6, 2004, begins 8:00 a.m. on November 5, 2004.

Date of Intended Adoption: November 5, 2004.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail jacobesj@dfw.wa.gov, fax (360) 902-2155, by October 29, 2004.

Assistance for Persons with Disabilities: Contact Karol McFarlane by October 22, 2004, TTY (360) 902-2533 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule will

waive the requirement for a hydraulic project approval (HPA) for forest practices conducted in or across nonfish bearing waters under an approved FPA issued by DNR. This integration of the HPA and FPA for nonfish bearing streams was envisioned in the forests and fish agreement, which outlined changes to forest practices rules to protect riparian and aquatic resources on state and private forestland. Pursuant to chapter 76.09 RCW, the Forest Practices Board has adopted regulations that include, among other items, fish protection measures normally included in HPAs for projects in nonfish bearing streams. Based on the upgraded fish protection measures in chapters 222-16, 222-24, and 222-30 WAC adopted by the Forest Practices Board on May 17, 2001, and the upgraded board manual described in WAC 222-12-090, the Washington Department of Fish and Wildlife (WDFW) is proposing to modify WAC 220-110-035 so that forest practices as defined in chapter 76.09 RCW, conducted in or across nonfish bearing waters (type Np and Ns waters as defined under WAC 222-16-030 and type 4 and 5 waters as defined in WAC 222-16-031), with an approved forest practices application or notification issued by DNR will not require an HPA. This will continue fish and fish habitat protection with increased consistency under the forest practices rules while reducing unnecessary permitting requirements for applicants.

Reasons Supporting Proposal: Continues implementation of the forests and fish agreement and meets the objectives of RCW 76.09.030(2); continues fish and fish habitat protection with increased consistency under the forest practices rules; and streamlines the permit process for landowners by reducing duplicative permits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 76.09.030.

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

Name of Proponent: Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, governmental.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; **Implementation:** Greg Hueckel, 1111 Washington Street, Olympia, (360) 902-2416; and **Enforcement:** Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

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

Small Business Economic Impact Statement

1. **Description of the Reporting, Record-keeping, and Other Compliance Measures Required by the Proposal:** The requirement to obtain an HPA from the WDFW is waived for forest practices conducted in or across nonfish bearing waters under an approved forest practices application issued by DNR. Applicants must have an approved forest practices application for this exemption to apply. There are no changes to the reporting, record-keeping or other compliance measures required under the forest practices rules.

2. **Professional Services Required for Compliance:** None.

3. **Costs of Compliance, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs:** None.

4. Will Compliance Cause Businesses to Lose Sales or Revenue? No.

5. Comparison of Costs for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rule: No additional costs.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses: No additional costs.

7. Description of How the Agency Will Involve Small Business in the Development of the Rule: This rule was developed in cooperation with representatives for private forest landowners and other interested parties. It continues implementation of the forests and fish agreement, which was the result of eighteen months of study and negotiation to develop changes to forest practices rules for the protection of riparian and aquatic resources on state and private timberland. Private forest landowners were a key participant in developing the final forests and fish agreement.

8. List of Industries Required to Comply with this Rule: Private timber landowners and operators.

A copy of the statement may be obtained by contacting Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail jacobesj@dfw.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail jacobesj@dfw.wa.gov.

SIGNIFICANT LEGISLATIVE RULES ANALYSIS

1. Clearly State in Detail the General Goals and Specific Objectives of the Statute That the Rule Implements: RCW 77.55.100 requires that work that will use, divert, obstruct or change the natural flow or bed of any of the salt or fresh waters of the state must be approved by the WDFW as to the adequacy of the means proposed for the protection of fish life prior to conducting the work.

RCW 77.12.047 authorizes the state Fish and Wildlife Commission (commission) to adopt rules necessary to carry out Title 77 RCW and the purposes and duties of WDFW.

RCW 76.09.030(2) states that the WDFW position on the Forest Practices Board (board) may be terminated if substantial progress is not made toward integrating the laws, rules and programs governing forest practices, chapter 76.09 RCW, and the laws, rules, and programs covering hydraulic projects, chapter 77.55 RCW. Substantial progress shall include recommendations to the legislature for closer integration of the existing rule-making authorities of the board and WDFW, and closer integration of forest practices and hydraulics permitting processes, including exploring the potential for a consolidated permitting process. These recommendations shall be designed to resolve problems currently associated with the existing dual regulatory and permitting processes.

2. Determine that the Rule is Needed to Achieve the General Goals and Specific Objectives Stated Above and Analyze Alternatives to Rule Making and the Consequences of Not Adopting the Rule: The proposed rule addresses the objectives of RCW 76.09.030(2) to more

closely integrate the forest practices permitting process of DNR and the hydraulics permitting process of WDFW.

This integration of the HPA and FPA was envisioned in the forests and fish agreement, which outlined changes to forest practices rules to protect riparian and aquatic resources on state and private forestland. Pursuant to chapter 76.09 RCW, the board has adopted regulations that include, among other items, fish protection measures normally included in HPAs for projects in nonfish bearing streams. WDFW has determined that the fish protection measures in chapters 222-16, 222-24, and 222-30 WAC, adopted by the board on May 17, 2001, are consistent with the goals for the protection of fish life in chapter 77.55 RCW. Therefore, this proposed rule waives the requirement for an HPA for forest practices conducted in or across nonfish bearing waters under an approved FPA issued by DNR. This will continue fish and fish habitat protection with increased consistency under the forest practices rules while reducing unnecessary permitting requirements for applicants.

Alternatives to rule making that meet the objective of RCW 76.09.030(2) to integrate the existing forest practices and hydraulics permitting processes include administrative or statutory changes. The HPA requirement is established by statute and implemented according to rules promulgated by WDFW. Therefore, the WDFW director does not have administrative authority to waive the requirement for HPAs for certain categories of activities. Statutory changes were determined to be excessive and unnecessary given the scope of the proposed integration of HPAs and FPAs on nonfish bearing streams. Rule making by the commission was determined to be the appropriate course of action. Several regulatory options were considered, but the development of a rule creating an exemption from the HPA requirement for forest practices in or across nonfish bearing streams subject to an approved forest practices application was determined to be the most efficient way to achieve permit integration without the loss of resource protection.

Successful implementation of this rule is dependent on close coordination between WDFW and DNR. A memorandum of agreement (MOA) is being developed between the two agencies to address specific topics related to implementation of this rule including training, monitoring, enforcement, and reporting.

The consequences of not adopting this rule are that WDFW would not meet the terms committed to in the forests and fish agreement and would not further the mandate set forth in RCW 76.09.030(2). Additionally, WDFW would lose the opportunity to potentially improve resource protection for fish life by redirecting limited resources to projects with direct impacts on fish bearing streams, and to eliminate duplicative permits by streamlining the permit process for forest practices in nonfish bearing streams.

3. Determine that the Probable Benefits of the Rule are Greater Than Its Probable Costs, Taking Into Account Both the Qualitative and Quantitative Benefits and Costs and the Specific Directives of the Statute Being Implemented: The probable benefits of the proposed rule include the following: Integration of forest practices and hydraulics permitting processes for forest practices activities in or across nonfish bearing streams; reduction of unneces-

sary and duplicative permitting requirements for applicants; continued fish and fish habitat protection with increased consistency under the forest practices rules, increased HPA program efficiencies so that additional focus can be placed on activities with direct impacts in fish-bearing streams; and continued implementation of the forest and fish agreement.

In addition, under the terms of the MOA being developed between WDFW and DNR to implement this rule, it is the intent of the agencies to jointly develop training and monitoring plans, coordinate enforcement, and conduct periodic performance reviews. The probable benefits resulting from the MOA include: Performance monitoring; improved compliance monitoring; annual evaluation of monitoring information; and preparation of periodic status reports.

There are no additional costs to applicants associated with this proposed rule, and there may, in fact, be the potential for some savings through permit streamlining.

One potential cost to WDFW is that the agency will no longer be able to require or enforce conditions on individual forest practices projects on nonfish bearing streams. However, this has been addressed through the increased level of resource protection provided under the forest practices rules, the increased efficiencies to the HPA program allowing WDFW to focus on higher priority projects in fish-bearing streams, and the training and cross-agency coordination with DNR outlined in the terms of the MOA to implement this rule. If the proposed rule is not implemented as currently envisioned, the commission has the authority to amend or rescind this rule in the future.

In summary, this proposed rule meets the objectives of chapter 77.55 RCW and RCW 76.09.030(2) with a large number of benefits and minimal costs.

4. Determine, After Considering Alternative Versions of the Rule and the Analysis Required Under #2 and #3 Above that the Rule Being Adopted is the Least Burdensome Alternative for Those Required to Comply With It That Will Achieve the General Goals and Specific Objectives Stated Under #1 Above: The proposed final version of the rule is considered to be the least burdensome alternative because it was developed in cooperation with representatives for private forest landowners and other interested parties. It continues implementation of the forests and fish agreement, which was the result of eighteen months of study and negotiation to develop changes to forest practices rules for the protection of riparian and aquatic resources on state and private timberland. It will provide increased consistency in the application of protective measures for fish and their habitat under the forest practices rules, and the ability for WDFW to redirect limited resources to higher priority projects in fish-bearing waters. At the same time it will reduce unnecessary permitting for applicants.

5. Determine That the Rule Does Not Require Those to Whom it Applies to Take an Action That Violates Requirements of Another Federal or State Law: The rule does not require those to whom it applies to take any action beyond what is currently required, and therefore could not possibly require any action that would result in a violation of state or federal law. In fact, it exempts certain forest practices permittees from the requirement of obtaining a separate hydraulic project approval. As the requirement for a hydro-

lic project approval is a state law, no violation of federal law could possibly result from the implementation of this rule.

6. Determine That the Rule Does Not Impose More Stringent Performance Requirements on Private Entities Than On Public Entities Unless Required To Do So by Federal or State Law: The rule has the same requirements for all entities conducting forest practices under the forest practices rules.

7. Determine if the Rule Differs From Any Federal Regulation or Statute Applicable to the Same Activity or Subject Matter and, if so, Determine That the Difference is Justified by the Following:

1) A state statute that explicitly allows the agency to differ from federal standards; or

2) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under #1 above.

See answer to #5, above.

8. Coordinate the Rule, to the Maximum Extent Practicable, With Other Federal, State, and Local Laws Applicable to the Same Activity or Subject Matter: The rule was developed in consultation with DNR, which is responsible for the protection of public resources, which includes fish and wildlife, and regulation of forest practices under the Forest Practices Act and rules. An MOA is being developed between WDFW and DNR to address specific topics related to the implementation of this rule, including training, monitoring, reporting, and enforcement.

RULE IMPLEMENTATION PLAN

The following describes how WDFW intends to:

1. Implement and enforce the rule, including a description of the resources the agency intends to use;

2. Inform and educate affected persons about the rule;

3. Promote and assist voluntary compliance;

4. Evaluate whether the rule achieves the purposes for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes.

1. Implementation and Enforcement of the Rule: The MOA being developed between WDFW and DNR will include requirements for the agencies to 1) jointly develop and implement a training program on the HPA/FPA integration and protective measures for forest practices activities affecting nonfish bearing streams, 2) jointly develop and implement a monitoring plan for compliance and performance of the HPA/FPA integration, 3) coordinate enforcement activities, and 4) meet annually to review the performance of the HPA/FPA integration. Additionally, WDFW will prepare a status report on this rule implementation every two years for presentation to the commission.

2. Information and Education: The affected public will be informed and educated about the rule through the training programs as described in #1 above. Also, following rule adoption, a press release will be prepared to inform the general public.

3. Promotion of Voluntary Compliance: Voluntary compliance with the rule will be promoted through the training programs as described in #1 above. Additionally, appli-

cants contacting WDFW for an HPA for forest practices in nonfish bearing waters will be notified that this permit is no longer required if they operate with an approved forest practices application issued by DNR.

4. Rule Evaluation: Information obtained from the monitoring programs described in #1 will be reviewed by WDFW and DNR at annual meetings to evaluate the compliance and performance of the HPA/FPA integration. This information will be analyzed to evaluate rule performance and implementation, and recommendations for modifications will be developed as necessary. In addition, WDFW will prepare a status report on this rule implementation every two years for presentation to the commission.

August 5, 2004

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 97-84, filed 6/4/97, effective 7/5/97)

WAC 220-110-035 Miscellaneous hydraulic projects—Permit requirements and exemptions. (1) Operators of mechanical or hydraulic clam harvesters shall be required to obtain an HPA and comply with provisions of WAC 220-52-018, and shall obtain and comply with the provisions of the department's permit to operate a clam harvesting machine.

(2) An activity conducted solely for the removal or control of spartina does not require an HPA. An activity conducted solely for the removal or control of purple loosestrife and which is performed with hand-held tools, hand-held equipment, or equipment carried by a person when used does not require an HPA. Any other activity conducted solely for the removal or control of aquatic noxious weeds or aquatic beneficial plants shall require either a copy of the current *Aquatic Plants and Fish* pamphlet HPA available from the department or an individual HPA.

(3) The installation, by hand or hand-held tools, of small scientific markers, oyster stakes, boundary markers, or property line markers does not require an HPA.

(4) Driving a vehicle or operating equipment on or across an established ford does not require an HPA. However, ford repair with equipment or construction work waterward of the ordinary high water lines requires an HPA. Driving a vehicle or operating equipment on or across wetted stream beds at areas other than established fords requires an HPA. HPAs for new fords issued subsequent to January 1995 shall require that the entry and exit points of the ford not exceed one hundred feet upstream or downstream of each other.

(5) A person conducting a remedial action under a consent decree, order, or agreed order, pursuant to chapter 70.105D RCW, and the department of ecology when it conducts a remedial action, are exempt from the procedural requirements of the Hydraulic Code. Compliance with the substantive provisions of the Hydraulic Code is required.

(6) The technical and special provisions of an individual or a pamphlet HPA shall be followed by the permit holder, equipment operator(s), and other individuals conducting the project.

(7) The legislature expressed the intent in RCW 76.09.030(2) for closer integration of the forest practices and hydraulics permitting processes. Pursuant to chapter 76.09 RCW, the forest practices board has adopted rules that include fish protection measures normally included in hydraulic project approvals for projects in nonfish bearing waters. Based on the fish protection measures contained in chapters 222-16, 222-24 and 222-30 WAC, and fish protection measures contained in the forest practices board manual described in WAC 222-12-090, forest practices, as defined in chapter 76.09 RCW, conducted under an approved forest practices application or notification issued by the department of natural resources, and conducted in or across type Np or Ns waters as defined in WAC 222-16-030 (Type 4 or Type 5 Waters, respectively, as defined in WAC 222-16-031), do not require an HPA.

WSR 04-17-018

PROPOSED RULES

BUILDING CODE COUNCIL

[Filed August 9, 2004, 9:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-075.

Title of Rule and Other Identifying Information: Chapter 51-52 WAC, State adoption and amendment of the 2003 International Mechanical Code, Sections 401.5.2, 403.3 and 501.5.

Hearing Location(s): Renton, Holiday Inn Select, One Grady Way South, Renton, WA, on October 15, 2004, at 10:00 a.m.

Date of Intended Adoption: November 12, 2004.

Submit Written Comments to: Stan Price, Chairman, State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, e-mail sbcc@cted.wa.gov, fax (360) 586-9383, by October 15, 2004.

Assistance for Persons with Disabilities: Contact Sue Mathers by October 1, 2004, TTY (360) 753-7427 or (360) 725-2967.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rule is to amend chapter 51-52 WAC that adopts the 2003 International Mechanical Code (IMC). The anticipated effects include achieving improved compliance with state mechanical code provisions for the benefit [of] public health, safety and welfare, and to serve Washington state interests.

The proposed amendments include language that will correct a deficiency in the IMC by providing clear explicit rules for mechanical exhaust duct termination points. This change will provide clarification of current practice and provide flexibility for the benefit of industry.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Name of Proponent: State Building Code Council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Al Rhoades, Olympia, Washington 98504-2525, (360) 725-2970; and Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule provides clarification of existing national standards and current practice for the benefit of industry and Washington state interests. No economic impact on small business was identified.

A cost-benefit analysis is not required under RCW 34.05.328. This rule clarifies code requirements and does not affect cost.

August 6, 2004

Tim Nogler
for Stan Price
Chairman

Chapter 51-52 WAC

AMENDMENT OF THE 2003 EDITION OF THE INTERNATIONAL MECHANICAL CODE

NEW SECTION

WAC 51-52-0401 Section 401—General.

401.5.2 Exhaust openings. Outdoor exhaust openings shall be located in accordance with Chapter 5. Exhaust air shall not be directed onto walkways.

NEW SECTION

WAC 51-52-0403 Section 403—Mechanical ventilation.

403.3 Ventilation rate. Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with Table 403.3 based on the occupancy of the space and the occupant load or other parameter as stated therein. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3. Ventilation rates for occupancies not represented in Table 403.3 shall be determined by an approved engineering analysis. The ventilation system shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

EXCEPTION: Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 403.3 estimated maximum occupancy rates.

NEW SECTION

WAC 51-52-0501 Section 501—General.

501.5 Termination point/exhaust outlet. The termination point or exhaust outlet for exhaust ducts discharging to the atmosphere shall be located with the following minimum distances:

1. **For ducts conveying explosive or flammable vapors, fumes or dusts:** 30 feet (9144 mm) from the property line; 10 feet (3048 mm) from openings into the building; 6 feet (1829 mm) from exterior walls and roofs; 30 feet (9144 mm) from combustible walls and openings into the building which are in the direction of the exhaust discharge; 10 feet (3048 mm) above adjoining grade.

2. **For other product-conveying outlets:** 10 feet (3048 mm) from the property line; 3 feet (914 mm) from exterior walls and roofs; 10 feet (3048 mm) from openings into the building; 10 feet (3048 mm) above adjoining grade.

3. **For environmental air duct exhaust:** 3 feet (914 mm) from the property line, 3 feet (914 mm) from openings into the building for all occupancies other than Group U, and 10 feet (3048 mm) from a mechanical air intake. This includes environmental air regulated by Sections 504 and 505, but does not include enclosed parking garage exhaust outlets regulated by Section 404.

EXCEPTIONS:

1. The separation between an air intake and exhaust outlet on a single listed package HVAC unit.
2. Exhaust from environmental air systems other than garages may be discharged into an open parking garage.
3. Except for Group I occupancies, where ventilation system design circumstances require building HVAC air to be relieved, such as during economizer operation, such air may be relieved into an open or enclosed parking garage within the same building.

WSR 04-17-019

PROPOSED RULES

BUILDING CODE COUNCIL

[Filed August 9, 2004, 9:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-076.

Title of Rule and Other Identifying Information: Chapter 51-50 WAC, Adoption and amendment of the 2003 International Building Code, Chapters 4, 11, 12, 14, 16, 17, 21, and 29.

Hearing Location(s): Renton, Holiday Inn Select, One Grady Way South, Renton, WA, on October 15, 2004, at 10:00 a.m.

Date of Intended Adoption: November 12, 2004.

Submit Written Comments to: Stan Price, Chairman, State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, e-mail sbcc@cted.wa.gov, fax (360) 586-9383, by October 15, 2004.

Assistance for Persons with Disabilities: Contact Sue Mathers by October 1, 2004, TTY (360) 753-7427 or (360) 725-2967.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rule is to amend chapter 51-50 WAC that adopts the 2003 International Building Code (IBC). The anticipated effects include providing an improved state building code which will benefit public health, safety and welfare, and to serve Washington state interests.

The amendments include changes that are needed to update to ICC A117.1-2003, the current edition of *Accessible and Usable Buildings and Facilities*, the accessibility standard referenced by the IBC. These changes will bring the state building code into compliance with updated federal accessibility regulations and continue to provide for the accessibility needs of the state's citizens. This update of the code will maintain state accessibility regulations that are certifiable by the Federal Department of Justice for the benefit of the building design and construction industry.

This proposed rule also includes the following changes to published language in the IBC: Special approved locks in nursing homes are identified; where minimum ceiling heights are required in buildings is clarified; changes are made regarding the application of structural load combinations, special inspections, and how to place anchor bolts supporting masonry veneer; and corrections are made to language specifying plumbing system fixture requirements.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Name of Proponent: State Building Code Council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Al Rhoades, Olympia, Washington 98504-2525, (360) 725-2970; and **Enforcement:** Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule provides for maintaining the state building code current with national standards and practice for the benefit of industry and Washington state interests. No economic impact on small business was identified.

A cost-benefit analysis is not required under RCW 34.05.328. This rule clarifies code requirements and does not affect cost.

August 6, 2004

Tim Nogler
for Stan Price
Chairman

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

WAC 51-50-003 International Building Code. The 2003 edition of the *International Building Code*, including ((Sections 101 through 106 of)) Appendix E, published by the International Code Council is hereby adopted by refer-

ence with the exceptions noted in this chapter of the Washington Administrative Code.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

WAC 51-50-005 International Building Code requirements for barrier-free accessibility. Chapter 11 and other International Building Code requirements for barrier-free access, including ICC A117.1-((1998)) 2003 and Appendix E ((Sections 101 through 106)), are adopted pursuant to chapters 70.92 and 19.27 RCW.

Pursuant to RCW 19.27.040, Chapter 11 and requirements affecting barrier-free access shall not be amended by local governments.

NEW SECTION

WAC 51-50-0407 Section 407—Group I-2.

407.8 Locks on exit doors. Approved, listed locks without delayed egress shall be permitted in nursing homes or portions of nursing homes, provided that:

1. The clinical needs of one or more patients require specialized security measures for their safety.
2. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.
3. The doors unlock upon loss of electrical power controlling the lock or lock mechanism.
4. The lock shall be capable of being deactivated by a signal from a switch located in an approved location.
5. There is a system, such as a keypad and code, in place to inform visitors, staff persons and appropriate residents how they can exit. Instructions for exiting shall be posted within six feet of the door.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

WAC 51-50-1101 Section 1101—General.

1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1, except those portions of ICC A117.1 amended by this section.

1101.2.1 (ICC A117.1 Section 403) Landings for walking surfaces. The maximum rise for any run is 30 inches (762 mm). Landings shall be provided at the top and bottom of any run. Landings shall be level and have a minimum dimension measured in the direction of travel of not less than 60 inches (1525 mm).

1101.2.2 (ICC A117.1 Section 403.5) Clear width of accessible route. Clear width of an accessible route shall comply with ICC A117.1 Table 403.5. For exterior routes of travel, the minimum clear width shall be 44 inches (1118 mm).

1101.2.3 (ICC A117.1 Section 404.2.9) Door-opening force. Fire doors shall have the minimum opening force allowable by the appropriate administrative authority. The maximum force for pushing open or pulling open doors other than fire doors shall be as follows:

1. Interior hinged door: 5.0 pounds (22.2 N)
2. Sliding or folding doors: 5.0 pounds (22.2 N)

At exterior doors where environmental conditions require a closing pressure greater than 8.5 pounds, power operated doors shall be used within the accessible route of travel.

These forces do not apply to the force required to retract latch bolts or disengage other devices that hold the door in a closed position.

~~((1101.2.4 (ICC A117.1 Section 502.6) Identification of accessible parking spaces. Where accessible parking spaces are required to be identified by signs, the signs shall include the International Symbol of Accessibility complying with ICC A117.1 Section 703.7. Such signs shall be 60 inches (1525 mm) minimum above the floor or ground surface of the parking space, measured to the bottom of the sign. Van accessible parking spaces shall have an additional sign mounted below the International Symbol of Accessibility identifying the spaces as "Van Accessible."))~~

1101.2.5 (ICC A117.1 Sections 603.4 and 604.11) Coat hooks, shelves, dispensers, and other fixtures. Coat hooks provided ((within toilet rooms)) shall accommodate a forward reach or side reach complying with ICC A117.1 Section 308. Where provided, shelves shall be installed so that the top of the shelf is 40 inches (1015 mm) maximum above the floor or ground. Drying equipment, towel or other dispensers, and disposal fixtures shall be located 40 inches (1015 mm) maximum above the floor or ground to any rack, operating controls, receptacle or dispenser.

1101.2.6 (ICC A117.1 Section 604.6) Flush controls. ((Flush controls shall be hand operated or automatic.)) Hand operated flush controls for water closets shall be mounted ((for use from the wide side of the water closet area and)) not more than 44 inches (1118 mm) above the floor.

~~((1101.2.7 (ICC A117.1 Section 604.7) Toilet paper dispensers. Toilet paper dispensers shall comply with ICC A117.1 Section 309.4 and shall be 7 inches (180 mm) minimum and 9 inches (230 mm) maximum in front of the water closet. The outlet of the dispenser shall be 15 inches (380 mm) minimum and 48 inches (1015 mm) maximum above the floor or ground. There shall be a clearance of 1 1/2 inches (38 mm) minimum below and 12 inches (305 mm) minimum above the grab bar. Dispensers shall not be of a type that control delivery, or that do not allow continuous paper flow. Other dispensers, and disposal fixtures shall be located 40 inches (1015 mm) maximum above the floor or ground to any rack, operating controls, receptacle or dispenser.~~

~~**1101.2.8 (ICC A117.1 Section 609.2) Grab bars size.** Grab bars shall have an outside diameter of not less than 1 1/4 inch (32 mm) nor more than 1 1/2 inches (38 mm) and shall provide a clearance of 1 1/2 inches (38 mm) between the grab bar and the wall.))~~

1101.2.9 (ICC A117.1 Section ((703.7.2.1)) 703.6.3.1) International Symbol of Accessibility. Where the International Symbol of Accessibility is required, it shall be proportioned complying with ICC A117.1 Figure 703.7.2.1. All

interior and exterior signs depicting the International Symbol of Accessibility shall be white on a blue background.

~~((1101.2.10 (ICC A117.1 Section 802.8) Lines of sight. Wheelchair spaces shall be located in places with unobstructed sight lines.))~~

1101.2.11 (ICC A117.1 Section 404.3.5) Control switches. Control switches shall be mounted 36 inches above the floor and not less than 18 inches nor more than 36 inches horizontally from the nearest point of travel of the moving doors.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

WAC 51-50-1109 Section 1109—Other features and facilities.

~~((1109.2 Toilet and bathing facilities. Toilet rooms and bathing facilities shall be accessible. Where a floor level is not required to be connected by an accessible route, the only toilet rooms or bathing facilities provided within the facility shall not be located on the inaccessible floor. At least one of each type of fixture, element, control or dispenser in each accessible toilet room and bathing facility shall be accessible.~~

EXCEPTIONS:

1. In toilet rooms or bathing facilities accessed only through a private office, not for common or public use, and intended for use by a single occupant, any of the following alternatives are allowed:
 - 1.1 Doors are permitted to swing into the clear floor space provided the door swing can be reversed to meet the requirements in ICC A117.1;
 - 1.2 The height requirements for the water closet in ICC A117.1 are not applicable;
 - 1.3 Grab bars are not required to be installed in a toilet room, provided that reinforcement has been installed in the walls and located so as to permit the installation of such grab bars; and
 - 1.4 The requirement for height, knee and toe clearance shall not apply to a lavatory.
2. This section is not applicable to toilet and bathing facilities that serve dwelling units or sleeping units that are not required to be accessible by Section 1107.
3. Where multiple single user toilet rooms or bathing facilities are clustered at a single location and contain fixtures in excess of the minimum required number of plumbing fixtures, at least 5 percent, but not less than one room for each use at each cluster, shall be accessible.
4. Toilet room fixtures that are in excess of those required by the State Building Code and that are designed for use by children in day care and primary school occupancies.
5. Where no more than one urinal is provided in a toilet room or bathing facility, the urinal is not required to be accessible.
6. Toilet rooms that are part of critical care or intensive care patient sleeping rooms are not required to be accessible.
7. In dwelling units where a separate bathtub and shower are provided in the same room, at least one shall be accessible.))

1109.5 Drinking fountains. On floors where drinking fountains are provided, at least 50 percent, but not less than one fountain, shall be accessible. At least one fountain shall be mounted at a standard height.

1109.6 Elevators. Passenger elevators on an accessible route shall be accessible and comply with ICC A117.1. Elevators required to be accessible shall be designed and constructed to

comply with chapter 296-96 of the Washington Administrative Code.

1109.9 Detectable warnings. Passenger transit platform edges bordering a drop-off and not protected by platform screens or guards shall have a detectable warning. Curb ramps shall have detectable warnings. (~~Detectable warnings shall extend the full width and depth of the curb ramp.~~)

EXCEPTION: Detectable warnings are not required at bus stops.

~~((1109.12.2 Check out aisles. Where check out aisles are provided, accessible check out aisles shall be provided in accordance with Table 1109.12.2. Where check out aisles serve different functions, at least one accessible check out aisle shall be provided for each function. Where check out aisles serve different functions, accessible check out aisles shall be provided in accordance with Table 1109.12.2 for each function. Where check out aisles are dispersed throughout the building or facility, accessible check out aisles shall also be dispersed. Traffic control devices, security devices and turnstiles located in accessible check out aisles or lanes shall be accessible. Accessible check out aisles shall be identified by the International Symbol of Accessibility in accordance with ICC A117.1 Section 703.7.2.1.~~

EXCEPTION: ~~Where the area of the selling space is less than 5,000 square feet (465 m²), only one check out aisle is required to be accessible.)~~

1109.14.3 Other occupancies. All recreational facilities not falling within the purview of Section 1109.14.1 or 1109.14.2 shall be accessible as required by the Americans with Disabilities Act Accessibility Guidelines.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

WAC 51-50-1208 Section 1208—Interior space dimensions.

1208.2 Minimum ceiling heights. Occupiable spaces ~~(and~~ ~~and habitable spaces ((and corridors))~~) shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Bathrooms, toilet rooms, kitchen, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

- EXCEPTIONS:**
1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
 2. If any room in a building has a sloped ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the ceiling shall not be included in any computation of the minimum area thereof.
 3. Mezzanines constructed in accordance with Section 505.1.
 4. Residential Group R Occupancies shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

1208.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (13.9 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

EXCEPTION: Every kitchen in a one- and two-family dwelling shall have not less than 50 square feet (4.64 m²) of gross floor area.

Portions of a room with a sloped ceiling measuring less than 5 feet (1524 mm) or a flat ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum habitable area for that room.

NEW SECTION

WAC 51-50-1210 Section 1210—Surrounding materials.

1210.5 Toilet rooms. This section is not adopted.

(The requirements of this section have been moved to Section 2902.2.1.1)

NEW SECTION

WAC 51-50-1405 Section 1405—Installation of wall coverings.

1405.5.2 Seismic requirements. Anchored masonry veneer located in Seismic Design Category C, D, E, or F shall conform to the requirements of Section 6.2.2.10, except Section 6.2.2.10.2.2, of ACI 530/ASCE 5/TMS 402.

NEW SECTION

WAC 51-50-1605 Section 1605—Load combinations.

1605.3.1.1 Load reduction. It is permitted to multiply the combined effect of two or more variable loads by 0.75 and add to the effect of dead load. The combined load used in design shall not be less than the sum of the effects of dead load and any one of the variable loads.

Increases in allowable stresses specified in the appropriate materials section of this code or referenced standard shall not be used with the load combinations of Section 1605.3.1 except that a duration of load increase shall be permitted in accordance with Chapter 23.

NEW SECTION

WAC 51-50-1707 Section 1707—Special inspections for seismic resistance.

1707.1 Special inspections for seismic resistance. Special inspections itemized in Sections 1707.2 through 1707.8 are required for the following:

1. The seismic-force-resisting systems in structures assigned to Seismic Design Category C, D, E or F, as determined in Section 1616.
2. Designated seismic systems in structures assigned to Seismic Design Category D, E or F.
3. Architectural, mechanical and electrical components in structures assigned to Seismic Design Category C, D, E or F that are required in Sections 1707.6 and 1707.7.

NEW SECTION

WAC 51-50-2107 Section 2107—Working stress design.

2107.2.3 ACE 530/ASCE 5/TMS 402, Section 2.1.10.6.1.1, lap splices. In regions of moment where the design tensile stresses in the reinforcement are greater than 80 percent of the allowable steel stress F_s , the lap length determined by equation (2.9) shall be increased by 50 percent.

NEW SECTION

WAC 51-50-2108 Section 2108—Strength design of masonry.

2108.2 ACI 530/ASCE 5/TMS 402, Section 3.1.6. Modify Section 3.1.6 as follows:

3.1.6 Headed and bent-bar anchor bolts. All embedded bolts shall be grouted in place, except that 1/4 inch (6.4 mm) diameter bolts are permitted to be placed in bed joints that are at least 1/2 inch (12.7 mm) in thickness.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

WAC 51-50-2900 Chapter 29—Plumbing systems.

SECTION 2901—PLUMBING CODE.

Plumbing systems shall comply with the Plumbing Code.

SECTION 2902—GENERAL.**2902.1 Number of fixtures.**

2902.1.1 Requirements. Plumbing fixtures shall be provided in the minimum number shown in Table 2902.1 and in this chapter. Where the proposed occupancy is not listed in Table 2902.1, the building official shall determine fixture requirements based on the occupancy which most nearly resembles the intended occupancy.

Plumbing fixtures need not be provided for unoccupied buildings or facilities.

2902.1.2 Private offices. Fixtures only accessible to private offices shall not be counted to determine compliance with this section.

2902.1.3 Occupancy load distribution. The occupant load shall be divided equally between the sexes, unless data approved by the building official indicates a different distribution of the sexes.

2902.1.4 Food preparation areas. In food preparation, serving and related storage areas, additional fixture requirements may be dictated by health codes.

2902.1.5 Other requirements. For other requirements for plumbing facilities, see Sections 419.15 and 1210 and Chapter 11.

2902.2 Access to fixtures.

2902.2.1 Location. Plumbing fixtures shall be located in each building or conveniently in a building adjacent thereto on the same property.

2902.2.1.1 Toilet rooms. Toilet rooms shall not open directly into a room used for the preparation of food for service to the public.

2902.2.2 Multiple tenants. Access to toilets serving multiple tenants shall be through a common use area and not through an area controlled by a tenant.

2902.2.3 Multistory buildings. Required fixtures shall not be located more than one vertical story above or below the area served.

2902.3 Separate facilities.

2902.3.1 Requirements. Separate toilet facilities shall be provided for each sex.

EXCEPTION(S): ((+) In occupancies serving ((+)) 15 or fewer persons, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.

((2- In Group B and M Occupancies with a total floor area of 1500 square feet (139.5 m²) or less, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.))

2902.3.2 Food service establishments. When customers and employees share the same facilities, customers accessing the facilities are excluded from food preparation and storage areas.

2902.4 Pay facilities. Required facilities shall be free of charge. Where pay facilities are installed, they shall be in addition to the minimum required facilities.

2902.5 is not adopted.

2902.6 is not adopted.

SECTION 2903—SPECIAL PROVISIONS.

2903.1 Dwelling units. Dwelling units shall be provided with a kitchen sink.

2903.2 Water closet space requirements. The water closet stool in all occupancies shall be located in a clear space not less than 30 inches (762 mm) in width, with a clear space in front of the stool of not less than 24 inches (610 mm).

2903.3 Water. Each required sink, lavatory, bathtub and shower stall shall be equipped with hot and cold running water necessary for its normal operation.

2903.4 Drinking fountains.

2903.4.1 Number. Occupant loads over 30 shall have one drinking fountain for the first 150 occupants, then one per each additional 500 occupants.

EXCEPTIONS:

1. Sporting facilities with concessions serving drinks shall have one drinking fountain for each 1000 occupants.
2. A drinking fountain need not be provided in a drinking or dining establishment.

2903.4.2 Multistory buildings. Drinking fountains shall be provided on each floor having more than 30 occupants in schools, dormitories, auditoriums, theaters, offices and public buildings.

2903.4.3 Penal institutions. Penal institutions shall have one drinking fountain on each cell block floor and one on each exercise floor.

2903.4.4 Location. Drinking fountains shall not be located in toilet rooms.

TABLE 2902.1—MINIMUM PLUMBING FIXTURES^{1,2,4,6}

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
For the occupancies listed below, use 30 square feet (2.79 m ²) per occupant for the minimum number of plumbing fixtures.					
Group A Conference rooms, dining rooms, drinking establishments, exhibit rooms, gymnasiums, lounges, stages and similar uses including (res- <u>restaurants classified as Group B occupancies</u>) <u>those classified as accessory to other occupancy groups</u>	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400 Over 400, add one fixture for each additional 200 males or 150 females	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400	One per 2 water closets		
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 15 square feet (1.39 m ²) per occupant for the minimum number of plumbing fixtures.					
Assembly places— Theaters, auditoriums, convention halls, dance floors, lodge rooms, casinos, and such places which have limited time for fixture use (intermissions)	1:1-100 2:101-200 3:201-400 Over 400, add one fixture for each additional 250 males or 50 females	One per 25 Up to 400	1:1-200 2:201-400 3:401-750 Over 750, add one fixture for each additional 500 persons	1:1-200 2:201-400 3:401-750	
Assembly places— Stadiums, arena and other sporting facilities where fixture use is not limited to intermissions	1:1-100 2:101-200 3:201-400 Over 400, add one fixture for each additional 300 males or 100 females	One per 50 Up to 400	1:1-200 2:201-400 3:401-750 Over 750, add one fixture for each additional 500 persons	1:1-200 2:201-400 3:401-750	
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 30 square feet (2.79 m ²) per occupant for the minimum number of plumbing fixtures.					
Worship places Principal assembly area Educational & activity unit	One per 150 One per 125	One per 75 One per 75	One per 2 water closets One per 2 water closets		
For the occupancies listed below, use 200 square feet (18.58 m ²) per occupant for the minimum number of plumbing fixtures.					
Group B and other clerical or administrative employee accessory use	1:1-15 2:16-35 3:36-55 Over 55, add one for each additional 50 persons	1:1-15 2:16-35 3:36-55	One per 2 water closets		
For the occupancies listed below, use 100 square feet (9.3 m ²) per student for the minimum number of plumbing fixtures.					
Group E Schools - for staff use	1:1-15 2:16-35	1:1-15 2:16-35	One per 2 water closets		

PROPOSED

TABLE 2902.1—MINIMUM PLUMBING FIXTURES^{1,2,4,6}

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
All schools (One staff per 20 students)	3:36-55	3:36-55			
Schools - for student use	1:1-20	1:1-20	1:1-20	1:1-20	
Day care	2:21-50	2:21-50	2:21-50	2:21-50	
Elementary	One per 30	One per 25	One per 2 water closets		
Secondary	One per 40	One per 30	One per 2 water closets		
For the occupancies listed below, use 50 square feet (4.65 m ²) per occupant for the minimum number of plumbing fixtures.					
Education facilities other than Group E					
Others (colleges, universities, adult centers, etc.)	One per 40	One per 25	One per 2 water closets		
For the occupancies listed below, use 2,000 square feet (185.8 m ²) per occupant for the minimum number of plumbing fixtures.					
Group F and Group H	1:1-10	1:1-10	One per 2 water closets		
Workshop, foundries and similar establishments, and hazardous occupancies	2:11-25	2:11-25			One shower for each 15 persons exposed to excessive heat or to skin contamination with irritating materials
	3:26-50	3:26-50			
	4:51-75	4:51-75			
	5:76-100	5:76-100			
	Over 100, add one fixture for each additional 30 persons				
For the occupancies listed below, use the designated application and 200 square feet (18.58 m ²) per occupant of the general use area for the minimum number of plumbing fixtures.					
Group I⁷					
Hospital waiting rooms	One per room (usable by either sex)		One per room		
Hospital general use areas	1:1-15	1:1-15	One per 2 water closets		
	2:16-35	3:16-35			
	3:36-55	3:36-55			
	Over 55, add one fixture for each additional 40 persons				
Hospital patient rooms:					
Single Bed	One adjacent to and directly accessible from		One per toilet room		One per toilet room
Isolation	One adjacent to and directly accessible from		One per toilet room		One per toilet room
Multibed	One per 4 patients		One per 4 patients		One per 8 patients
Long-term	One per 4 patients		One per 4 patients		One per 15 patients
Jails and reformatories					
Cell	One per cell		One per cell		
Exercise room	One per exercise room		One per exercise room		

PROPOSED

TABLE 2902.1—MINIMUM PLUMBING FIXTURES^{1,2,4,6}

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
Other institutions (on each occupied floor)	One per 25	One per 25	One per 2 water closets		One per 8
Group LC	For Group LC Occupancies, the minimum number of plumbing fixtures is specified in Section 419.15.				
For the occupancies listed below, use 200 square feet (18.58 m ²) per occupant for the minimum number of plumbing fixtures.					
Group M Retail or wholesale stores	1:1-50 2:51-100 3:101-400 4:201-300 5:301-400 Over 400, add one fixture for each additional 300 males or 150 females	1:1-50 2:51-100 3:101-200 4:201-300 5:301-400	One per 2 water closets		
For Group R Occupancies containing dwelling units or guest rooms, use the table below. For dormitories, use 200 square feet (18.58 m ²) per occupant for the minimum number of plumbing fixtures.					
Group R Dwelling units	One per dwelling unit		One per dwelling unit		One per dwelling unit
Hotel, motel, and boarding house guest rooms	One per guest room		One per guest room		One per guest room
Dormitories	One per 10 Over 10, add one fixture for each additional 25 males and over 8, add one for each additional 20 females	One per 8 Over 8, add one for each additional 20 females	One per 12 Over 12, add one fixture for each additional 20 males and one for each additional 15 females	One per 12	One per 8 For females, add one additional unit per each additional 30. Over 150 persons, add one additional unit per each additional 20 persons
For the occupancies listed below, use 5,000 square feet (464.5 m ²) per occupant for the minimum number of plumbing fixtures.					
Group S Warehouses	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100 Over 100, add one for each 30 persons	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100	One per 40 occupants of each sex		One shower for each 15 persons exposed to excessive heat or to skin contamination with poisonous, infectious or irritating materials

¹The figures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction thereof.

²For occupancies not shown, see Section 2902.1.1.

³Where urinals are provided, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one quarter (25%) of the minimum specified. For men's facilities serving 26 or more persons, not less than one urinal shall be provided.

⁴For drinking fountains, see Section 2903.4.

⁵Twenty-four inches (610 mm) of wash sink or 18 inches (457 mm) of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory.

⁶For when a facility may be usable by either sex, see Section 2902.3.1.

⁷See WAC 246-320 for definitions, other fixtures and equipment for hospitals.

PROPOSED

WSR 04-17-020
PROPOSED RULES
BUILDING CODE COUNCIL

[Filed August 9, 2004, 9:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-074.

Title of Rule and Other Identifying Information: Amendment of chapter 51-54 WAC, Adoption and amendment of the 2003 International Fire Code.

Hearing Location(s): Renton Holiday Inn Select, One South Grady Way, Renton, WA, 98055-2500, on October 15, 2004, at 10:00 a.m.

Date of Intended Adoption: November 12, 2004.

Submit Written Comments to: Stan Price, Chair, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, e-mail sbcc@cted.wa.gov, fax (360) 586-9383; by October 15, 2004.

Assistance for Persons with Disabilities: Contact Sue Mathers by October 1, 2004, TTY (360) 753-7427 or (360) 725-2967.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes amend the 2003 edition of the International Fire Code. The specific changes: Delete requirements regulating gas and charcoal grills on balconies and decks; revise provisions for evacuation plans to require them as requested by the authority having jurisdiction instead of for all buildings; amend requirements for display of cut trees to allow them in additional occupancy classifications; amend the phrase "spray spaces" to "spray areas" since that is the defined term; and to provide requirements for marinas as per the previous code.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Statutory Authority for Adoption: RCW 19.27.074 and 19.27.031.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in rules shown below.

Name of Proponent: Washington State Building Code Council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2964; and Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. None of the proposed changes were identified as having an impact on small business.

A cost-benefit analysis is not required under RCW 34.05.328. The State Building Code Council is not listed in

this section as one of the agencies required to comply with this regulation.

August 6, 2004

Tim Nogler

for Stan Price

Council Chair

AMENDATORY SECTION (Amending WSR 04-01-105, filed 12/17/03, effective 7/1/04)

WAC 51-54-0300 Chapter 3—General precautions against fire.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. See also chapter 173-425 WAC.

307.3.2 Recreational fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. See also chapter 173-425 WAC.

308.3.1 Open-flame cooking devices. This section is not adopted.

308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices. This section is not adopted.

308.3.4 Aisles and exits. Candles shall be prohibited in areas where occupants stand, or in an aisle or exit.

EXCEPTION: Candles used in religious ceremonies. See RCW 19.27.031(3).

308.3.5 Religious ceremonies. Participants in religious ceremonies shall not be precluded from carrying hand-held candles.

308.3.7 Group A Occupancies. Open-flame devices shall not be used in a Group A Occupancy.

EXCEPTIONS: 1. Open-flame devices are allowed to be used in the following situations:

1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.5.

1.2 On stages and platforms as a necessary part of a performance in accordance with Section 308.6, provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.

1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.

2. Heat-producing equipment complying with Chapter 6 and the International Mechanical Code.

3. Gas lights are allowed to be used provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of combustible materials.

PROPOSED

NEW SECTION

WAC 51-54-0400 Chapter 4—Emergency planning and preparedness.

401.2 Approval. Where required by the fire code official, fire safety plans, emergency procedures, and employee training programs shall be approved.

404.2 Where required. A fire safety and evacuation plan shall be prepared and maintained in accordance with this chapter for the following occupancies and buildings when required by the fire code official.

1. Group A having an occupant load of 100 or more.
2. Group E.
3. Group H.
4. Group I.
5. Group R-1.
6. Group R-4.
7. High-rise buildings.
8. Group M buildings having an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.
9. Covered malls exceeding 50,000 sf in aggregate floor area.
10. Underground buildings.
11. Buildings with an atrium and having an occupancy in Group A, E, or M.

404.4 Maintenance. Fire safety and evacuation plans shall be reviewed by the owner or occupant annually or as necessitated by changes in staff assignments, occupancy, or the physical arrangement of the building.

408.11.1.1 Approval. The lease plan shall be submitted to the fire code official, and shall be maintained on-site for immediate reference by responding fire service personnel.

408.11.1.2 Revisions. The lease plan shall be reviewed by the owner or occupant and revised annually or as often as necessary to keep them current.

NEW SECTION

WAC 51-54-0800 Chapter 8—Interior finish, decorative materials and furnishings.

804.1.1 Restricted occupancies. Natural cut trees shall be prohibited in Group I-1, I-2, I-3, I-4, LC and R-4 occupancies.

804.1.2 Support devices. The support device that holds the tree in an upright position shall be of a type that is stable and that meets all of the following criteria:

1. The device shall hold the tree securely and be of adequate size to avoid tipping over of the tree.
2. The device shall be capable of containing a minimum supply of water in accordance with Table 804.1.2.
3. The water level, when full, shall cover the tree stem at least 2 inches (51 mm). The water level shall be maintained above the fresh cut and checked at least once daily.

804.1.3 Dryness. The tree shall be removed from the building whenever the tree is determined to be dry by needle pliability, discoloration or other approved means as approved by

the fire code official. The tree shall be checked daily for dryness.

Table 804.1.2—Support Stand Water Capacity

Tree Stem Diameter (inches)	Minimum Support Stand Water Capacity (gallons)	Typical Daily Water Transpiration Amount (gallons)
Up to 4	1	1/4 to 1
4 to 6	1 1/2	1 1/4 to 1 1/2
7 to 8	2	1 3/4 to 2
9 to 12	3	2 1/4 to 3
13 and over	4	Over 3

NEW SECTION

WAC 51-54-1500 Chapter 15—Flammable finishes.

1503.2.1.1 Spray and vapor areas. Electrical wiring and equipment in spray and vapor areas shall be of an explosion-proof type approved for use in such hazardous locations. Such areas shall be considered to be Class I, Division 1 or Class II, Division 1 hazardous locations in accordance with the ICC *Electrical Code*.

1503.2.2 Open flames and sparks. Open flames and spark-producing devices shall not be located in spray or vapor areas and shall not be located within 20 feet (6096 mm) of such areas unless separated by a permanent partition.

1503.2.4 Equipment enclosures. Equipment or apparatus that is capable of producing sparks or particles of hot metal that would fall into a spray or vapor area shall be totally enclosed.

1503.2.6 Smoking prohibited. Smoking shall be prohibited in spray or vapor areas. "No Smoking" signs complying with Section 310 shall be conspicuously posted in such areas.

1504.1.3 Spraying areas. Spraying areas shall be designed and constructed in accordance with the *International Building Code* and Sections 1504.1.3.1, 1504.2, 1504.3, 1504.4, 1504.5 and 1504.6 of this code.

1504.1.3.1 Floor. Combustible floor construction in spraying areas shall be covered by approved, noncombustible, nonsparking material, except where combustible coverings, such as thin paper or plastic and strippable coatings are utilized over noncombustible materials to facilitate cleaning operations in spraying areas.

1504.4 Different coatings. Spray booths, spray rooms and spray areas shall not be alternately utilized for different types of coating materials where the combination of materials is conducive to spontaneous ignition, unless all deposits of one material are removed from the booth, room or area and exhaust ducts prior to spraying with a different material.

1504.5 Illumination. Where spraying areas, spray rooms or spray booths are illuminated through glass panels or other transparent materials, only fixed lighting units shall be utilized as a source of illumination.

PROPOSED

NEW SECTION**WAC 51-54-4600 Chapter 46—Marinas.****SECTION 4601**

4601.1 Scope. Marina facilities shall be in accordance with this chapter.

4601.1.1 Plans and approvals. Plans for marina fire-protection facilities shall be approved prior to installation. The work shall be subject to final inspection and approval after installation.

4601.1.2 Permits. Permits are required to use open-flame devices for maintenance or repair on vessels, floats, piers or wharves.

SECTION 4602—DEFINITIONS.

4602.1 Definitions. The following words and terms shall, for the purpose of this chapter and as used elsewhere in this code, have the meanings shown herein.

FLOAT is a floating structure normally used as a point of transfer for passengers and goods, or both, for mooring purposes.

MARINA is any portion of the ocean or inland water, either naturally or artificially protected, for the mooring, servicing or safety of vessels and shall include artificially protected works, the public or private lands ashore, and structures or facilities provided within the enclosed body of water and ashore for the mooring or servicing of vessels or the servicing of their crews or passengers.

PIER is a structure built over the water, supported by pilars or piles, and used as a landing place, pleasure pavilion or similar purpose.

VESSEL is watercraft of any type, other than seaplanes on the water, used or capable of being used as a means of transportation. Included in this definition are nontransportation vessels such as houseboats and boathouses.

WHARF is a structure or bulkhead constructed of wood, stone, concrete or similar material built at the shore of a harbor, lake or river for vessels to lie alongside of, and piers or floats to be anchored to.

SECTION 4603—GENERAL PRECAUTIONS.

4603.1 Combustible debris. Combustible debris and rubbish shall not be deposited or accumulated on land beneath marina structures, piers or wharves.

4603.2 Sources of ignition. Open-flame devices used for lighting or decoration on the exterior of a vessel, float, pier or wharf shall be approved.

4603.3 Flammable or combustible liquid spills. Spills of flammable or combustible liquids at or upon the water shall be reported immediately to the fire department or jurisdictional authorities.

4603.4 Rubbish containers. Containers with tight-fitting or self-closing lids shall be provided for the temporary storage of combustible trash or rubbish.

4603.5 Electrical equipment. Electrical equipment shall be installed and used in accordance with its listing and Section 605 as required for wet, damp and hazardous locations.

SECTION 4604—FIRE-PROTECTION EQUIPMENT.

4604.1 General. Marinas, piers, wharves, floats with facilities for mooring or servicing five or more vessels, and marine motor vehicle fuel-dispensing stations shall be equipped with fire-protection equipment in accordance with Section 4604.

4604.2 Standpipes. Marinas shall be equipped throughout with standpipe systems in accordance with NFPA 303.

4604.3 Access and water supply. Piers and wharves shall be provided with fire apparatus access roads and water-supply systems with on-site fire hydrants when required and approved by the fire code official.

4604.4 Portable fire extinguishers. One fire extinguisher for ordinary (moderate) hazard type, shall be provided at each required hose station. Additional fire extinguishers, suitable for the hazards involved, shall be provided and maintained in accordance with Section 906.

4604.5 Communications. A telephone not requiring a coin to operate or other approved, clearly identified means to notify the fire department shall be provided on the site in a location approved by the code official.

SECTION 4605—MARINE MOTOR VEHICLE FUEL-DISPENSING STATIONS.

4605.1 Fuel dispensing. Marine motor vehicle fuel-dispensing stations shall be in accordance with Chapter 22.

WSR 04-17-057**PROPOSED RULES****UTILITIES AND TRANSPORTATION****COMMISSION**

[Filed August 11, 2004, 10:42 a.m.]

Continuance of WSR 04-15-140.

Preproposal statement of inquiry was filed as WSR 04-05-103.

Title of Rule and Other Identifying Information: WAC 480-62-218 Point protection, WUTC Docket No. TR-040151.

Hearing Location(s): Commission Hearing Room 206, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on October 13, 2004, at 9:30 a.m.

Date of Intended Adoption: October 13, 2004.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, e-mail records@wutc.wa.gov, fax (360) 586-1150, please include Docket No. TR-040151 in your communication, by August 11, 2004.

Assistance for Persons with Disabilities: Contact Mary DeYoung by October 11, 2004, TTY (360) 586-8203 or (360) 664-1133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal would add to rules governing railroad operations a rule addressing point protection. The proposed rule requires railroads to protect the leading end of train movements to add

safety for employees that might be present on the tracks ahead of the movement, vehicles using road crossings, and trains on connected tracks.

The purpose of this continuance of WSR 04-15-140 is to provide notice of a change in the adoption and hearing dates for this rule making to October 13, 2004. All information relating to the proposed rules in WSR 04-15-140 remains the same, except for the adoption and hearing dates.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Mike Rowswell, Rail Safety Manager, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1265; Implementation and Enforcement: Carole J. Washburn, Executive Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

August 11, 2004
Carole J. Washburn
Executive Secretary

WSR 04-17-068

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed August 12, 2004, 2:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-133.

Title of Rule and Other Identifying Information: Amendment to WAC 446-20-600 Fees.

Hearing Location(s): Criminal Records Division, 3000 Pacific Avenue, Suite 202, Olympia, WA 98504-2619, on September 22, 2004, at 9:00 a.m.

Date of Intended Adoption: October 19, 2004.

Submit Written Comments to: Mr. Benjamin Carruth, P.O. Box 42633, Olympia, WA 98504-2633, e-mail Benjamin.Carruth@wsp.wa.gov, fax (360) 570-5274, by September 21, 2004.

Assistance for Persons with Disabilities: Contact Mr. Benjamin Carruth by September 21, 2004, (360) 570-5230.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The revisions will increase the fees charged to the general public and private entities conducting criminal history background checks.

Reasons Supporting Proposal: The last fee study for background checks was conducted in 1993. Since then, the costs associated with conducting background checks have increased. The ways to obtain criminal history have expanded from mailed inquiries to include walk-in customers and Internet access.

Statutory Authority for Adoption: RCW 10.97.100, 43.43.742.

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

Name of Proponent: Office of Financial Management, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mr. Benjamin Carruth, P.O. Box 42633, Olympia, WA 98504-2633, (360) 570-5230.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The fee changes will not impose more than minor costs on small businesses.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Mr. Benjamin Carruth, P.O. Box 42633, Olympia, WA 98504-2633, phone (360) 570-5230, fax (360) 570-5274, e-mail Benjamin.Carruth@wsp.wa.gov.

August 4, 2004
Lowell M. Porter
Chief

AMENDATORY SECTION (Amending WSR 99-07-050, filed 3/15/99, effective 4/15/99)

WAC 446-20-600 Fees. (1) A nonrefundable fee of ~~((ten))~~ thirty-five dollars shall accompany each request for conviction records submitted for a name and date of birth background check or a ~~((twenty-five))~~ ten-dollar fee for a name and date of birth electronic request, thirty dollar fee if the request is submitted by fingerprint card at the state level pursuant to RCW 43.43.830 through 43.43.845, and chapter 10.97 RCW unless through prior arrangement, an account is authorized and established.

(2) A nonrefundable FBI fee of twenty-four dollars shall be charged for fingerprint cards submitted for federal searches. It shall be the responsibility of the Washington state patrol to collect all fees due and forward fingerprint cards and fees to the FBI.

(3) A nonrefundable fee of ~~((ten))~~ thirteen dollars shall be charged for taking ~~((inked))~~ fingerprint impressions by the Washington state patrol. Fees are to be deposited in the Washington state patrol fingerprint identification account.

(4) All fees are to be made payable to the Washington state patrol and are to be remitted by cash, cashier's check, money order or check written on a business account. Credit cards may be used only for payment of electronic requests and for any other fingerprint or conviction record services the state patrol has implemented credit card payment procedures. The Washington state patrol identification and criminal history section shall adjust the fee schedule as may be practicable to ensure that direct and indirect costs associated with the provisions of these chapters are recovered.

(5) Pursuant to the provisions of RCW 43.43.838 and chapter 28A.410 RCW, no fees will be charged to a nonprofit organization, or volunteers in school districts and educational service districts for background checks.

WSR 04-17-077

PROPOSED RULES

DEPARTMENT OF

RETIREMENT SYSTEMS

[Filed August 13, 2004, 11:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-041.

Title of Rule and Other Identifying Information: WAC 415-108-805 What is The PERS Plan 1 "adjusted minimum benefit"? and 415-112-555 What is the TRS Plan 1 "adjusted minimum benefit"?

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on September 21, 2004, at 1:30 p.m.

Date of Intended Adoption: No sooner than September 23, 2004.

Submit Written Comments to: Leslie L. Saeger, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail leslies@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on September 21, 2004.

Assistance for Persons with Disabilities: Contact Leslie L. Saeger, Rules Coordinator, by September 14, 2004, TDD (360) 664-7291, TTY (360) 586-5450, phone (360) 664-7291.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These new rules implement chapter 85, Laws of 2004 (HB 2538), which entitles certain qualifying TRS Plan 1 and PERS Plan 1 retirees and beneficiaries to a minimum benefit.

Reasons Supporting Proposal: To implement 2004 legislation.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.32.4851 (for WAC 415-112-555) and 41.40.1984 (for WAC 415-108-805).

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

Name of Proponent: Department of Retirement Systems, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Saeger, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dorothy Bailey, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules have no effect on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

August 12, 2004

Leslie Saeger

Rules and Contacts Coordinator

NEW SECTION

WAC 415-108-805 What is the PERS Plan 1 "adjusted minimum benefit"? RCW 41.40.1984 entitles certain PERS Plan 1 retirees and beneficiaries to a minimum benefit of one thousand dollars, adjusted by the same actuarial reduction factors as were used to calculate their benefit at the time of retirement; or for beneficiaries, at the time benefit payments commenced.

(1) Do I qualify for the adjusted minimum benefit?

(a) Except as provided in (b) of this subsection:

(i) You qualify if you are a PERS Plan 1 retiree and you:

(A) Have at least twenty-five years of PERS service credit;

(B) Have been retired at least twenty years; and

(C) Have a current retirement benefit, including adjustments, that is less than the amount of the adjusted minimum benefit.

(ii) You qualify if you are a PERS Plan 1 member's beneficiary, as defined in RCW 41.40.010 (14)(a), and:

(A) The member had at least twenty-five years of PERS service credit;

(B) The member and/or beneficiary have been receiving benefits for at least twenty years; and

(C) Your current retirement benefit, including adjustments, is less than the amount of the adjusted minimum benefit.

(b) You do not qualify if you are a retiree or beneficiary who receives a duty disability retirement allowance under RCW 41.40.220(1) or a statewide cities employee's retirement duty disability retirement allowance under RCW 41.44.170 (3) or (5).

(2) How is the amount of the adjusted minimum benefit calculated? The benefit calculation starts with one thousand dollars and is adjusted by the same factors that were used to calculate the benefit at the time of retirement.

(3) What factors are used to calculate the amount of the adjusted minimum benefit? The factors used to calculate the minimum benefit are:

(a) Annuity withdrawal;

(b) Early retirement;

(c) Automatic cost of living (COLA) increases chosen at retirement;

(d) Joint survivor option chosen at retirement;

(e) Extra contributions made by the member;

(f) Survivor percentage. See Example 2 in this subsection.

Example 1: At the time of retirement, Bill withdrew his contributions and chose a joint and 50% survivor option, with Betty as his beneficiary. The one thousand dollar minimum benefit will be adjusted by the same factors that were used to calculate Bill's original benefit, as follows:

Minimum benefit per RCW 41.32.4851	\$1000.00
Reduction for contribution withdrawal	-\$140.00
Adjustment for the joint survivor option	-\$129.00
Bill's adjusted minimum benefit	\$731.00

Example 2: Betty is Bill's beneficiary. After Bill's death, Betty receives 50% of the amount of his benefit. For Betty, the \$1,000 minimum benefit will be adjusted by the same factors that were used to calculate Bill's original benefit, and also by the survivor percentage (50%) chosen at the time of Bill's retirement:

PROPOSED

PROPOSED

Minimum benefit per RCW 41.32.4851	\$1000.00
Reduction for contribution withdrawal	-\$140.00
Adjustment for the joint survivor option	-\$129.00
Retiree's adjusted minimum benefit as calculated in Example 1	\$731.00
Survivor percentage (which, in this case, is 50% because of the survivor option selected at the time of retirement)	-\$365.50
Betty's adjusted minimum benefit	\$365.50

See WAC 415-02-300 through 415-02-380 for the tables, schedules, and factors the department uses to calculate benefits.

(4) **If the adjusted minimum benefit is less than my current benefit, will my benefit be reduced?** No, the department will compare the amount of the adjusted minimum benefit to your current benefit. You will always receive the higher of the two benefits.

(5) **If I qualify for the adjusted minimum benefit, when will I begin to receive the higher benefit?**

(a) If you meet the requirements as of July 1, 2004, you will begin receiving the adjusted minimum benefit, in lieu of your regular benefit, at the end of July 2004.

(b) If you qualify after July 1, 2004, you will automatically begin receiving the adjusted minimum benefit, in lieu of your regular benefit, at the end of the month in which you qualify.

(6) **Will I continue to get cost of living increases (COLAs) if I receive the adjusted minimum benefit?** No. Under the provisions of RCW 41.40.1984, the adjusted minimum benefit will not be adjusted for COLAs.

(7) **How long will I continue to receive the adjusted minimum benefit?** You will receive the adjusted minimum benefit until your original retirement benefit, plus on-going adjustments, exceeds the adjusted minimum benefit. At that time you will automatically start receiving the higher benefit.

Example: Joe retired with a survivor option, requiring an actuarial reduction of his monthly benefit (87% of full allowance). He received a 3% COLA each year. In 2004, Joe's retirement benefit was \$806.25. The following table shows how his benefit is compared to the adjusted minimum benefit from 2004 through 2008.

	Regular Benefit (including COLAs)	Adjusted Minimum Benefit (Fixed - No COLAs added)	Actual Amount Joe Received
2004	\$806.25 (benefit + COLAs)	\$870 (\$1,000 x .87)	\$870
2005	\$830.44 (\$806.25 + COLA)	\$870 (\$1,000 x .87)	\$870
2006	\$855.35 (\$830.44 + COLA)	\$870 (\$1,000 x .87)	\$870
2007	\$881.01 (\$855.35 + COLA)	No longer applicable	\$881.01
2008	\$907.44 (\$881.01 + COLA)	No longer applicable	\$907.44

This example assumes a three percent annual COLA.

NEW SECTION

WAC 415-112-555 What is the TRS Plan 1 "adjusted minimum benefit"? RCW 41.32.4851 entitles certain TRS Plan 1 retirees and beneficiaries to a minimum benefit of one thousand dollars, adjusted by the same actuarial reduction factors as were used to calculate their benefit at the time of retirement; or for beneficiaries, at the time benefit payments commenced.

(1) **Do I qualify for the adjusted minimum benefit?**

(a) Except as provided in (b) of this subsection:

(i) You qualify if you are a TRS Plan 1 retiree and you:

(A) Have at least twenty-five years of TRS service credit;

(B) Have been retired at least twenty years; and

(C) Have a current retirement benefit, including adjustments, that is less than the amount of the adjusted minimum benefit.

(ii) You qualify if you are a TRS Plan 1 member's beneficiary, as defined in RCW 41.32.010 (5)(a), and:

(A) The member had at least twenty-five years of TRS service credit;

(B) The member and/or beneficiary have been receiving benefits for at least twenty years; and

(C) Your current retirement benefit, including adjustments, is less than the amount of the adjusted minimum benefit.

(b) You do not qualify if you are receiving a temporary disability benefit under RCW 41.32.540.

(2) **How is the amount of the adjusted minimum benefit calculated?** The benefit calculation starts with one thousand dollars and is adjusted by the same factors that were used to calculate the benefit at the time of retirement.

(3) **What factors are used to calculate the amount of the adjusted minimum benefit?** The factors used to calculate the minimum benefit are:

(a) Annuity withdrawal;

(b) Early retirement;

(c) Automatic cost of living (COLA) increases chosen at retirement;

(d) Joint survivor option chosen at retirement;

(e) Extra contributions made by the member;

(f) Survivor percentage. See Example 2 in this subsection.

Example 1: At the time of retirement, Bill withdrew his contributions and chose a joint and 50% survivor option, with Betty as his beneficiary. The \$1,000 minimum benefit will be

adjusted by the same factors that were used to calculate Bill's original benefit, as follows:

Minimum benefit per RCW 41.32.4851	\$1000.00
Reduction for contribution withdrawal	-\$140.00
Adjustment for the joint survivor option	-\$129.00
Bill's adjusted minimum benefit	\$731.00

Example 2: Betty is Bill's beneficiary. After Bill's death, Betty receives 50% of the amount of his benefit. For Betty, the \$1,000 minimum benefit will be adjusted by the same factors that were used to calculate Bill's original benefit, and also by the survivor percentage (50%) chosen at the time of Bill's retirement:

Minimum benefit per RCW 41.32.4851	\$1000.00
Reduction for contribution withdrawal	-\$140.00
Adjustment for the joint survivor option	-\$129.00
Retiree's adjusted minimum benefit as calculated in Example 1	\$731.00
Survivor percentage (which, in this case, is 50% because of the survivor option selected at the time of retirement)	-\$365.50
Betty's adjusted minimum benefit	\$365.50

See WAC 415-02-300 through 415-02-380 for the tables, schedules, and factors the department uses to calculate benefits.

	Regular Benefit (including COLAs)	Adjusted Minimum Benefit (Fixed - No COLAs added)	Actual Amount Joe Received
2004	\$806.25 (benefit + COLAs)	\$870 (\$1,000 x .87)	\$870
2005	\$830.44 (\$806.25 + COLA)	\$870 (\$1,000 x .87)	\$870
2006	\$855.35 (\$830.44 + COLA)	\$870 (\$1,000 x .87)	\$870
2007	\$881.01 (\$855.35 + COLA)	No longer applicable	\$881.01
2008	\$907.44 (\$881.01 + COLA)	No longer applicable	\$907.44

This example assumes a three percent annual COLA.

WSR 04-17-080
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY
 [Filed August 16, 2004, 11:25 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Amending Regulation I, Sections 3.11, 3.25, 12.03, and 13.07 (recodified as 13.03); repealing Regulation I, Sections 11.01, 11.02, 13.02, 13.03, 13.04, and 13.05; and adopting Regulation I, Section 13.02.

(4) **If the adjusted minimum benefit is less than my current benefit, will my benefit be reduced?** No, the department will compare the amount of the adjusted minimum benefit to your current benefit. You will always receive the higher of the two benefits.

(5) **If I qualify for the adjusted minimum benefit, when will I begin to receive the higher benefit?**

(a) If you meet the requirements as of July 1, 2004, you will begin receiving the adjusted minimum benefit, in lieu of your regular benefit, at the end of July 2004.

(b) If you qualify after July 1, 2004, you will automatically begin receiving the adjusted minimum benefit, in lieu of your regular benefit, at the end of the month in which you qualify.

(6) **Will I continue to get cost of living increases (COLAs) if I receive the adjusted minimum benefit?** No. Under the provisions of RCW 41.32.4851, the adjusted minimum benefit will not be adjusted for COLAs.

(7) **How long will I continue to receive the adjusted minimum benefit?** You will receive the adjusted minimum benefit until your original retirement benefit, plus on-going adjustments, exceeds the adjusted minimum benefit. At that time you will automatically start receiving the higher benefit.

Example: Joe retired with a survivor option, requiring an actuarial reduction of his monthly benefit (87% of full allowance). He received a 3% COLA each year. In 2004, Joe's retirement benefit was \$806.25. The following table shows how his benefit is compared to the adjusted minimum benefit from 2004 through 2008.

Hearing Location(s): Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, September 23, 2004, at 9:15 a.m.

Date of Intended Adoption: September 23, 2004.

Submit Written Comments to: Lynn Hughes, Puget Sound Clean Air Agency, 110 Union Street, #500, Seattle, WA 98101, e-mail lynn@pscleanair.org, fax (206) 343-7522, by September 22, 2004.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by September 16, 2004, TTY (800) 833-6388 or (800) 833-6385 (Braille).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Article 3: To adjust the maximum Civil Penalty amount for inflation and

PROPOSED

update the Federal Regulation Reference Date; Article 11: To repeal Ambient Air Quality Standards; Article 12: To delete "control officer" and remove reference language in the Continuous Emission Monitoring Systems rules; and Article 13: To adopt by reference chapter 173-433 WAC, Solid Fuel Burning Devices.

Reasons Supporting Proposal: Article 3: Without the adjustment for inflation, the maximum civil penalty amount would effectively decrease each year; and the federal regulation reference date needs to be kept current; Article 11: These standards were included only for informational purposes and are readily available elsewhere including EPA, DOE, and the agency website; Article 12: These changes comply with EPA regulatory requirements; and Article 13: This change minimizes overlapping rules at the state and local levels.

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: RCW 70.94.141.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect the amendments to Articles 3, 12, and 13.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053; and Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to local air agencies, per RCW 70.94.141.

August 13, 2004

James Nolan
Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 3.11 CIVIL PENALTIES

(a) Any person who violates any of the provisions of ((E))chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed ((\$14,243.00)) \$14,300.00 per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to ((E))chapter 70.94 RCW or Regulations I, II, and III of the Puget Sound Clean Air Agency shall be liable for a civil penalty of not more than ((\$14,243.00)) \$14,300.00 for each day of continued noncompliance.

(c) Within ((15)) 30 days after receipt of a Notice and Order of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. Any such request must contain the following:

(1) The name, mailing address, telephone number, and telefacsimile number (if available) of the ((appealing)) party requesting mitigation;

(2) A copy of the Notice and Order of Civil Penalty ((appealed from)) involved;

(3) A short and plain statement showing the grounds upon which the ((appealing)) party requesting mitigation considers such order to be unjust or unlawful;

(4) A clear and concise statement of facts upon which the ((appealing)) party requesting mitigation relies to sustain his or her grounds for ((appeal)) mitigation;

(5) The relief sought, including the specific nature and extent; and

(6) A statement that the ((appealing)) party requesting mitigation has read the ((notice of appeal)) mitigation request and believes the contents to be true, followed by the party's signature. Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(d) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to ((E))chapter 43.21B RCW and ((E))chapter 371-08 WAC if the appeal is filed with the Hearings Board and served on the Agency within 30 days after receipt by the person penalized of the notice imposing the penalty or 30 days after receipt of the notice of disposition on the application for relief from penalty.

(e) A civil penalty shall become due and payable on the later of:

(1) 30 days after receipt of the notice imposing the penalty;

(2) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or

(3) 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(f) If the amount of the civil penalty is not paid to the Agency within 30 days after it becomes due and payable, the Agency may bring action to recover the penalty in King County Superior Court or in the superior court of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(g) Civil penalties incurred but not paid shall accrue interest beginning on the 91st day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the 31st day following final resolution of the appeal.

(h) To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of Regulations I, II, and III which shall be enforced as provided in RCW 60.36.050.

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AMENDATORY SECTION**REGULATION I SECTION 3.25 FEDERAL REGULATION REFERENCE DATE**

Whenever federal regulations are referenced in Regulation I, II, or III, the effective date shall be July 1, ~~((2003))~~ 2004.

REPEALER**REGULATION I SECTION 11.01 AMBIENT AIR QUALITY STANDARDS****REPEALER****REGULATION I SECTION 11.02 AMBIENT AIR MONITORING****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-P))~~ 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.)~~

(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))~~ as of the federal regulation reference date listed in Section 3.25 of this regulation herein incorporated by reference, 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 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.

REPEALER**REGULATION I SECTION 13.02 DEFINITIONS****REPEALER****REGULATION I SECTION 13.03 OPACITY STANDARDS****REPEALER****REGULATION I SECTION 13.04 PROHIBITED FUEL TYPES**

REPEALER**REGULATION I SECTION 13.05 CURTAILMENT****NEW SECTION****REGULATION I SECTION 13.02 GENERAL CONDITIONS FOR SOLID FUEL BURNING DEVICES**

In addition to the provisions of this regulation, the Agency adopts by reference and enforces the following provisions for solid fuel burning devices established by the Washington State Department of Ecology:

WAC 173-433-030	Definitions. (effective 4/20/91)
WAC 173-433-110	Opacity standards. (effective 3/6/93)
WAC 173-433-120	Prohibited fuel types. (effective 4/20/91)
WAC 173-433-130	General emission standards. (effective 4/20/91)
WAC 173-433-140	Impaired air quality criteria. (1)(b), (2), (3), and (4) (effective 4/20/91)
First Stage of Impaired Air Quality has the meaning contained in RCW 70.94.473(b)	
WAC 173-433-150	Curtailment. (effective 4/20/91)

AMENDATORY SECTION**REGULATION I SECTION ((13.07)) 13.03 CONTINGENCY PLAN**

The following provision is established for the sole purpose of a contingency measure to meet the requirements of Section 172 (c)(9) of the federal Clean Air Act. If the U.S. Environmental Protection Agency makes written findings that: (1) an area has failed to attain or maintain the national ambient air quality standard, and (2) in consultation with the Washington Department of Ecology and the Agency, finds that the emissions from solid fuel burning devices are a contributing factor to such failure to attain or maintain the standard, the use of woodstoves not meeting the standards set forth in RCW 70.94.457 shall be prohibited within the area determined by the Agency to have contributed to the violation. This provision shall take effect one year after such a determination.

WSR 04-17-081
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed August 16, 2004, 11:26 a.m.]

Continuance of WSR 04-13-038.

Preproposal statement of inquiry was filed as WSR 04-10-080.

Title of Rule and Other Identifying Information: Repeal of wildlife taken on reservation rule.

This filing is solely for purposes of considering the rule at a later date.

Hearing Location(s): Chelan County Auditorium, 400 Douglas, Wenatchee, WA 98801, November 5-6, 2004, begins 8:00 a.m. on November 5.

Date of Intended Adoption: November 5, 2004.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail jacobesj@dfw.wa.gov, fax 902-2155, by November 3, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by October 22, 2004, TTY (360) 2267 [902-2267] or (360) 902-2207.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: See WSR 04-13-038.

Reasons Supporting Proposal: See WSR 04-13-038.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Department of Fish and Wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, (360) 902-2930; Implementation: Phil Anderson, 1111 Washington Street, Olympia, WA, (360) 902-2720; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. See WSR 04-13-038.

A cost-benefit analysis is not required under RCW 34.05.328. Rule not subject to RCW 34.05.328.

August 16, 2004
 Evan Jacoby
 Rules Coordinator

WSR 04-17-083
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed August 16, 2004, 11:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-04-004.

Title of Rule and Other Identifying Information: WAC 415-02-175 May I purchase service credit for the time I was on an unpaid authorized leave of absence?, 415-104-374 LEOFF Plan 2 part-time leave of absence, 415-108-491 Salary imputed to periods of unpaid leave, and 415-110-491 Salary imputed to periods of unpaid leave.

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on September 21, 2004, at 1:30 p.m.

Date of Intended Adoption: No sooner than September 23, 2004.

Submit Written Comments to: Leslie L. Saeger, Rules Coordinator, Department of Retirement Systems, P.O. Box

48380, Olympia, WA 98504-8380, e-mail leslies@drs.wa.gov, fax (360) 753-3166 by 5:00 p.m. on September 21, 2004.

Assistance for Persons with Disabilities: Contact Leslie L. Saeger, Rules Coordinator, by September 14, 2004, TDD (360) 664-7291, TTY (360) 586-5450, phone (360) 664-7291.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 415-02-175, provides information for members of PERS Plan 2 and Plan 3, TRS Plan 2 and Plan 3, SERS Plan 2 and Plan 3, and LEOFF Plan 2 who wish to purchase service credit for time spent on unpaid authorized leave of absence. Amendments are being proposed to WAC 415-104-374, 415-108-491, 415-110-491, and 415-112-250 to replace duplicative information with citations to the new rule.

Reasons Supporting Proposal: To explain existing legal requirements and agency policy.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.40.710, 41.40.805, 41.32.810, 41.32.865, 41.35.470, 41.35.650, 41.26.520, 41.50.165.

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

Name of Proponent: Department of Retirement Systems, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Saeger, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dorothy Bailey, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules have no effect on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

August 13, 2004

Leslie Saeger

Rules and Contacts Coordinator

NEW SECTION

WAC 415-02-175 May I purchase service credit for the time I was on an unpaid authorized leave of absence?

(1) Will I get service credit for the time I was on an unpaid authorized leave of absence? You will receive service credit for the period of time you are on an unpaid authorized leave of absence, up to a maximum of twenty-four service credit months during your entire working career, provided:

(a) You are a member of PERS Plan 2 or Plan 3, TRS Plan 2 or Plan 3, SERS Plan 2 or Plan 3, or LEOFF Plan 2;

(b) Your leave of absence was authorized by your employer;

(c) You resumed employment according to the requirements in subsection (3) of this section; and

(d) You purchase the service credit for the period of leave according to the provisions in this section.

(2) How does an unpaid authorized leave of absence affect my retirement? If you purchase service credit for the

period of time you were on an unpaid authorized leave of absence:

(a) It will be used as part of your total service credit to determine retirement eligibility and pension; but

(b) The period of time you were on leave will not be included in your average final compensation period.

Example:

Joseph has the following earnable compensation prior to retirement:

YR 1	\$30,000
YR 2	\$35,000
YR 3	\$40,000
YR 4	\$45,000
YR 5	\$50,000
YR 6	Unpaid leave of absence for entire year
YR 7	\$55,000

Joseph's AFC period will be YR 2, YR 3, YR 4, YR 5, and YR 7.

(3) Do I qualify to purchase this service credit? As a requirement for purchasing this service credit, you must resume employment within the same retirement system you left.

(a) After resuming employment, you may request, and pay for, service credit whether you are a contributing member or whether you become inactive.

(b) If you are a law enforcement officer in LEOFF Plan 2 and took a part-time unpaid leave of absence while you worked part-time, you may request service credit only after returning to full-time employment with the employer that authorized your leave of absence. In this case, you may only request part-time service credit for the portion of time you were on unpaid leave of absence.

(4) How do I request this service credit? If you desire to purchase the service credit for unpaid authorized leave of absence, you must contact the department. The department will obtain written verification from your employer confirming the months of your authorized leave of absence and your salary for the months preceding and following the leave.

(5) How does the department determine the cost of purchasing this service credit?

(a) In order to purchase service credit for the period of time you were on leave of absence, you must pay the employee and employer retirement contributions, plus applicable interest. LEOFF Plan 2 members must also pay the contributions normally paid by the state.

(b) The amount of the employee and employer contributions is calculated as follows:

(i) For TRS members, the salary upon which contributions are calculated is determined by averaging the salary earned for the school year, as defined in RCW 28A.150.040, prior to your unpaid leave of absence and the salary earned in the school year after you returned to work. If you were on leave of absence for less than the entire school year, that year's salary will be prorated according to the number of months you were on leave of absence.

(ii) For law enforcement officers in LEOFF Plan 2 who took a part-time unpaid leave of absence while working part-

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time, the salary upon which contributions are calculated is determined by:

(A) Averaging your basic salary during the last full month of employment before your part-time leave of absence, and your basic salary during the first full month after you return to full-time employment; and

(B) Multiplying the monthly salary determined according to (b)(ii)(A) of this subsection by the number of months you were on leave.

(iii) For members of other systems, the salary upon which contributions are calculated is determined by:

(A) Averaging the compensation earned during the last full month of employment before your leave of absence, and the compensation you earned during the first full month after you returned to work; and

(B) Multiplying the monthly salary determined according to (b)(iii)(A) of this subsection by the number of months you were on leave.

If you worked part-time prior to the leave of absence, partial month wages will be used to estimate your average salary. In this case, you may only purchase part-time service credit for the period of time you were on leave of absence.

(6) What is the payment process for purchasing this service credit?

(a) You may purchase this service credit in one payment, or make payments at any time until the deadline expires.

(b) Interest will accrue on the unpaid balance until payment is made in full.

(c) The department will accept funds that have been rolled over from a tax-deferred retirement account for the purchase of the service credit. However, the amount you may roll over is limited to the purchase price of the service credit. If the rollover amount does not cover the entire purchase price, you must pay the additional amount within thirty days of the rollover. If the balance is not paid within thirty days, the rollover funds will be returned to the original financial institution.

(d) If you took more than one authorized leave of absence, the department will bill you separately for each occurrence. Service credit will be granted for each occurrence only after the bill for that period is paid in full.

(7) What is the deadline for purchasing this service credit? Except as provided in subsection (9) of this section:

(a) If you are a member of PERS Plan 2, SERS Plan 2, or LEOFF Plan 2, payment in full must be received within five years from the initial date of your return to an eligible position, or prior to your retirement, whichever occurs first.

(b) If you are a member of PERS Plan 3 or SERS Plan 3, payment in full must be received prior to your retirement.

(c) If you are a member of TRS Plan 2 or Plan 3, payment in full must be received by August 31st of the fifth school year, as defined in RCW 28A.150.040, after you return to employment or prior to your retirement, whichever comes first. The school year during which you return to work will be counted as year one.

(8) What if I do not make payment in full by the deadline?

(a) If you are a Plan 2 member and do not make payment in full by the deadline, the amount you paid will be refunded to you.

(b) If you are a Plan 3 member and do not make payment by the deadline, the portion of your payments that were:

(i) Employer contributions will be refunded to you; and

(ii) Employee contributions will be deposited into your defined contribution account and available to you only upon separation from service.

(c) If you are a Plan 2 member, the department will refund partial payments prior to the deadline upon your request.

(d) If you are a PERS Plan 2, SERS Plan 2, or TRS Plan 2 member and transfer to Plan 3 prior to making payment in full:

(i) The department will refund any partial payments; and

(ii) You must reapply under Plan 3 if you still wish to purchase this service credit.

(9) What is the exception to the deadline? After your initial deadline has passed, you retain the right to purchase this service credit until the date of your retirement. However, the purchase price will be equal to the full actuarial value of the increase in benefit that results from the purchased service credit. You may use the two-part formula in WAC 415-10-040 to determine actuarial value.

(10) What state law applies to purchasing service credit for an unpaid authorized leave of absence?

(a) PERS Plan 2: RCW 41.40.710;

(b) PERS Plan 3: RCW 41.40.805;

(c) TRS Plan 2: RCW 41.32.810;

(d) TRS Plan 3: RCW 41.32.865;

(e) SERS Plan 2: RCW 41.35.470;

(f) SERS Plan 3: RCW 41.35.650;

(g) LEOFF Plan 2: RCW 41.26.520;

(h) Deadline extension: RCW 41.50.165.

AMENDATORY SECTION (Amending WSR 02-18-047, filed 8/28/02, effective 9/1/02)

WAC 415-104-374 LEOFF Plan 2 part-time leave of absence. (1) What are the LEOFF Plan 2 part-time leave rules for law enforcement officers?

(a) You must be a current LEOFF Plan 2 *law enforcement* member;

(b) Your employer must authorize you to work part time and go on an unpaid part-time leave of absence;

(c) While in part-time work/part-time leave status, you cannot do any other work for pay for your employer; and

(d) When you return to full-time employment, the employment must be with the same employer who granted you the part-time leave.

(2) May I purchase service credit for periods of part-time leave?

~~((a) You may purchase service credit for any periods of any type of unpaid leave of absence, but only up to a lifetime maximum of two years of service credit.~~

~~(b) In purchasing service credit, you must pay the member, employer, and state contributions, plus interest. The contributions required will be based on the average of your basic salary at the time the employer granted your authorized leave of absence and your basic salary at the time you resumed full-time employment.~~

(c) ~~You must complete the service credit purchase within five years of your return to full-time employment, or prior to your retirement, whichever is earlier.~~

(d) ~~If you fail to complete the service credit purchase within five years of your return to full-time employment, you may purchase the service credit by paying the amount required under RCW 41.50.165(2) prior to retirement.) See WAC 415-02-175 for information about purchasing service credit for an unpaid authorized leave of absence.~~

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-108-491 Salary imputed to periods of unpaid leave. In some circumstances specified in statute, a member may choose to establish service credit for periods of unpaid leave. The salary imputed to a member for purposes of calculating contributions owing for such periods of leave is not reportable compensation. Depending on the type of leave, the imputed compensation may or may not be included as average final compensation in calculating a member's retirement allowance.

(1) ~~((Authorized unpaid leave. RCW 41.40.710 provides Plan 2 members with an option to establish service credit for periods of unpaid leave. RCW 41.40.805 provides Plan 3 members with an option to establish service credit for periods of unpaid leave. RCW 41.40.038 provides members with an option to establish service credit for periods of disability covered by industrial insurance. Salary imputed to members in order to calculate contributions for such periods is not reportable compensation and can not be included as average final compensation in calculating a member's retirement allowance.) Unpaid authorized leave of absence. For information about purchasing service credit for periods of unpaid authorized leave of absence, see:~~

~~(a) Plan 2: WAC 415-02-175 and RCW 41.40.710; and~~

~~(b) Plan 3: WAC 415-02-175 and RCW 41.40.805.~~

~~(2) Periods of disability. See RCW 41.40.038 for information about establishing service credit for periods of disability covered by industrial insurance.~~

~~(3) Military leave. For Plan 2 and Plan 3, salary imputed to a member for purposes of calculating contributions owing for periods of interrupted military service is not reportable compensation. Federal law requires that if a member chooses to purchase credit for such periods of military service, and that period falls in the member's average final compensation period, the member is entitled to have the imputed salary he or she would have earned during the period of absence used in the calculation of his or her average final compensation.~~

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-491 Salary imputed to periods of unpaid leave. In some circumstances specified in statute, a member may elect to establish service credit for periods of unpaid leave. The salary imputed to a member for purposes of calculating contributions owing for such periods of leave is not reportable compensation. Depending on the type of leave, the imputed compensation may or may not be included

as average final compensation in calculating a member's retirement allowance.

(1) ~~((Authorized unpaid leave. RCW 41.35.470 (Plan 2) and RCW 41.35.650 (Plan 3) provides members with an option to establish service credit for periods of unpaid leave. RCW 41.35.070 provides members with an option to establish service credit for periods of disability covered by industrial insurance. Salary imputed to members in order to calculate contributions for such periods is not reportable compensation and can not be included as average final compensation in calculating a member's retirement allowance.) Unpaid authorized leave of absence. For information about purchasing service credit for periods of unpaid authorized leave of absence, see:~~

~~(a) Plan 2: WAC 415-02-175 and RCW 41.35.470; and~~

~~(b) Plan 3: WAC 415-02-175 and RCW 41.35.650.~~

~~(2) Periods of disability. See RCW 41.35.070 for information about establishing service credit for periods of disability covered by industrial insurance.~~

~~(3) Military leave. Salary imputed to a member for purposes of calculating contributions owing for periods of interrupted military service is not reportable compensation. Federal law requires that if a member elects to purchase credit for such periods of military service, and that period falls in the member's average final compensation period, the member is entitled to have the imputed salary he or she would have earned during the period of absence used in the calculation of his or her average final compensation.~~

WSR 04-17-085

PROPOSED RULES

BOARD OF ACCOUNTANCY

[Filed August 16, 2004, 1:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-033.

Title of Rule and Other Identifying Information: WAC 4-25-400 What is the authority for and the purpose of the board's rules?, 4-25-410 Definitions, 4-25-510 What is the board's meeting schedule and how are officers elected?, 4-25-540 What rules govern the proceedings before the board?, 4-25-550 Do I need to notify the board if I change my address?, 4-25-551 Must I respond to inquiries from the board?, 4-25-610 Which rules govern the conduct of CPAs?, 4-25-620 What are the requirements concerning integrity and objectivity, 4-25-626 What restrictions govern commissions, referral, and contingent fees?, 4-25-630 What are the requirements concerning competence?, 4-25-631 With which rules, regulations and professional standards must a CPA, CPA firm, and firm owner comply?, 4-25-640 What are the requirements concerning records and clients confidential information?, 4-25-650 What acts are considered discreditable?, 4-25-660 What are the limitations on advertising and other forms of solicitation?, 4-25-661 What are the limitations regarding firm names?, 4-25-670 What enforcement actions must be reported to the board?, 4-25-710 What are the education requirements to qualify to apply for the CPA examination?, 4-25-720 How do I apply to take the CPA examination?, 4-

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25-721 What does the board consider to be cheating on the CPA examination, what actions may the board take if cheating is suspected, and what sanctions may the board impose if cheating occurs?, 4-25-730 What are the experience requirements in order to obtain a CPA license?, 4-25-735 What rules must a certificateholder comply with and how does a certificateholder apply for licensure?, 4-25-745 How do I apply for an initial CPA license?, 4-25-746 How do I apply for a Washington state CPA license if I hold a valid CPA license in another state?, 4-25-750 What are the CPA firm licensing requirements?, 4-25-783 How do I renew a Washington CPA certificate and/or license granted through foreign reciprocity?, 4-25-790 How do I renew my individual license, certificate, or registration as a resident nonlicensee firm owner?, 4-25-791 I am a certificateholder. Prior to July 1, 2001, I held a license. How do I apply to return to my previous status as a licensee?, 4-25-792 How do I reinstate a lapsed individual license, certificate, or registration as a resident nonlicensee firm owner?, 4-25-793 If I am retired, how do I apply to return to my previous status as a licensee or a certificateholder?, 4-25-795 How do I reinstate a revoked or suspended license, certificate, or registration as a resident nonlicensee firm owner?, 4-25-830 What are the CPE requirements?, 4-25-831 What are the program standards for CPE?, and 4-25-910 What are the bases for the board to impose discipline?

Hearing Location(s): Ridpath WestCoast Hotel, 515 West Sprague Avenue, Spokane, WA 99201, on October 28, 2004, at 1:00 p.m.

Date of Intended Adoption: October 29, 2004.

Submit Written Comments to: Dana M. McInturff, Executive Director, P.O. Box 9131, Olympia, WA 98507-9131, e-mail webmaster@cpboard.wa.gov, fax (360) 664-9190, by October 15, 2004.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by October 18, 2004, TTY (800) 833-6384 or (360) 664-9194.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: General Note: The transition period implemented by the revisions to chapter 18.04 RCW (the Public Accountancy Act) passed through the 2001 Legislative Session (E2SSB 5593) ended June 30, 2004. Effective July 1, 2004, all certificateholders must use the CPA-Inactive title. Board rules currently include "certificateholders" in the definition of "CPA." Now that 100% of the certificateholders must use the title "CPA-Inactive," the rules need to be changed to address the required "CPA-Inactive" title use and to also ensure that CPA-Inactive certificateholders understand the rules continue to apply to them. Virtually all of the rules need language clean up to address this clarification.

WAC section:	The suggested revision:
WAC 4-25-400	Addresses the required title usage: CPA-Inactive.
	<ul style="list-style-type: none"> Adds a definition of "applicant" which was incorporated by way of SB 6123 into RCW 18.04.295: The board shall have the power to: Revoke, suspend, {+ or +} refuse to {+ issue,

WAC section:	The suggested revision:
WAC 4-25-410	<p>+) renew, or reinstate a license or certificate; impose a fine in an amount not to exceed thirty thousand dollars plus the board's investigative and legal costs in bringing charges against a certified public accountant, a certificate holder, a licensee, a licensed firm, {+ an applicant, a non-CPA violating the provisions of RCW 18.04.345,+) or a nonlicensee holding an ownership interest in a licensed firm; may impose full restitution to injured parties; may impose conditions precedent to renewal of a certificate or a license; or may prohibit a nonlicensee from holding an ownership interest in a licensed firm, for any of the following causes:...</p> <ul style="list-style-type: none"> Adds Public Company Accounting Oversight Board (PCAOB) auditing standards to the list of what "attest services" includes. Revises the definition of "certificateholder," "CPA," and "rules of professional conduct" to address the new CPA-Inactive title use requirement. Adds the definition of "CPA-Inactive" and clarifies what is meant by "Inactive." Clarifies that "entering the state" means spending more than 200 billable work hours in any calendar year because the current definition is too vague and too difficult to apply. Eliminates the definition of "enterprise" because the term is no longer used in the rules. Clarifies what is meant by "interactive self-study program." Clarifies that "licensee" means both an individual CPA and a CPA firm (note - this definition is established in chapter 18.04 RCW). Adds clarifying information to the definition of "public practice," "reciprocity," and "reports on financial statements."
WAC 4-25-510	Eliminates the December board meeting and establishes the October meeting as the board's annual meeting.
WAC 4-25-540	<ul style="list-style-type: none"> Clarifies the language to address the new CPA-Inactive title. Adds firm license amendments to those applications subject to brief adjudicative proceedings (BAP). Adds clarifying language to note that both the executive director and the vice-chair may delegate the position of presiding officer for a BAP and BAP appeal, respectively. Other verbiage improvements.
WAC 4-25-550	<ul style="list-style-type: none"> Reflects the new CPA-Inactive title use requirement. Adds the requirement that applicants must notify the board of a change in address. Clarifies that firms must notify the board of changes in the main office or a branch office.
WAC 4-25-551	<ul style="list-style-type: none"> Reflects the new CPA-Inactive title use requirement. Adds the requirement that applicants must respond to board inquiries.

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WAC section:	The suggested revision:
WAC 4-25-610	Adds clarifying language to reflect the new CPA-Inactive title use requirement plus other general language clarifications.
WAC 4-25-620	Adds clarifying language to reflect the new CPA-Inactive title use requirement.
WAC 4-25-626	Adds clarifying language to reflect the new CPA-Inactive title use requirement plus other general language clarifications.
WAC 4-25-630	Adds clarifying language to reflect the new CPA-Inactive title use requirement.
WAC 4-25-631	<ul style="list-style-type: none"> Clarifies language to reflect the new CPA-Inactive title use requirement. Adds the Public Company Accounting Oversight Board (PCAOB) as a regulatory body. Corrects the language referring to statements of financial accounting standards. Adds the new AICPA statements on standards for litigation services and the standards issued by the PCAOB as required standards. For clarification, adds IRS Circular 230 (compliance with IRS standards is required by way of the first two paragraphs of the rule).
WAC 4-25-640	Adds clarifying language to reflect the new CPA-Inactive title use requirement.
WAC 4-25-650	Adds clarifying language to reflect the new CPA-Inactive title use requirement.
WAC 4-25-660	<ul style="list-style-type: none"> Clarifies language to reflect the new CPA-Inactive title use requirement. Establishes the requirement for all regulated individuals to post their current license, certificate validation, or registration in their main office and in a location that is visible and easily accessible to the public. Eliminates the subsection regarding when certificateholders must display the title "CPA-Inactive" because as of July 1, 2004, all certificateholders must use the title "CPA-Inactive."
WAC 4-25-661	Establishes the requirement that individuals may only use the CPA or CPA-Inactive title in association with the name that they have registered with the board. To use the title with a nonregistered name could be considered false and or misleading to the public.
WAC 4-25-670	Clarifies language to reflect the new CPA-Inactive title use requirement.
WAC 4-25-710	<ul style="list-style-type: none"> Clarifies the number of quarter hours that equates to semester hours. Aligns the definition of an upper division course to reflect a meaning more in line with how colleges and universities define the term "upper division." Moves the current 1.5 credit multiplier for graduate level course credits from board policy to the rule. One hundred twenty day provision changes: Colleges and universities are offering courses that are up to five months in length where the course is set up to support preparing for the entire exam; however, the attendees study and prepare to sit for one section of the exam at a time. This change extends the current one hundred twenty day provision to one hundred eighty days to ensure applicants are able to take

WAC section:	The suggested revision:
	<p>the sections in alignment with these college courses designed to support their study (and not have to delay taking sections of the exam until they are one hundred twenty days away from the end of the course). Also, the revision changes the requirement so that applicants must submit documentation of meeting the one hundred eighty day requirement within two hundred ten days of first sitting for the exam. This will support administration of the examination files.</p> <ul style="list-style-type: none"> Clarifies the "accreditation standards" do in fact allow community college credits earned after the individual was awarded a degree. Clarifies the name of the NW Commission on Colleges and Universities. Clarifies that the board does not provide education credential evaluation services. Includes other verbiage improvements.
WAC 4-25-720	<ul style="list-style-type: none"> Eliminates the pre-January 1, 2004, application requirements. Moves the following from board policy to the rule: (1) Requirement for completing an application within sixty days, (2) the current fee refund/forfeiture provision, and (3) current passing score of seventy-five. Eliminates the provisions related to a pre-January 1, 2004, notice of denied application. Aligns the language in the rule to the national language re: Notice to schedule (NTS).
WAC 4-25-721	Aligns the rule with the 2004 SB 6123 changes to RCW 18.04.295 which authorizes the board to fine and recover legal and investigative costs from individuals found guilty of cheating on the CPA exam.
WAC 4-25-730	<ul style="list-style-type: none"> Clarifies the verifying CPA requirements currently established in policy. Revises language based on the CPA-Inactive title requirements. Moves the applicant records retention requirements from board policy to rule and extends the applicant's required record retention period from one year to three years. Establishes a specific time period in which a board audit of experience must occur (within three years after licensure).
WAC 4-25-735	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements and the fact that all certificateholders must now use the CPA-Inactive title. Adds references to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements. Eliminates the reference to a fee (there is no fee for a CPA-Inactive certificateholder to convert to a license). Clarifies the language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.
WAC 4-25-745	<ul style="list-style-type: none"> Because of the high number of individuals who reference this particular rule, for clarity includes the CPE requirements for licensure.

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WAC section:	The suggested revision:
	<ul style="list-style-type: none"> Currently individuals who allow four years (or more) to lapse between passing the exam and applying for a license must meet the CPE requirements that a CPA must complete in order to qualify for renewal (one hundred twenty hours, limited to twenty-four hours of nontechnical, and including four hours of ethics). The suggested revision changes the licensure requirement so that the four CPE hours in ethics must be completed within the six months of applying for a license. This will help ensure the applicant will be current on the ethics requirements for holding a CPA license in Washington state. Clarifies the language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.
WAC 4-25-746	<ul style="list-style-type: none"> Adds the new interstate reciprocity statutory provision (from SB 6123) allowing for licensure via interstate reciprocity if the CPA has three years public practice experience out of the prior five years. Clarifies the language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.
WAC 4-25-750	<ul style="list-style-type: none"> Clarifies the language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license. Eliminates the requirement to name the corporate directors, LLC managers and all officers. Clarifies the reasons/justification that the board will consider when approving a late fee waiver request. Eliminates the requirement to report as a firm amendment the opening, closing or relocating a main or a branch office (this requirement is governed by WAC 4-25-550 Do I need to notify the board if I change my address?).
WAC 4-25-783	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements. Adds a reference to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements. Clarifies the language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license. Includes other minor verbiage improvements.
WAC 4-25-790	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements. Adds a reference to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements. Clarifies the reasons/justification that the board will consider when approving a late fee waiver request. Clarifies that if a CPA-Inactive certificate-holder allows their certificate to lapse, they may not use the title.

WAC section:	The suggested revision:
WAC 4-25-791	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements. Clarifies that the "CPA" title may not be used until notice of licensure has been received from the board. Adds a reference to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements. Clarifies the language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.
WAC 4-25-792	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements. Adds a reference to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements. Moves the following three provisions from board policy to rule: (1) That the reinstatement is effective until June 30th of the 3rd calendar year following reinstatement; (2) the CPE reporting period for the next renewal begins on January 1st of the calendar year in which the reinstatement occurs; and (3) CPE used for reinstatement purposes cannot be reused for renewal. Adds that title use is contingent upon receipt of notice from the board. Adds language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.
WAC 4-25-793	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements. Adds a reference to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements. Requires the applicant to certify, under the penalty of perjury, that they have not used the title when their license or certificate was retired. Moves the following provisions from board policy to rule: (1) That renewal is effective until June 30th of the 3rd calendar year following reinstatement; (2) the CPE reporting period for the next renewal begins on January 1st of the calendar year in which the renewal after retirement occurs; and (3) CPE used for renewal after retirement purposes cannot be reused for renewal. Clarifies the language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license. Includes other verbiage improvements.
WAC 4-25-795	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements. Adds a reference to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements.

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WAC section:	The suggested revision:
	<ul style="list-style-type: none"> Moves the following provisions from Board policy to rule: (1) That renewal is effective until June 30th of the 3rd calendar year following reinstatement; (2) the CPE reporting period for the next renewal begins on January 1st of the calendar year in which the reinstatement occurs; and (2) [(3)] CPE used for reinstatement purposes cannot be reused for renewal. Adds that the title use is contingent upon receipt of notice from the board. Adds language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license. Includes other verbiage improvements.
WAC 4-25-830	<ul style="list-style-type: none"> Requires that beginning with CPE reporting periods starting January 1, 2006, or later that the required ethics CPE must be a course that has been approved by the board and the CPE must contain specific information (board rules, AICPA code, variances between the rules and the code). Revises language per the new CPA-Inactive title requirement. CPE requirement to renew a retired license or certificate: Moves the requirement for CPE to be completed within the thirty-six month period immediately preceding the submission of the application from board policy to rule and changes the requirement so that the required ethics CPE must be completed within the six months before the application is submitted (previously was within thirty-six months preceding application). CPE requirement for a certificateholder applying for a license: Eliminates the incremental requirement for CPE depending upon the length of time a certificateholder held a certificate because as of July 1, 2004, all certificateholders will have held their certificates for three years or more. CPE requirement for reinstatement: Changes the CPE ethics requirement so it must be completed within six months of applying for a license (previously was within thirty-six months preceding application). Clarifies the reasons/justification the board will consider when granting a CPE waiver request (based on board history). Includes other verbiage improvements.
WAC 4-25-831	<ul style="list-style-type: none"> Clarifies the language regarding what is a qualifying program. Adds that volunteer board service qualifies for up to thirty-two hours of technical CPE. Eliminates the (now) duplicate provision regarding ethics CPE applicable to the practice of public accounting in Washington state. Includes other verbiage improvements.
WAC 4-25-910	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements. As a result of SB 6123 that changed the provisions of chapter 18.04 RCW, adds "applicants" to several examples of prohibited acts.

Reasons Supporting Proposal: The board's goal with all of its rule proposals is to:

- Promote clarity.
- Ensure effective communication.
- Ensure fairness in interpretation and application of the rules.
- Promote efficiencies through minimizing gray areas.

Statutory Authority for Adoption:

WAC section:	Statutory authority for adoption:	Statute being implemented:
WAC 4-25-400	RCW 18.04.055	RCW 18.04.055
WAC 4-25-410	RCW 18.04.055	RCW 18.04.055
WAC 4-25-510	RCW 18.04.055 and 42.30.070	RCW 18.04.055 and 42.30.070
WAC 4-25-540	RCW 18.04.055(1), 34.05.222, and 34.05.482	RCW 18.04.055(1), 34.05.222, and 34.05.482
WAC 4-25-550	RCW 18.04.055(16)	RCW 18.04.055(16)
WAC 4-25-551	RCW 18.04.055(16)	RCW 18.04.055(16)
WAC 4-25-610	RCW 18.04.055(2)	RCW 18.04.055(2)
WAC 4-25-620	RCW 18.04.055(2)	RCW 18.04.055(2)
WAC 4-25-626	RCW 18.04.055(2)	RCW 18.04.055(2)
WAC 4-25-630	RCW 18.04.055(2)	RCW 18.04.055(2)
WAC 4-25-631	RCW 18.04.055(2)	RCW 18.04.055(2)
WAC 4-25-640	RCW 18.04.055(2), 18.04.390 (4)(b), RCW 18.04.405(1)	RCW 18.04.055(2), 18.04.390 (4)(b), RCW 18.04.405(1)
WAC 4-25-650	RCW 18.04.055(2)	RCW 18.04.055(2)
WAC 4-25-660	RCW 18.04.055(2)	RCW 18.04.055(2)
WAC 4-25-661	RCW 18.04.055 (4), (8), 18.04.345(5)	RCW 18.04.055 (4), (8), 18.04.345(5)
WAC 4-25-670	RCW 18.04.195 (10)(b), 18.04.215 (9)(b)	RCW 18.04.195 (10)(b), 18.04.215 (9)(b)
WAC 4-25-710	RCW 18.04.055(5) and 18.04.105(1)	RCW 18.04.055(5) and 18.04.105(1)
WAC 4-25-720	RCW 18.04.105(2)	RCW 18.04.105(2)
WAC 4-25-721	RCW 18.04.105(2)	RCW 18.04.105(2)
WAC 4-25-730	RCW 18.04.955(11), 18.04.105 (1)(d)	RCW 18.04.955(11), 18.04.105 (1)(d)
WAC 4-25-735	RCW 18.04.055(12), 18.04.105(4)	RCW 18.04.055(12), 18.04.105(4)
WAC 4-25-745	RCW 18.04.055, 18.04.105(1), 18.04.215(1)	RCW 18.04.055, 18.04.105(1), 18.04.215(1)
WAC 4-25-746	RCW 18.04.180, 18.04.215(6)	RCW 18.04.180, 18.04.215(6)
WAC 4-25-750	RCW 18.04.055(8), 18.04.195, 18.04.205	RCW 18.04.055(8), 18.04.195, 18.04.205
WAC 4-25-783	RCW 18.04.183, 18.04.215(2)	RCW 18.04.183, 18.04.215(2)
WAC 4-25-790	RCW 18.04.215 (2), (4)	RCW 18.04.215 (2), (4)
WAC 4-25-791	RCW 18.04.215 (2), (4)	RCW 18.04.215 (2), (4)
WAC 4-25-792	RCW 18.04.215 (2), (4)	RCW 18.04.215 (2), (4)
WAC 4-25-793	RCW 18.04.215(7)	RCW 18.04.215(7)
WAC 4-25-795	RCW 18.04.215(2), 18.04.335, 34.05.220	RCW 18.04.215(2), 18.04.335, 34.05.220

PROPOSED

WAC section:	Statutory authority for adoption:	Statute being implemented:
WAC 4-25-830	RCW 18.04.055(7), 18.04.215(5)	RCW 18.04.055(7), 18.04.215(5)
WAC 4-25-831	RCW 18.04.055(7), 18.04.215(5)	RCW 18.04.055(7), 18.04.215(5)
WAC 4-25-910	RCW 18.04.055(16), 18.04.295, 18.04.305	RCW 18.04.055(16), 18.04.295, 18.04.305

Statute Being Implemented: See Statutory Authority above.

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

Name of Proponent: Primarily the Washington State Board of Accountancy, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, Olympia, Washington, (360) 586-0163.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule(s) will not have more than minor economic impact on business.

A cost-benefit analysis is not required under RCW 34.05.328. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.-328.

August 12, 2004

Dana M. McInturff, CPA, CFE
Executive Director

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-400 What is the authority for and the purpose of the board's rules? The Public Accountancy Act (act), chapter 18.04 RCW, establishes the board as the licensing and disciplinary agency for certified public accountants (CPA), CPA-Inactive certificateholders, CPA firms, and owners of CPA firms. The act authorizes the board to promulgate rules to carry out the purpose of the act, which include:

- Protecting the public interest;
- Enhancing the reliability of information used for guidance in financial transactions or for accounting for or assessing financial status or performance;
- Establishing one set of qualifications to be a licensee;
- Assuring that CPAs practicing in Washington have substantially equivalent qualifications to those practicing in other states;
- Regulating ownership of CPA firms;
- Publishing consumer alerts and public protection information regarding persons and firms who violate the act or board rules; and
- Providing general consumer protection information to the public.

The board's rules, contained in chapter 4-25 WAC, encompass these subjects:

- Definitions;
- Administration of the board;
- Ethics and prohibited practices;
- Entry and renewal requirements;
- Continuing competency; and

- Regulation and enforcement.

AMENDATORY SECTION (Amending WSR 03-24-033, filed 11/25/03, effective 12/31/03)

WAC 4-25-410 Definitions. For purposes of these rules the following terms have the meanings indicated unless a different meaning is otherwise clearly provided in these rules:

(1) "**Act**" means the Public Accountancy Act codified as chapter 18.04 RCW.

(2) "**Active individual participant**" means a natural person whose primary occupation is at the firm or affiliated entity's business. An individual whose primary source of income from the business entity is provided as a result of passive investment is not an active individual participant.

(3) "**Affiliated entity**" means any entity, entities or persons that directly or indirectly through one or more relationships influences or controls, is influenced or controlled by, or is under common influence or control with other entities or persons. This definition includes, but is not limited to, parents, subsidiaries, investors or investees, coinvestors, dual employment or management in joint ventures or brother-sister entities.

(4) "**Applicant**" means an individual who has applied:

(a) To take the CPA exam;

(b) For a CPA license, a CPA firm license, registration as a resident nonlicensee owner, or practice privileges;

(c) To renew a CPA license, a CPA-Inactive certificate, a CPA firm license, or registration as a resident nonlicensee firm owner;

(d) To reinstate a CPA license, a CPA-Inactive certificate, or registration as a resident nonlicensee firm owner.

(5) "**Attest services**" are services performed by a licensee in accordance with:

(a) Statements on Auditing Standards and related Auditing Interpretations issued by the American Institute of Certified Public Accountants (AICPA);

(b) Statements on Standards for Accounting and Review Services and related Accounting and Review Services Interpretations issued by the AICPA; ~~((and))~~

(c) Statements on Standards for Attestation Engagements and related Attestation Engagements Interpretations issued by the AICPA; or

(d) Auditing standards issued by the Public Company Accounting Oversight Board (PCAOB).

~~((5))~~ (6) "**Audit**," "**review**," and "**compilation**" are terms reserved for use by licensees and individuals granted practice privileges under the act.

~~((6))~~ (7) "**Board**" means the board of accountancy created by RCW 18.04.035.

~~((7))~~ (8) "**Certificate**" means a certificate as a CPA-Inactive issued in the state of Washington prior to July 1, 2001, as authorized by the act, unless otherwise defined in rule.

~~((8))~~ (9) "**Certificateholder**" means the holder of a valid CPA-Inactive certificate ((as a certified public accountant who has)) where the individual is not ((become)) a licensee((-has maintained CPE requirements;)) and ((who does not practice)) is prohibited from practicing public accounting.

~~((9))~~ (10) "Client" means the person or entity that retains a CPA firm, a CPA, the CPA's firm, or a firm owner, an affiliated entity, or the owner of an affiliated entity through other than an employer/employee relationship.

~~((10))~~ (11) "Commissions and referral fees" are compensation arrangements where:

(a) The primary contractual relationship for the product or service is not between the client and the CPA firm, the CPA, the CPA's firm, or a firm owner;

(b) The CPA firm, the CPA, the CPA's firm, or a firm owner is not primarily responsible to the client for the performance or reliability of the product or service;

(c) The CPA firm, the CPA, the CPA's firm, or a firm owner adds no significant value to the product or service; or

(d) A third party instead of the client pays the CPA firm, the CPA, the CPA's firm, or a firm owner for the products or services.

~~((11))~~ (12) "Contingent fees" are fees established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service.

~~((12))~~ (13) "CPA" or "certified public accountant" means a natural person holding a ~~((CPA certificate or a))~~ CPA license to practice public accounting recognized in the state of Washington, including a person granted practice privileges pursuant to RCW 18.04.350(2).

~~((13))~~ (14) "CPA-Inactive" means a natural person holding a CPA-Inactive certificate recognized in the state of Washington. An individual holding a CPA-Inactive certificate is prohibited from practicing public accounting and may only use the CPA-Inactive title if they are not offering accounting, tax, tax consulting, management advisory, or similar services to the public.

(15) "CPE" means continuing professional education ~~((see also "Interactive self-study program"))~~.

~~((14))~~ (16) "Entering the state" means an individual is practicing public accounting in the state of Washington and that individual spends more than ~~((ten percent of his or her total))~~ two hundred billable work hours in any calendar year on activities conducted within the state of Washington, maintains an office or workstation in the state of Washington or advertises to provide his or her services within the state of Washington.

~~((15))~~ "~~Enterprise~~" means ~~any person or entity, whether organized for profit or not, with respect to which a CPA firm, a CPA, a CPA's firm, or a firm owner performs professional services.~~

(16)) (17) "Firm" means a sole proprietorship, a corporation, or a partnership. "Firm" also means a limited liability company formed under chapter 25.15 RCW.

~~((17))~~ (18) "Generally accepted accounting principles" (GAAP) is an accounting term that encompasses the conventions, rules, and procedures necessary to define accepted accounting practice at a particular time. It includes not only broad guidelines of general application, but also detailed practices and procedures. Those conventions, rules, and procedures provide a standard by which to measure financial presentations.

~~((18))~~ (19) "Generally accepted auditing standards" (GAAS) are guidelines and procedures, promulgated by the AICPA, for conducting individual audits of historical financial statements.

~~((19))~~ (20) "Holding out" means any representation to the public by the use of restricted titles as set forth in RCW 18.04.345 by a person or firm that the person or firm holds a license or practice privileges under the act and that the person or firm offers to perform any professional services to the public as a licensee. "Holding out" shall not affect or limit a person or firm not required to hold a license under the act from engaging in practices identified in RCW 18.04.350.

~~((20))~~ (21) "Inactive" means the ~~((certificate is in an inactive status because a))~~ person ~~((, who))~~ held a valid certificate on June 30, 2001, has not met the current requirements of licensure and has been granted CPA-Inactive certificate-holder status through the renewal process established by the board. A CPA-Inactive may not practice public accounting nor may the individual use the CPA-Inactive title if they are offering accounting, tax, tax consulting, management advisory, or similar services to the public.

~~((21))~~ (22) "Independence" means an absence of relationships that impair a licensee's impartiality and objectivity in rendering attest services.

~~((22))~~ (23) "Interactive self-study program" means a CPE program ~~((designed to use learning methodologies that simulate a classroom learning process by employing software or administrative systems that provide significant ongoing interactive feedback to learners regarding their learning progress))~~ that provides feedback throughout the course.

~~((23))~~ (24) "IRS" means Internal Revenue Service.

~~((24))~~ (25) "License" means a license to practice public accountancy issued to an individual ~~((under the act))~~ or a ~~((license issued to a))~~ firm under the act.

~~((25))~~ (26) "Licensee" means ~~((the holder of))~~ an individual or firm holding a valid license to practice public accountancy issued under the act.

~~((26))~~ (27) "Manager" means a manager of a limited liability company licensed as a firm under the act.

~~((27))~~ (28) "NASBA" means the National Association of State Boards of Accountancy.

~~((28))~~ (29) "Natural person" means a living, human being.

~~((29))~~ (30) "Nonlicensee owner" means a CPA firm owner who is not licensed in any state to practice public accountancy.

~~((30))~~ (31) "PCAOB" means Public Company Accounting Oversight Board.

~~((31))~~ (32) "Peer review" means a study, appraisal, or review of one or more aspects of the attest work of a licensee or licensed firm in the practice of public accountancy, by a person or persons who hold licenses and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures, but not including the "quality assurance review" under RCW 18.04.-025(14).

~~((32))~~ (33) "Practice privileges" means an individual:

- Has a principal place of business outside of Washington state;

- Is licensed to practice public accounting in another state;
- Has notified the board of intent to enter the state;
- Meets the statutory criteria for a grant of privileges;
- Is subject to discipline in the state of Washington; and
- Must comply with the act and all board rules applicable to Washington state licensees to retain the privilege.

((33)) (34) "**Principal place of business**" means a single fixed location designated by the individual from which the individual directs, controls, and coordinates the majority of his or her business activities.

((34)) (35) "**Public practice**" or the "**practice of public accounting**" means performing or offering to perform by a person or firm holding itself out to the public as a licensee, or as an individual holding practice privileges, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters. The "practice of public accounting" shall not include practices that are permitted under the provisions of RCW 18.04.350(6) by persons or firms not required to be licensed under the act.

((35)) (36) "**Quality assurance review or QAR**" is the process, established by and conducted at the direction of the board, of study, appraisal, or review of one or more aspects of the attest work of a licensee or licensed firm in the practice of public accountancy, by a person or persons who hold licenses and who are not affiliated with the person or firm being reviewed.

((36)) (37) "**Reciprocity**" means board recognition of licenses, permits, certificates or other ~~((professional))~~ public accounting credentials of another jurisdiction that the board will rely upon in full or partial satisfaction of licensing requirements.

((37)) (38) "**Referral fees**" see definition of "commissions and referral fees" in subsection ~~((10))~~ (11) of this section.

((38)) (39) "**Reports on financial statements**" means any reports or opinions prepared by licensees, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services, as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of ~~((commercial and noncommercial enterprises))~~ an entity, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting. "Reports on financial statements" does not include services referenced in RCW 18.04.350(6) provided by persons not holding a license under the act.

((39)) (40) "**Representing oneself**" for the purposes of RCW 18.04.295(2) and WAC 4-25-910(3), means having a license, practice privilege, certificate or registration that entitles the holder to use the title "CPA," "CPA-Inactive," or be a nonlicensee firm owner.

((40)) (41) "**Rules of professional conduct**" means rules adopted by the board to govern the conduct of CPAs

and CPA firms while representing themselves to others as CPAs. These rules also govern the conduct of CPA-Inactive certificateholders, nonlicensee firm owners, and ~~((all persons using the title CPA or CPA-Inactive))~~ persons granted practice privileges pursuant to RCW 18.04.350(2).

~~((41))~~ (42) "**SEC**" means the Securities and Exchange Commission.

~~((42))~~ (43) "**State**" includes the states and territories of the United States, including the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

~~((43))~~ (44) "**Statements on auditing standards (SAS)**" are interpretations of the generally accepted auditing standards and are issued by the Auditing Standards Board of the AICPA. Licensees are required to adhere to these standards in the performance of audits of financial statements.

~~((44))~~ (45) "**Statements on standards for accounting and review services (SSARS)**" are standards, promulgated by the AICPA, to give guidance to licensees who are associated with the financial statements of nonpublic companies and issue compilation or review reports.

~~((45))~~ (46) "**Statements on standards for attestation engagements (SSAE)**" are guidelines, promulgated by the AICPA, for use by licensees in attesting to assertions involving matters other than historical financial statements and for which no other standards exist.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-510 What is the board's meeting schedule and how are officers elected? Regular board meetings begin at 9:00 a.m. on the last Friday of the month in the months of January, April~~(;)~~ and July ~~((and October))~~. The board holds an annual meeting beginning at 9:00 a.m. on the ~~((second))~~ last Friday of ~~((December))~~ October.

The board consists of nine members. At the annual meeting the board elects the chair, vice-chair, and secretary from its members. The newly elected officers assume the duties of their offices ~~((at the conclusion of the meeting and))~~ on January 1 following the annual board meeting. Officers serve a term of one year ~~((-Officers))~~ and can be reelected for one additional term.

Either the chair or a quorum of the board has the authority to call meetings of the board. The chair presides at all meetings. In the event of the chair's absence or inability to act, the vice-chair presides. The board determines other duties of the officers.

The board's meetings are open public meetings conducted pursuant to chapter 42.30 RCW. WAC 4-25-521 provides information on how to contact the board's office for meeting times and locations or additional information regarding the board's activities.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-540 What rules govern the proceedings before the board? Except where they are inconsistent with the rules in this chapter and subject to additional rules that the board may adopt from time to time, practice and procedure in and before the board are governed by the uniform procedural

rules codified in the Washington Administrative Code, chapter 10-08 WAC.

For certain types of decisions, the board has adopted an appeal process authorized by RCW 34.05.482 through 34.05.494 which is called a brief adjudicative proceeding. Decisions to which this appeal process will be applied are:

- (1) Denials of initial individual license applications, renewals, or applications for reinstatement;
- (2) Denials of CPA-Inactive certificate renewals or applications for reinstatement;
- (3) Denials of practice privilege;
- (4) Denials of initial resident nonlicensee firm owner registration applications, renewals, or applications for reinstatement;
- (5) Denials of initial firm license applications (~~and~~), renewals, and amendments;
- (6) Denials of exam applications; and
- (7) A determination whether a licensee (~~or~~), CPA-Inactive certificateholder, or registered nonlicensee firm owner has been certified by a lending agency and reported for non-payment or default on a federally or state-guaranteed student loan or service conditional scholarship. To appeal a decision you must submit your request for a brief adjudicative proceeding, in writing, to the board within thirty days after the decision by board staff is posted in the U.S. mail. The presiding officer for the brief adjudicative proceedings is the executive director, or designee. After consulting with a board member, the executive director, or designee, renders a decision either upholding or overturning the decision by board staff. This decision, called an order, is mailed to you.

If you are dissatisfied with the order in the brief adjudicative proceeding, you may appeal to the board's vice-chair, or designee. This appeal process is called an administrative review. Your appeal must be received by the board, orally or in writing, within twenty-one days after the brief adjudicative proceedings order is posted in the U.S. mail. The vice-chair, or designee, considers your appeal and either upholds or overturns the brief adjudicative proceeding order. The vice-chair's, or designee's, decision, also called an order, is mailed to you.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-550 Do I need to notify the board if I change my address? Yes. All CPAs, CPA-Inactive certificateholders, CPA firms licensed with the board, (~~and~~) individuals registered with the board as resident nonlicensee firm owners, and applicants must notify the board in writing within thirty days of any change of address. Firms must notify the board of any opening, closing, or relocation of the main office or a branch office.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-551 Must I respond to inquiries from the board? Yes. All CPAs, CPA-Inactive certificateholders, CPA firms licensed with the board, (~~and~~) individuals registered with the board as resident nonlicensee firm owners, and applicants must respond, in writing, to board communica-

tions requesting a response. Your response must be made within twenty days of the date the board's communication is posted in the U.S. mail. Communications from the board to you are directed to the last address you furnished the board.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-610 Which rules govern the conduct of CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners? The rules that govern the conduct of CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners are as follows:

(1) **Professional judgment** - In carrying out their responsibilities, a person representing oneself as a CPA, CPA-Inactive certificateholder, or using the CPA or CPA-Inactive title, CPA firms, and firm owners must exercise professional judgment in all their activities.

(2) **The public interest** - A person representing oneself as a CPA, CPA-Inactive certificateholder, or using the CPA or CPA-Inactive title, CPA firms, and firm owners must accept the obligation to act in a way that will serve the public interest, honor the public trust, and demonstrate commitment to professionalism.

(3) **Integrity** - To maintain and broaden public confidence a person representing oneself as a CPA, CPA-Inactive certificateholder, or using the CPA or CPA-Inactive title, CPA firms, and firm owners must perform all professional responsibilities with the highest sense of honesty.

(4) **Objectivity** - Objectivity is to be maintained by a person representing oneself as a CPA, CPA-Inactive certificateholder, or using the CPA or CPA-Inactive title, CPA firms, and firm owners. Specifically, a person representing oneself as a CPA, CPA-Inactive, or using the CPA or CPA-Inactive title, CPA firms, and firm owners must:

((4)) (a) Avoid rendering professional services where actual or perceived conflicts of interest exist;

((2)) (b) Be independent in fact and appearance when providing attestation services.

(5) **Due care** - A person representing oneself as a CPA, CPA-Inactive certificateholder, or using the CPA or CPA-Inactive title, CPA firms, and firm owners must comply with federal and state laws and the profession's technical and ethical standards, maintain competence and strive to improve the quality of services, and discharge professional responsibility to the best of the person's or the firm's ability.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-620 What are the requirements concerning integrity and objectivity? When offering or performing services, CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners must:

- Remain honest and objective;
- Not misrepresent facts;
- Not subordinate their judgment to others; and
- Remain free of conflicts of interest unless such conflicts are specifically permitted by board rule or professional standards listed in WAC 4-25-631.

If the language of the professional standards listed in WAC 4-25-631 differ from or conflict with specific board rules, board rules prevail.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-626 What restrictions govern commissions, referral, and contingent fees? For the purposes of this section, the term "licensed firm" includes any affiliated ((entities)) entity(ies) and the term "firm owner" includes the owner(s) of any affiliated ((entities)) entity(ies).

(1) A CPA, CPA-Inactive certificateholder, a firm owner, or a licensed firm must not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the CPA, CPA-Inactive certificateholder, the CPA's or CPA-Inactive certificateholder's firm, the owner's firm, or the firm performs attest services for that client. This prohibition applies during the period in which the CPA, CPA-Inactive certificateholder, the CPA's or CPA-Inactive certificateholder's firm, the owner's firm, or the firm is engaged to perform the attest services and the period covered by any historical financial statements involved in the attest services.

(2) A CPA, ((a)) CPA-Inactive certificateholder, licensed firm, or ((a)) firm owner who is not prohibited by this section from performing services for or receiving a commission and who is paid or expects to be paid a commission must disclose, consistent with the requirements set forth in subsection (7) of this section, that fact to any person or entity to whom the CPA, CPA-Inactive certificateholder, the CPA's or CPA-Inactive certificateholder's firm, the firm owner, the owner's firm, or the licensed firm recommends or refers a product or service to which the commission relates.

(3) A CPA, ((a)) CPA-Inactive certificateholder, firm owner, or ((a)) licensed firm accepting a referral fee for recommending or referring any services to any person or entity or who pays a referral fee to obtain a client must disclose, consistent with the requirements set forth in subsection (7) of this section, such acceptance or payment to the client.

(4) A CPA, ((a)) CPA-Inactive certificateholder, firm owner, or ((a)) licensed firm must not:

(a) Perform for a contingent fee any professional services for, or receive such a fee from a client for whom the CPA, CPA-Inactive certificateholder, the CPA's or CPA-Inactive certificateholder's firm, the firm owner, the owner's firm, or the licensed firm performs attest services; or

(b) Prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client.

(5) The prohibition in subsection (4)(a) of this section applies during the period in which the CPA, CPA-Inactive certificateholder, the CPA's or CPA-Inactive certificateholder's firm, the owner's firm, or the licensed firm is engaged to perform the attest services and the period covered by any historical financial statements involved in the attest services.

(6) Fees are not considered contingent if fixed by courts or other public authorities, or, in tax matters, if determined based on the results of judicial proceedings or the findings of

governmental agencies. Fees may vary depending, for example, on the complexity of services rendered.

(7) All CPAs, CPA-Inactive certificateholders, firm owners, and licensed firms who accept commission, referral and contingent fee arrangements must:

(a) Disclose the arrangement in writing and in advance of client acceptance;

(b) Disclose the method of calculating the fee or amount of fee;

(c) Specify the CPA's, CPA-Inactive certificateholder's, or firm owner's role as the client's advisor; and

(d) Obtain the client's consent to the fee arrangement in writing.

(8) Nothing in this rule shall be interpreted to preclude a CPA, CPA-Inactive certificateholder, firm owner, or licensed firm from purchasing, selling, or merging all or a portion of a CPA practice or to require disclosure to clients of terms or payments made or received pursuant to the purchase, sale, or merger.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-630 What are the requirements concerning competence? CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners must not undertake to perform any service as a CPA, CPA-Inactive certificateholder, CPA firm, or as a firm owner unless they can reasonably expect to complete the service with professional competence.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-631 With which rules, regulations and professional standards must a CPA, CPA-Inactive certificateholder, CPA firm, and firm owner comply? CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners must comply with rules, regulations, and professional standards promulgated by the appropriate bodies for each service undertaken. However, if the requirements found in the professional standards listed in this section differs from the requirements found in specific board rules, board rules prevail.

Such appropriate bodies include, but are not limited to, the Securities and Exchange Commission (SEC); the Public Company Accounting Oversight Board (PCAOB); the Financial Accounting Standards Board (FASB); the Governmental Accounting Standards Board (GASB); the Cost Accounting Standards Board (CASB); the Federal Accounting Standards Advisory Board (FASAB); the U.S. General Accounting Office (GAO); the Federal Office of Management and Budget (OMB); the Internal Revenue Service (IRS); the American Institute of Certified Public Accountants (AICPA), and federal, state, and local audit, regulatory and tax agencies.

Such standards include:

(1) Statements on Auditing Standards and related Auditing Interpretations issued by the AICPA;

(2) Statements on Standards for Accounting and Review Services and related Accounting and Review Services Interpretations issued by the AICPA;

(3) Statements on Governmental Accounting and Financial Reporting (~~(Services)~~) Standards issued by GASB;

(4) Statements on Standards for Attestation Engagements and related Attestation Engagements Interpretations issued by AICPA;

(5) Statements of Financial Accounting Standards, Interpretations, and Staff Position issued by FASB, together with those Accounting Research Bulletins and Accounting Principles Board Opinions which are not superseded by action of the FASB;

(6) Statement on Standards for Consulting Services issued by the AICPA;

(7) Statements on Quality Control Standards issued by the AICPA;

(8) Statements on Standards for Tax Services and Interpretation of Statements on Standards for Tax Services issued by the AICPA;

(9) Statements on Responsibilities in Personal Financial Planning Practice issued by the AICPA;

(10) Statements on Standards for Litigation Services issued by the AICPA;

(11) Professional Code of Conduct issued by the AICPA including interpretations and ethics rulings;

~~((11))~~ (12) Governmental Auditing Standards issued by the U.S. General Accounting Office;

~~((12))~~ (13) AICPA Industry Audit and Accounting Guides; ~~(and~~

~~(13))~~ (14) SEC Rules, Concept Releases, Interpretative Releases, and Policy Statements;

(15) Standards issued by the PCAOB; and
(16) IRS Circular 230.

If the professional services are governed by standards not included in subsections (1) through ~~((13))~~ (16) of this section, you must:

- Justify the departure from the standards listed in subsections (1) through ~~((13))~~ (16) of this section;
- Determine what standards are applicable; and
- Comply with the applicable standards.

Copies of the above standards may be inspected at the board's office.

AMENDATORY SECTION (Amending WSR 03-24-033, filed 11/25/03, effective 12/31/03)

WAC 4-25-640 What are the requirements concerning records and clients confidential information? (1) **Client:** The term "client" as used throughout this section includes former and current clients. For purposes of this section, a client relationship has been formed when confidential information has been disclosed by a prospective client in an initial interview to obtain or provide professional services.

(2) **Property of the licensee:** In the absence of an express agreement between the licensee and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a licensee incident to or in the course of professional service to clients, except reports submitted by a licensee, are the property of the licensee.

(3) **Sale or transfer of client records:** No statement, record, schedule, working paper, or memorandum, including electronic records, may be sold, transferred, or bequeathed

without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the licensee, partnership, limited liability company, or corporation, or any combined or merged partnership, limited liability company, or corporation, or successor in interest.

(4) **Confidential client communication or information:** A licensee, CPA-Inactive certificateholder, firm owner, or employee of a licensee must not without the consent of the client or the heirs, successors or personal representatives of the client disclose any confidential communication or information pertaining to the client obtained in the course of performing professional services.

This rule does not:

(a) Affect in any way a licensee's, CPA-Inactive certificateholder's, firm owner's, or employee of a licensee's obligation to comply with a lawfully issued subpoena or summons;

(b) Prohibit disclosures in the course of a quality review of a licensee's attest services;

(c) Preclude a licensee, CPA-Inactive certificateholder, firm owner, or employee of a licensee from responding to any inquiry made by the board or any investigative or disciplinary body established by law or formally recognized by the board. However, a licensee, CPA-Inactive certificateholder, firm owner, or employee of a licensee must not disclose or use to their own advantage any confidential client information that comes to their attention in carrying out their official responsibilities; or

(d) Preclude a review of client information in conjunction with a prospective purchase, sale, or merger of all or part of a CPA's practice.

(5) **Client records:** Licensees, CPA-Inactive certificateholders, and firm owners must furnish to their client or heirs, successors or personal representatives, upon request and reasonable notice:

(a) A copy of the licensee's, CPA-Inactive certificateholder's or firm owner's records, schedules, and electronic documents, to the extent that such records and schedules would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client, that the licensee, CPA-Inactive certificateholder, or firm owner removed from the client's premises or received for the client's account, including electronic documents; but the licensee, CPA-Inactive certificateholder, or firm owner may make and retain copies of such documents of the client when they form the basis for work done by the licensee, CPA-Inactive certificateholder, or firm owner.

Licensees, CPA-Inactive certificateholders, and firm owners must not refuse to return client records, including electronic documents, pending client payment of outstanding fees.

(6) **Audit and review record retention requirements:** For a period of seven years after a licensee concludes an audit or review the licensee must retain the following records and documents, including electronic records unless hard copies of such exist:

(a) Records forming the basis of the audit or review;

(b) Records documenting audit or review procedures applied;

(c) Records documenting evidence obtained including financial data, analyses, conclusions, and opinions related to the audit or review engagement; and

(d) Records documenting conclusions reached by the licensee in the audit or review engagement.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-650 What acts are considered discreditable? CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners must not:

- Commit, or allow others to commit in their name, any act that reflects adversely on their fitness to represent themselves as a CPA, CPA-Inactive certificateholder, CPA firm, or a firm owner;

- Seek to obtain clients by the use of coercion, intimidation or harassing conduct; or

- Permit others to carry out on their behalf, either with or without compensation, acts which violate the rules of conduct.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-660 What are the limitations on advertising and other forms of solicitation? (1) CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners must not make false, fraudulent, misleading, deceptive or unfair statements or claims regarding their services. Examples of such statements or claims include, but are not limited to, statements or claims which:

(a) Contain a misrepresentation of fact;

(b) Fail to make full disclosure of relevant facts;

(c) Imply your professional services are of an exceptional quality, which is not supported by verifiable facts;

(d) Create false expectations of favorable results;

(e) Imply educational or professional attainments, specialty designations, or licensing recognition not supported in fact; or

(f) Represent that professional services will be performed for a stated fee when this is not the case, or do not disclose variables that may reasonably be expected to affect the fees that will be charged.

(2) CPAs using the CPA title, CPA-Inactive certificateholders using the title CPA-Inactive, CPA firms, and registered nonlicensee firm owners are required to post their current Washington state license, postcard certificate validation, or registration in their main office in a location that is visible and easily accessible to the public.

(3) If you are a licensee using the CPA title to perform or solicit services via a website, you must either include a statement on the website that you hold a current Washington state license or provide a name and contact information for an individual in your organization who will respond to inquiries regarding individual license information within seven business days. The required information must be clearly visible and prominently displayed.

~~((3))~~ (4) If you are a CPA-Inactive certificateholder using the ~~((CPA or))~~ CPA-Inactive title to perform or solicit services via a website you must clearly, visibly, and prominently display the following on the website:

(a) That you hold a current Washington state CPA-Inactive certificate~~((:))~~;

(b) That you do not hold a license to practice public accounting~~((:))~~; and

(c) That Washington state law does not allow a ~~((certificateholder or a))~~ CPA-Inactive certificateholder to offer or provide accounting, auditing, attest, reports on financial statements, tax preparation or advisory, management advisory, consulting or similar services to the public in association with the use of the title "CPA," "Certified Public Accountant," "CPA-Inactive," or "Certified Public Accountant-Inactive."

~~((d))~~ After your first renewal cycle, you must display the information that you are a "CPA-Inactive."

(4)) (5) If you are a resident nonlicensee owner of a firm licensed by the board and you perform or solicit services in association with the firm via a website, you must clearly, visibly, and prominently display a statement that you are a nonlicensee owner registered with the Washington state board of accountancy or provide a name and contact information for an individual in your organization who will respond to inquiries regarding registration information within seven business days.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-661 What are the limitations regarding individual and firm names? A firm name that does not consist of the name(s) of one or more present or former owners must be approved in advance by the board as not being deceptive or misleading.

Misleading or deceptive firm names are prohibited. The following are examples of misleading firm names. The board does not intend this listing to be all inclusive. The firm name:

(1) Implies it is a legal entity when it is not such an entity (as by the use of the designations "P.C.," "P.S.," "Inc. P.S.," or "L.L.C.");

(2) Implies the existence of a partnership when one does not exist;

(3) Includes the name of a person who is neither a present nor a past owner of the firm; or

(4) Implies educational or professional attainments, specialty designations, or licensing recognition not supported in fact.

A licensee may not operate under an alias, a firm name, title, or "DBA" that differs from the firm name that is registered with the board. A CPA or a CPA-Inactive certificateholder may not use the title in association with a name that is not registered with the board.

AMENDATORY SECTION (Amending WSR 03-24-033, filed 11/25/03, effective 12/31/03)

WAC 4-25-670 What enforcement actions must be reported to the board? (1) A licensee, CPA-Inactive certificateholder, or nonlicensee firm owner must notify the board,

on a form and in the manner prescribed by board policy, within **thirty days** of the issuance of:

(a) A sanction, order, suspension, revocation, or modification of a license, certificate, permit or practice rights by the SEC, PCAOB, IRS, or another state board of accountancy for any cause other than failure to pay a professional license fee by the due date or failure to meet the continuing professional education requirements of another state board of accountancy; or

(b) Charges filed by the SEC, IRS, PCAOB, another state board of accountancy, or a federal or state taxing, insurance or securities regulatory body that the licensee, CPA-Inactive certificateholder, or nonlicensee firm owner committed a prohibited act that would be a violation of board ethical or technical standards.

(2) Sole practitioners are to report action pursuant to subsection (1) of this section taken against the sole practitioner, the sole practitioner's individual CPA license, the CPA firm, or the CPA firm license.

(3) Licensed CPA firms are not required to report on action taken against owners, principals, partners, or employees.

(4) If you hold a license or CPA-Inactive certificate issued through the foreign reciprocity provisions of the act, you must notify the board of any investigations undertaken, or sanctions imposed, by a foreign credentialing body against your foreign credential within thirty days of your receiving notice that an investigation has begun or a sanction was imposed.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-710 What are the education requirements to qualify to apply for the CPA examination? (1) **Education requirements:** Effective July 1, 2000, to apply for the CPA examination you must have completed:

(a) At least one hundred fifty semester hours (two hundred twenty-five quarter hours) of college education, including

(b) A baccalaureate or higher degree; and

(c) An accounting concentration as defined as at least:

(i) Twenty-four semester hours (thirty-six quarter hours) or the equivalent in accounting subjects of which at least fifteen semester hours must be at the upper division or graduate level (an upper division course is defined as a course (~~only available to students who have standing as a junior, senior, or graduate;~~) that frequently carries completion of (~~an elementary~~) a lower level course(s) as a prerequisite (~~for admission;~~) and is usually designated as "upper division" by the school offering the course); ~~(and)~~

(ii) Twenty-four semester hours (thirty-six quarter hours) or the equivalent in business administration subjects at the undergraduate or graduate level; and

(iii) For the purposes of meeting the board's accounting concentration requirement, individuals will be given 1.5 credits for each 1.0 graduate level credit of accounting courses taken.

(d) The board will not recognize accounting concentration credits awarded for "life experience" or similar activities

retroactively evaluated and recognized by colleges or universities. This restriction is not intended to apply to internships prospectively approved by colleges or universities.

(2) One hundred eighty-day provision: If you expect to meet the education requirements of this section within one hundred (~~twenty~~) eighty days following the examination, you (~~are~~) will be eligible to take the CPA examination provided you submit, on a form provided by the board's designee, signed confirmation from the university that you are enrolled in stating that you will meet the board's education requirements within one hundred (~~twenty~~) eighty days following the day you first sit for any one section of the examination. (~~If you are admitted to the examination on the expectation that you will complete the educational requirement within one hundred twenty days,~~) If you apply for the exam using the one hundred eighty-day provision, then within two hundred ten days of first sitting for any section of the exam, you must provide the board complete documentation demonstrating that you met the board's education requirements within one hundred eighty days of first sitting for any one section of the exam. If you do not provide such documentation within the required two hundred ten-day time period, your exam score(s) will not be released and you will not be given credit for (~~the examination or~~) any section(s) of the examination (~~unless you demonstrate you meet the education requirements within one hundred twenty days of that sitting~~). Applicants failing to provide such documentation must reapply as a first-time applicant.

~~((2))~~ **(3) Education obtained outside the United States:** If you obtained all or a portion of your education outside the United States you must have your education evaluated by a board approved foreign education credential evaluation service. The board will establish the criteria for board approval of foreign education credential evaluation services. The board will not provide education credential evaluation services.

~~((3))~~ **(4) Semester versus quarter hours:** As used in these rules, a "semester hour" means the conventional college semester hour. Your quarter hours will be converted to semester hours by multiplying them by two-thirds.

~~((4))~~ **(5) Accreditation standards:** For purposes of this rule, the board will recognize colleges and universities which are accredited in accordance with (a) through (c) of this subsection.

(a) (~~An~~) The accredited college or university (~~is a four-year degree-granting college or university~~) must be accredited at the time your (~~degree~~) education was (~~received~~) earned by virtue of membership in one of the following accrediting agencies:

(i) Middle States Association of College and Secondary Schools;

(ii) New England Association of Schools and Colleges;

(iii) North Central Association of Colleges and Secondary Schools;

(iv) Northwest Commission on Colleges and Universities (formerly the Northwest Association of Schools and Colleges);

(v) Southern Association of Colleges and Schools;

(vi) Western Association of Schools and Colleges; and

(vii) Accrediting Commission for Independent Colleges and Schools, or its predecessor, the Accrediting Commission of the Association of Independent Colleges and Schools.

(b) If an institution was not accredited at the time your ~~((degree))~~ education was ~~((received))~~ earned but is so accredited at the time your application is filed with the board, the institution will be deemed to be accredited for the purpose of (a) of this subsection provided that it:

(i) Certifies that your total educational program would qualify the applicant for graduation with a baccalaureate degree during the time the institution has been accredited; and

(ii) Furnishes the board satisfactory proof, including college catalogue course numbers and descriptions, that the pre-accrediting courses used to qualify you for a concentration in accounting are substantially equivalent to postaccrediting courses.

(c) If your degree was received at an accredited college or university as defined by (a) or (b) of this subsection, but the educational program which was used to qualify you for a concentration in accounting included courses taken at nonaccredited institutions, either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which your degree was received, provided the accredited institution either:

(i) Has accepted such courses by including them in its official transcript; or

(ii) Certifies to the board that it will accept such courses for credit toward graduation.

~~((5))~~ **(6) Alternative to accreditation:** If you graduated from a four-year degree-granting institution that was not accredited at the time your degree was received or at the time your application was filed, you will be deemed to be a graduate of a four-year accredited college or university if a credentials evaluation service approved by the board certifies that your degree is equivalent to a degree from an accredited college or university as defined in subsection ~~((4))~~ **(5)** of this section. The board does not provide education credential evaluation services.

AMENDATORY SECTION (Amending WSR 03-17-042, filed 8/15/03, effective 9/30/03)

WAC 4-25-721 What does the board consider to be cheating on the CPA examination, what actions may the board take if cheating is suspected, and what sanctions may the board impose if cheating occurs? (1) Cheating includes, but is not limited to:

(a) Unauthorized communication with others inside or outside of the examination room while the examination is in progress;

(b) Substitution by a candidate of another person to sit in the test site and take the examination on behalf of the candidate;

(c) Referencing crib sheets, text books, or other unauthorized material or electronic media inside or outside the examination room while the examination is in progress;

(d) Copying or attempting to copy another candidate's answers;

(e) Disclosing or attempting to disclose examination questions and/or answers to others;

(f) Bringing unauthorized prohibited items into the examination site or possessing unauthorized prohibited items in the examination site;

(g) Retaking or attempting to retake a section by an individual who holds a license or who has unexpired credit for passing the section, unless the individual has been expressly authorized by the board to participate in a "secret shopper" program.

(2) Cheating on the CPA examination is dishonesty directly related to the professional responsibilities of a CPA and demonstrates a lack of good character. When determining appropriate sanctions for cheating, the board may impose one or more of the following penalties:

(a) Enter a failing grade for any or all parts of the candidate's examination;

(b) Bar a candidate from taking future examinations;

~~((e))~~ (c) Notify other jurisdictions of the board's conclusions and order;

(d) Fine up to thirty thousand dollars;

(e) Recovery of investigative and legal costs; or

(f) Referral to the appropriate law enforcement agency(ies) for prosecution.

(3) If a candidate is suspected of cheating, the board or its representative(s) may expel the candidate from the examination or move the candidate suspected of cheating to a position in the test center that is away from other examinees or where the candidate may be more closely observed. The board or its representatives may require a candidate suspected of cheating, or a candidate who may have observed cheating, to respond to board inquiry. The board may schedule a hearing to determine the validity of the charge of cheating.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-730 What are the experience requirements in order to obtain a CPA license? Qualifying experience may be obtained through the practice of public accounting and/or employment in industry, academia, or government. Your experience may be obtained through one or more employers, with or without compensation, and may consist of a combination of full-time and part-time employment.

(1) Your experience must support the attainment of the competencies defined by subsection (2) of this section and:

(a) Cover a minimum twelve-month period (this time period does not need to be consecutive);

(b) Consist of a minimum of two thousand hours;

(c) Be obtained through the use of accounting, attest, management advisory, financial advisory, tax, tax advisory or consulting skills;

(d) Be verified by a licensed CPA as meeting the requirements identified in subsection (3) of this section; and

(e) Unless you meet the requirements of subsection (4) of this section, be obtained no more than eight years prior to the date the board receives your complete license application.

(2) **Competencies:** The experience must support the attainment of the following competencies:

- (a) Understand the rules of professional conduct contained in chapter 4-25 WAC;
- (b) Assess the achievement of an entity's objectives;
- (c) Develop documentation and sufficient data to support analysis and conclusions;
- (d) Understand transaction streams and information systems;
- (e) Assess risk and design appropriate procedures;
- (f) Make decisions, solve problems, and think critically in the context of analysis; and
- (g) Communicate scope of work, findings and conclusions effectively.

(3) **Verifying CPA:** To verify ~~((that the))~~ a candidate's ~~((has had))~~ experience ~~((supporting the attainment of the competencies;))~~ you must have held a valid CPA license to practice public accounting in Washington or another jurisdiction on the date that you verified the candidate's experience and also for a minimum of five years prior to verifying the candidate's experience ~~((t)).~~ The five years do not need to be consecutive~~((t))~~.

(4) **CPA-Inactive certificateholders applying for a license:** If you held a Washington state certificate on June 30, 2001, and you submit your application for a license by June 30, ~~((2004))~~ 2006, you may include experience obtained at any time during your lifetime.

(5) **Experience affidavit:** ~~((Both you and the CPA))~~ The applicant must verify that ~~((you))~~ they have met the experience requirements of this section on the appropriate form(s) provided by the board. The verifying CPA must certify that the applicant's experience meets subsection (2) of this section.

(6) **Records retention:** Candidates must maintain documentation supporting the representations made on their experience affidavit for a minimum of three years after the date the candidate's initial license is issued by the board.

(7) **Audit:** The board may audit compliance with these experience requirements at any time during the three-year period following the date the candidate's initial license is issued.

AMENDATORY SECTION (Amending WSR 03-17-041, filed 8/15/03, effective 9/30/03)

WAC 4-25-720 How do I apply to take the CPA examination? (1) Application form and due dates:

~~((a))~~ For examinations held prior to January 1, 2004:

~~(i) Your application to take the CPA examination must be made on a form provided by the board's designee and filed with the board's designee on or before March 1 for the May examination and September 1 for the November examination. Applications, including all required documentation, for the May examination must be postmarked by March 1 (and received by March 10). Applications, including all required documentation, for the November examination must be postmarked by September 1 (and received by September 10). An application is not considered filed until the board's designee has received the examination fee.~~

~~(ii) Proctoring CPA exam candidates: The board may agree to request the assistance of another accountancy board in proctoring Washington's applicants at out-of-state exam sites and may agree to proctor another accountancy board's applicants at a Washington exam site, both subject to space and staffing constraints. The board will not arrange for out-of-state proctoring for applicants domiciled out-of-state who wish to take the uniform CPA exam as Washington candidates. Such applicants must take the CPA exam in Washington on a space available basis.~~

~~(b) For examinations held after December 31, 2003:))~~ Your application to take the CPA examination must be made on a form provided by the board's designee and filed with the board's designee by the due date specified by the board on the application form. Applicants must submit all required documents to complete their application within sixty days of the date their application is received by the board's designee. Applicants are responsible for submitting all required documentation, application forms, and fees. Your application is not considered ~~((filed))~~ complete until all of the following are received by the board's designee:

- A fully completed application form;
- Fee(s);
- Proof that you have met the education requirements;
- Your proof of identity as determined by the board and specified on the application form;
- Other required supporting documents; and
- Proof from NASBA's National Candidate Data Base that you have not previously taken, or applied to take, the same section(s) of the exam during the current examination ~~((period))~~ window.

~~(2) ((Failure to attend the exam:))~~ **Fee refund and forfeiture:** Upon submission of your application to the board's designee, no portion of the administrative fee is refundable. Upon the board's submission of your authorization to test to the National Association of State Boards of Accountancy, no portion of the total exam fee (both administrative fee and section fee(s)) is refundable. If you fail to ((appear for examination)) meet the board's scheduling or admission requirements, you forfeit ((the fees charged for examination)) all of the exam fee(s) and you must reapply to take the section(s) of the exam.

(3) **Notice of admittance to the examination or denial of your application:**

~~((a))~~ For examinations held prior to January 1, 2004: Notice of the denial of your application, or notice of your admittance to the examination along with the time and place of the examination, will be mailed to you at least ten days prior to the date set for the examination.

~~(b) For examinations held after December 31, 2003:))~~ Notice of the denial of your application, or notice of your eligibility to take the examination will be ~~((mailed))~~ sent to you by the board's designee. You will contact the ~~((board's designee or the))~~ approved test site to schedule the time and location for your examination. ~~((Your))~~ The notice of eligibility to take the examination is called a Notice to Schedule (NTS), the NTS will be valid for one taking of the examination within the six months following the date of ((your notice of eligibility to take the examination)) the NTS.

(4) **Examination content:** The CPA examination shall test the knowledge and skills required for performance as an entry-level certified public accountant. The examination shall include the subject areas of accounting and auditing and related knowledge and skills as the board may require. The examination will consist of the following four sections: Auditing and attestation; financial, accounting and reporting; regulation; and business environment and concepts.

(5) **Examination, grading and conditioning:**

(a) **For examinations held prior to January 1, 2004:** The board uses all parts of the uniform CPA examination and the advisory grading services of the American Institute of Certified Public Accountants. Seventy-five or better is a passing grade for each section of the examination. Each time you sit for the examination you must take all sections you have not previously passed. You are required to pass all sections of the examination in order to qualify for a license. If at a given sitting of the examination you pass two or more, but not all sections of the examination, then you will receive credit for those sections that you pass and you will not be required to take those sections again provided:

(i) You took all unpassed sections of the examination at that sitting;

(ii) You attained a minimum grade of fifty on each section of the examination not passed at that sitting;

(iii) You pass the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;

(iv) At each subsequent sitting you take all sections not yet passed and you attain a minimum grade of fifty on those sections taken but not passed at that sitting; and

(v) In order to receive credit for passing additional sections in a subsequent sitting you attain a minimum grade of fifty on sections taken but not passed at that sitting.

(b) **For examinations held after December 31, 2003:** The board uses all parts of the uniform CPA examination and the advisory grading services of the American Institute of Certified Public Accountants.

(i) To qualify to apply for a license you must attain (~~the national uniform passing grade, approved by the board by policy;~~) a score of seventy-five on all four sections of the examination.

(ii) You may take the required four sections individually and in any order. Credit for any section(s) taken and passed after December 31, 2003, will be valid for eighteen months from the actual date you took the passed section, without having to attain a minimum score on any failed section(s) and without regard to whether you have taken other sections.

(iii) You must pass all four sections of the examination within a rolling eighteen-month period, which begins on the date that the first section(s) is passed. When determining the date that a section is passed the date that is used is the date that you took the exam section and not the date that your grade(s) is released.

(iv) You may not retake a failed section(s) in the same examination window. An examination window refers to a three-month period in which candidates have an opportunity to take the examination (comprised of two months in which the examination is available to be taken and one month in

which the examination will not be offered while routine maintenance is performed and the item bank is refreshed).

(v) In the event you do not pass all four sections of the examination within the rolling eighteen-month period, credit for any section(s) passed prior to the eighteen-month period will expire and you must retake that section(s).

(c) **Transitioning for candidates obtaining conditional credits under the provisions of (a) of this subsection:**

(i) If you earned conditional credit(s) under the provisions of (a) of this subsection and as of February 15, 2004, those conditional credits remained valid under the provisions of (a) of this subsection, you will retain conditional credit for the corresponding sections of the examination as follows:

Examination section taken prior to January 1, 2004	Examination section taken after December 31, 2003
Auditing	Auditing and Attestation
Financial Accounting and Reporting (FARE)	Financial Accounting and Reporting
Accounting and Reporting (ARE)	Regulation
Business Law and Professional Responsibilities (LPR)	Business Environment and Concepts

(ii) If you qualify for conditional credit(s) for a section of the examination under (c)(i) of this subsection, you will lose the conditional credit(s) for the section unless you complete all remaining section(s) of the examination within the transition period which is the lesser of:

- The maximum number of testing opportunities that you had remaining to complete all sections of the examination under the provisions of (a) of this subsection; or

- The number of remaining testing opportunities you had remaining to complete all sections of the examination under the provisions of (a) of this subsection multiplied by six months.

(iii) If you do not pass all remaining sections during the transition period, the conditional credit for the section(s) you passed under the provision of (a) of this subsection will become invalid. Any section you pass after December 31, 2003, will be subject to the provisions of (b) of this subsection with the following exception:

- You will not lose conditional credit for any section passed during the transition period, even though more than eighteen months may have elapsed from the date the section is passed, until the end of your transition period.

(iv) You will retain credit for any and all sections of an examination passed in another state if credit would have been given under the Washington state requirements in effect on the date you took the examination.

(v) If you pass a section of the examination, the date you took the section of the examination is the date you receive credit for passing the section.

(6) **Ethics exam:** Upon passing the CPA examination, applicants for licensure are required to attain and demonstrate a passing grade of ninety percent or better on the AICPA professional code of conduct examination.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

~~WAC 4-25-735 ((What rules must a certificateholder comply with and))~~ **How does a CPA-Inactive certificateholder apply for licensure?** ~~CPA-Inactive~~ certificateholders are natural persons who held a valid certificate on June 30, 2001, but did not hold a valid Washington state license to practice public accounting on that date. ~~((Licensees and))~~ Individuals who did not hold a valid certificate on June 30, 2001 ~~((;))~~ and licensees are not eligible for CPA-Inactive certificateholder status.

(1) If you are a CPA-Inactive certificateholder you:

(a) May not "practice public accounting" as that term is defined in WAC 4-25-410~~((31))~~;

(b) Must meet the CPE requirements of WAC 4-25-830~~(1)~~ and supporting documentation requirements of WAC 4-25-833;

(c) Must comply with the act and board rules;

(d) Must meet the renewal requirements of WAC 4-25-790; and

(e) ~~((May))~~ Must use the title ~~((CPA within the limitations of WAC 4-25-410(31) except, beginning with the first day of your first renewal period beginning after July 1, 2001, you must))~~ CPA-Inactive and print or display the word "Inactive" immediately following the initials CPA ((title)) or certified public accountant whenever the initials CPA ((title)) or certified public accountant is printed on a business card, letterhead, or other document including documents published or transmitted through electronic media, in exactly the same font and font size as the initials CPA ((title)) or certified public accountant.

(2) If you are a CPA-Inactive certificateholder, to qualify for licensure you must:

(a) Meet the experience requirements of WAC 4-25-730 or have had an approved experience affidavit on file with the board on or before June 30, 2001; and

(b) Meet the CPE requirements of WAC 4-25-830~~(5)~~.

(3) To apply for a license you must use the form(s) provided by the board. An application is not complete and cannot be processed until all fees, required documentation, required information, and other documentation deemed necessary by the board are received by the board. To apply for a license, you must submit to the board:

(a) A complete application form(s) including your certification, under the penalty of perjury, that you have:

(i) Not held out in public practice during the time in which you were a CPA-Inactive certificateholder; and

(ii) Met the CPE requirements in WAC 4-25-830~~(5)~~; and

(b) ~~((All applicable fees; and~~

~~((e)))~~ Other required documentation, required information, and other documentation deemed necessary by the board.

(4) Upon approval of your application, your license will be mailed to the last address you provided to the board. Your CPE reporting period and your renewal cycle will remain the same. You may not ~~((practice public accounting in association with))~~ use the title "CPA" or "Certified Public Accountant" until you receive notice from the board that your ~~((Washington state CPA))~~ license has been granted. With the exception of out-of-state sole practicing CPAs holding

valid practice privileges in Washington state under WAC 4-25-756, attest services may only be offered or provided in a ((licensed)) CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-745 How do I apply for an initial CPA license? To qualify to apply for an initial license you must meet the:

(1) Good character requirements of RCW 18.04.105 (1)(a);

(2) Education requirements of WAC 4-25-710;

(3) Examination requirements of WAC 4-25-720;

(4) Experience requirements of WAC 4-25-730; and

(5) If more than four years have lapsed since you passed the examination, you must ~~((meet the CPE requirements of WAC 4-25-830 (1)(a)))~~ complete one hundred twenty hours of CPE within the thirty-six month period immediately preceding submission of your license application. The one hundred twenty hours of CPE are limited to twenty-four CPE hours in nontechnical subjects and must include four CPE hours in ethics meeting the requirements of WAC 4-25-830(3). The four CPE hours in ethics must be completed within the six month period immediately preceding submission of your license application.

To apply for an initial license you must use the application form(s) provided by the board. You must fully complete the form(s) and submit the form(s), all applicable fees, and all required documentation to the board's office.

An initial application is not complete and cannot be processed until all fees, required information, required documentation or other documentation or information the board may deem necessary is received by the board. When the processing of your application is complete, your license will be mailed to the last address you provided to the board.

Your initial license will expire on June 30 of the third calendar year following initial licensure.

You may not use the title CPA until you receive notice from the board that your Washington state CPA license has been approved. With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be offered or provided in a ((licensed)) CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-746 How do I apply for a Washington state CPA license if I hold a valid CPA license in another state? Pursuant to RCW 18.04.180 and 18.04.215(6) the board may issue a license through interstate reciprocity if you hold a CPA license to practice public accounting issued by another state provided your state of licensure makes similar provisions for granting reciprocity to holders of a valid certificate or license in this state.

To qualify to apply for a Washington state CPA license under the interstate reciprocity provisions you must:

(1) Meet the good character requirements of RCW 18.04.105 (1)(a);

(2) Meet the CPE requirements in WAC 4-25-830; and

(3) You must have:

(a) Passed the examination required for issuance of your certificate or license in the other state with grades that would have been passing grades at that time in this state and:

(i) Met all current requirements for licensure at the time you apply; or

(ii) Met, at the time of the issuance of your license in the other state, all the requirements applicable at that time to obtain a license in this state; or

(iii) Had five years of experience in the practice of public accountancy within the ten years immediately preceding your filing an application for licensure in this state; or

(iv) Had three years of experience in the practice of public accountancy within the five years immediately preceding your filing an application for licensure in this state; or

(b) The board may accept NASBA's designation of the applicant as substantially equivalent to national standards as meeting the requirements of (a) of this subsection.

To apply for a Washington state CPA license under the interstate reciprocity provisions you must use the application form(s) provided by the board. You must fully complete the form(s) and submit the form(s), all applicable fees, and all required documentation to the board's office.

An application is not complete and cannot be processed until all fees, required information, required documentation, or other documentation or information the board may deem necessary is received by the board. When the processing of your application is complete, notification will be mailed to the last address you provided to the board.

Your Washington state CPA license will expire on June 30 of the third calendar year following initial licensure.

Provided no sanctions or investigations by other jurisdictions are in process and you have met the requirements for applying for licensure through interstate reciprocity, upon filing a completed application with the board, you may use the CPA title in Washington state.

With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be offered or provided in a ((licensed)) CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

If you are granted a license under these reciprocity provisions, you must notify the board within thirty days if your license or certificate issued by the other jurisdiction has lapsed or otherwise become invalid.

AMENDATORY SECTION (Amending WSR 03-24-033, filed 11/25/03, effective 12/31/03)

WAC 4-25-750 What are the CPA firm licensing requirements? With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be offered or performed in a CPA firm licensed ((in Washington)) by the board and meeting the requirements of this section. An entity wishing to use "CPA(s)" or "certified public

accountant(s)" in the firm name must first obtain a license from the board.

(1) **How may a CPA firm be organized?** A CPA firm may be organized as:

(a) A proprietorship;

(b) A partnership;

(c) A professional corporation (PC) or professional service corporation (PS);

(d) A limited liability company (LLC);

(e) A limited liability partnership (LLP); or

(f) Any other form of legal entity authorized by statute for use by a CPA firm.

(2) **What happens when a CPA firm alters its legal form?** A change in the legal form of a firm constitutes a new firm. Accordingly, the new entity must first obtain a CPA firm license from the board.

(3) **What are the ownership requirements for a CPA firm?**

(a) All owners of a licensed CPA firm are required to:

(i) Be natural persons;

(ii) Fully comply with the provisions of chapter 18.04 RCW; and

(iii) Subject to discipline by the board for violations of chapter 18.04 RCW or 4-25 WAC;

(b) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all partners, owners, or shareholders must be:

(i) Licensees in this state or holders of a valid license to practice public accountancy issued by another state;

(ii) Entitled to practice public accounting in ((this)) Washington state; and

(iii) Principally employed by the corporation or actively engaged in its business.

(c) At least one general partner of a partnership, one shareholder of a corporation, and one manager of a limited liability company must be a licensee.

(d) Each CPA proprietor, partner, shareholder or manager who is either a resident or is entering the state and practicing public accountancy in this state must hold a valid Washington state license or practice privileges.

(e) The principal partner of the partnership and any partner having authority over issuing reports on financial statements must be a licensee under the act or holder of a valid license to practice public accountancy issued by another state and must be entitled to practice public accounting in this state.

(f) The principal officer of the corporation and any officer or director having authority over issuing reports on financial statements must be a licensee under the act or holder of a valid license to practice public accountancy issued by another state and must be entitled to practice public accountancy in this state.

(g) The principal manager or member of a limited liability company and any member having authority over issuing reports on financial statements must be a licensee under the act or holder of a valid license to practice public accountancy issued by another state and must be entitled to practice public accountancy in this state.

(h) A nonresident CPA owner must be licensed to practice public accountancy in at least one state.

- (i) A nonlicensee owner must:
 - (i) Be a natural person;
 - (ii) Meet the good character requirements of RCW 18.04.105 (1)(a);
 - (iii) Comply with the act and board rules; and
 - (iv) Be an active individual participant in the licensed firm or affiliated entities as these terms are defined in WAC 4-25-410; and

(j) A resident nonlicensee firm owner must meet the requirements of WAC 4-25-752 and register with the board concurrent with submission of the firm license, or submission of an amendment to the firm license, to the board.

(4) **What are the requirements for the firm's main office and a branch office?** The firm's main office must be under the direct supervision of a resident licensee.

A branch office is an office of a licensed CPA firm which is physically separated from the main office. A branch office operates under the CPA firm license of the main office.

(5) **How do I apply for an initial CPA firm license?** To apply for an initial CPA firm license you must use the application form(s) provided by the board and submit the completed form(s), all applicable fees, all required documentation including the following to the board's office:

- (a) The firm name;
- (b) Address and telephone number of the main office and any branch offices of the firm;
- (c) Name of the managing licensee of the main office;
- (d) Licensee owners' names and the states in which they hold CPA licenses;
- (e) Name(s) of all nonlicensee owners;
- (f) Complete registration form(s), including the appropriate fee, for each resident nonlicensee owner; and
- (g) ~~((Names of corporate directors, limited liability company managers, and all officers; and~~
- ~~(h))~~ Type of legal organization under which the firm operates.

An application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board. Upon completion of processing, a CPA firm license will be mailed to the main office at the last address provided to the board.

The initial CPA firm license will expire on June 30 of the third calendar year following initial licensure.

(6) **How do I renew a CPA firm license?** To renew a CPA firm license you must use the form(s) provided by the board. In January of the year of expiration, a renewal form(s) will be mailed to the main office at the last address provided to the board. You must submit a properly completed renewal form(s), all applicable fees and all required documentation to the board by April 30th of the year of expiration. Failure to file a complete renewal form for a firm license by April 30 of the year of expiration will result in late fees. The board may waive, reduce, or extend the due date of renewal and/or late fees based on ~~((individual))~~ financial hardship, critical illness, or active military deployment. A renewal application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board. Upon completion of processing, the CPA firm license will be mailed to the main office at the last address provided to the board.

The CPA firm license will expire on June 30 of the third calendar year following the date of renewal.

(7) **When must I notify the board of changes in the CPA firm?** A CPA firm must provide the board written notification of the following within ninety days of its occurrence:

- (a) Dissolution of a CPA firm;
- (b) The occurrence of any event that would cause the firm to be in violation of RCW 18.04.195 or this rule; or
- (c) An event that requires an amendment to a firm license.

(8) **What events require a firm amendment?** A CPA firm must provide written notification to the board, by submitting a firm amendment form and the appropriate amendment fee, within ninety days of the following events' occurrence:

- (a) Admission or departure of an owner;
- (b) Any change in the name of the firm; or
- (c) Change in the managing licensee of the main office(~~(;~~
- ~~and~~
- ~~(d) Opening, closing, or relocating of the main office or of any branch office)).~~

(9) **How long do I have to correct noncompliance with licensure requirements due to a change in ownership or an owner's credentials?** A CPA firm must notify the board within ninety days of any change in ownership or lapse of an owner's license, certificate, registration or practice privilege that has caused the firm's license to be out of compliance with licensure requirements and must correct the noncompliance within ninety days of the lapse, unless the board grants a longer time period due to ~~((individual))~~ financial hardship, critical illness, or active military deployment.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-783 How do I renew a Washington CPA-Inactive certificate and/or license granted through foreign reciprocity? In January of the year of expiration, a renewal form will be mailed to the last address you provided to the board.

To renew your individual license or CPA-Inactive certificate originally granted through foreign reciprocity, you must submit to the board by April 30th of the year of expiration:

- (1) A completed renewal application form including:
 - (a) Your certification that you have complied with the CPE requirements of WAC 4-25-830(1) and the supporting documentation requirements of WAC 4-25-833; and
 - (b) Documentation from the foreign issuing body certifying:
 - (i) Your foreign credential is in good standing and valid for the practice of public accountancy in the foreign jurisdiction; and
 - (ii) You are not currently under disciplinary investigation or action; or
 - (iii) If you are currently under disciplinary investigation or action, a statement as to the nature of the allegations; and
 - (c) If you no longer hold the foreign credential used to qualify for a Washington state CPA license and/or certificate, you must submit documentation from the foreign issuing body certifying that you were not the subject of any investi-

gations or disciplinary proceedings at the time the foreign credential lapsed.

- (2) All applicable fees; and
- (3) All required documentation.

A renewal application is not complete and cannot be processed until all fees, required information, required documentation, or other documentation deemed necessary by the board is received by the board. Upon completion of processing, your individual license or confirmation of your CPA-Inactive certificate renewal will be mailed to the last address you provided to the board.

An individual license or CPA-Inactive certificate renewal expires on June 30 of the third calendar year following the renewal.

Failure to file a complete application for an individual license or CPA-Inactive certificate renewal by April 30 of the year of expiration will result in late fees. The board may waive, reduce, or extend the due date of renewal and/or late fees based on individual hardship.

If you fail to file a complete application for individual license or CPA-Inactive certificate renewal by June 30 of the year of expiration, your individual license or CPA-Inactive certificate will lapse.

If you are a CPA-Inactive certificateholder and are renewing your CPA-Inactive certificate, ~~((beginning with the first day of your first renewal period beginning after July 1, 2001,))~~ as a CPA-Inactive you are prohibited from using the title CPA or certified public accountant. You are prohibited from practicing public accountancy. You must use the title CPA-Inactive and print or display the word "Inactive" immediately following the title CPA ~~((title))~~ or certified public accountant whenever the initials CPA ~~((title))~~ or certified public accountant is printed on a business card, letterhead, or other document including documents published or transmitted through electronic media, in exactly the same font and font size as the title CPA ~~((title))~~ or certified public accountant.

If your individual license or CPA-Inactive certificate has lapsed, you may not use the title CPA or CPA-Inactive.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-790 How do I renew my individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner? To renew your individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner, you must use the form(s) provided by the board and satisfy CPE requirements in WAC 4-25-830(1). In January of the year of expiration, a renewal form will be mailed to the last address you provided to the board.

To renew your individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner, you must submit to the board by April 30th of the year of expiration:

- (1) A complete renewal form including:

- (a) Your certification that you have complied with the CPE requirements of WAC 4-25-830(1) and the supporting documentation requirements of WAC 4-25-833; and

- (b) A listing of all states and foreign jurisdictions in which you hold or have applied for a license, certificate, or permit to practice;

- (2) All applicable fees; and

- (3) All required documentation, required information, and other documentation deemed necessary by the board.

A licensee may not renew as a CPA-Inactive certificateholder.

A renewal form is not complete and cannot be processed until all fees, required information, required documentation, and other documentation deemed necessary by the board are received by the board. Upon completion of processing, confirmation of your individual license, CPA-Inactive certificate renewal, or registration as a resident nonlicensee firm owner will be mailed to the last address you provided to the board.

An individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner renewal expires on June 30 of the third calendar year following the renewal.

Failure to file a complete renewal form for an individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner by April 30 of the year of expiration will result in late fees. The board may waive, reduce, or extend the due date of renewal and/or late fees based on ~~((individual))~~ financial hardship, critical illness, or active military deployment.

If you fail to file a complete renewal form for an individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner by June 30 of the year of expiration your individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner will lapse.

If your individual license ~~((or certificate))~~ has lapsed, you may not use the title CPA ~~((or CPA-Inactive,))~~ or exercise other privileges that are dependent upon the renewal ~~((; including privileges pertaining to ownership of a CPA firm))~~ of the license.

If your CPA-Inactive certificate has lapsed, you may not use the title CPA-Inactive or exercise other privileges that are dependent upon the renewal of the certificate.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-791 I am a CPA-Inactive certificateholder. Prior to July 1, 2001, I held a license. How do I apply to return to my previous status as a licensee? CPA-Inactive certificateholders who held a license at any time prior to July 1, 2001, may apply to return to their previous status as a licensee. If you are a CPA-Inactive certificateholder, you may not ~~((practice public accounting in association with))~~ use the title "CPA" or "Certified Public Accountant" until you return to your previous status as a licensee.

If you hold a valid CPA-Inactive certificate, to apply to return to your previously held status as a licensee, you must use the form provided by the board and satisfy CPE requirements in WAC 4-25-830(5). An application is not complete and cannot be processed until all required information, required documentation, and other documentation deemed necessary by the board are received by the board.

To apply to return to your previous status as a licensee you must submit to the board:

(1) A complete application form including your certification, under the penalty of perjury, that you have:

- (a) Not held out in public practice during the time in which you were a CPA-Inactive certificateholder; and
 - (b) Met the CPE requirements of WAC 4-25-830(5);
- (2) Other required documentation, required information, and other documentation deemed necessary by the board.

Upon approval of your application, your license will be mailed to the last address you provided to the board.

You may not (~~hold out in public practice~~) use the title CPA until you receive notice from the board that your ((Washington state)) CPA license has been approved. With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, a licensee may only offer to provide attest services in a licensed CPA firm meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-792 How do I reinstate a lapsed individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner? If your individual license or CPA-Inactive certificate has lapsed, you may not use the title CPA or CPA-Inactive until your individual license or CPA-Inactive certificate is reinstated by the board.

Individuals who held a valid license on June 30, 2001, and individuals obtaining a license after June 30, 2001, are not eligible to reinstate as CPA-Inactive certificateholders.

If your registration as a resident nonlicensee firm owner has lapsed, you may not be an owner of a CPA firm until your registration is reinstated by the board.

To reinstate a lapsed individual license, CPA-Inactive certificate, or registration as a nonlicensee firm owner you must use the form provided by the board and satisfy CPE requirements in WAC 4-25-830(6). An application is not complete and cannot be processed until all fees, required information, required documentation, and other documentation deemed necessary by the board are received by the board.

To reinstate, you must submit to the board:

(1) A complete reinstatement form including your certification, under the penalty of perjury, that you have:

- (a) *For those who wish to reinstate a license or CPA-Inactive certificate:* Not used the title CPA or CPA-Inactive during the time in which your individual license or CPA-Inactive certificate was lapsed; or

- (b) *For those who wish to reinstate a registration as a resident nonlicensee firm owner:* Not participated as an owner in a CPA firm during the time in which your registration as a resident nonlicensee firm owner was suspended or revoked; and

- (c) Met the CPE requirements for reinstatement in WAC 4-25-830(6); and

- (d) Met the CPE supporting documentation requirements in WAC 4-25-833;

(2) Source documents as evidence of eligibility for CPE credit for all courses claimed in order to meet CPE requirements as defined by WAC 4-25-833;

(3) A listing of all states and foreign jurisdictions in which you hold or have applied for a license, certificate, or practice privileges;

(4) All applicable fees; and

(5) Other required documents, required information, and other documentation deemed necessary by the board.

Upon approval of your reinstatement, ((a)) notice that your license, registration as a resident nonlicensee firm owner, or CPA-Inactive certification has been reinstated will be mailed to the last address you provided to the board. Your license, CPA-Inactive certificate, or registration as a nonlicensee firm owner will expire on June 30th of the third calendar year following approval of the reinstatement. The CPE reporting period for your next renewal begins on January 1 of the calendar year in which the reinstatement of your license, CPA-Inactive certificate, or registration as a nonlicensee firm owner was approved by the board and ends on December 31 of the second calendar year following approval of the reinstatement. CPE credit hours utilized to qualify for reinstatement cannot be utilized for this CPE reporting period.

You may not use the title CPA or CPA-Inactive until your reinstatement application has been approved.

With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be performed in a CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-793 If I ((am retired)) retire my license or CPA-Inactive certificate, how do I apply to return to my previous status as a licensee or a CPA-Inactive certificateholder? If you notified the board that you ((are retired)) wish to retire your license or CPA-Inactive certificate prior to the end of your renewal cycle, pursuant to RCW 18.04.215(7), you may renew your license or CPA-Inactive certificate at a later date and are not subject to the requirements of reinstatement; however, you may not use the title CPA or CPA-Inactive or exercise the privileges related to those titles until you return to your previous status.

To apply to return to your previously held status as either a licensee or a CPA-Inactive certificateholder you must use the form(s) provided by the board and satisfy CPE requirements in WAC 4-25-830(4). An application is not complete and cannot be processed until all fees, required information, required documentation, or other documentation deemed necessary by the board are received by the board.

If you previously held a license, you are not eligible to apply for CPA-Inactive certificateholder status.

To apply to return to your previous status, you must submit to the board:

(1) A complete application form including your certification, under the penalty of perjury, that you have:

- (a) Not used the title CPA or CPA-Inactive during the time in which ((you were in retiree status)) your license or CPA-Inactive certificate was retired; and

- (b) Met the CPE requirements to return to your previous status in WAC 4-25-830(4);

- (2) All applicable fees; and
 (3) Other required documentation, required information, or other documentation deemed necessary by the board.

Upon approval of your application, your license or notification of your status as a CPA-Inactive certificateholder will be mailed to the last address you provided to the board. Your license or CPA-Inactive certificate will expire on June 30th of the third calendar year following approval of the renewal. The CPE reporting period for your next renewal begins on January 1 of the calendar year in which the renewal of your retired license or CPA-Inactive certificate was approved by the board and ends on December 31 of the second calendar year following approval of the renewal. CPE credit hours utilized to qualify for renewal of a retired license or CPA-Inactive certificate cannot be utilized for this CPE reporting period.

You may not use the title CPA or CPA-Inactive until your renewal application has been approved.

With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be performed in a ((licensed)) CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-795 How do I reinstate a revoked or suspended license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner? If your license or CPA-Inactive certificate was revoked or suspended by the board pursuant to the act, you may not use the title CPA or CPA-Inactive until your license or CPA-Inactive certificate is reinstated by the board.

If your registration as a resident nonlicensee firm owner was revoked or suspended by the board pursuant to the act, you may not be a firm owner until your registration is reinstated by the board.

You may request that the board modify the suspension or revocation after three years have elapsed from the effective date of the board's order revoking or suspending your license or CPA-Inactive certificate unless the board sets some other period by order. However, if you made a previous request with respect to the same order, no additional request will be considered before the lapse of an additional three years following the board's decision on the last such previous application.

To request reinstatement of a revoked or suspended license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner you must use the form provided by the board and satisfy CPE requirements in WAC 4-25-830(6). A request is not complete and cannot be processed until all fees, required information, required documentation, and other documentation deemed necessary by the board are received by the board.

To request reinstatement, you must submit to the board:

- (1) A complete reinstatement form including your certification under the penalty of perjury, that you have:

(a) *For those who wish to reinstate a license or CPA-Inactive certificate:* Not used the title CPA during the time in

which your license or CPA-Inactive certificate was suspended or revoked; or

(b) *For those who wish to reinstate a registration as a resident nonlicensee firm owner:* Not participated as an owner in a CPA firm during the time in which your registration as a resident nonlicensee firm owner was suspended or revoked; and

(c) Met the CPE requirements for reinstatement in WAC 4-25-830(6); and

(d) Met the CPE supporting documentation requirements in WAC 4-25-833;

(2) A listing of all states and foreign jurisdictions in which you hold or have applied for a license, CPA-Inactive certificate, permit, or practice privilege under substantial equivalence;

(3) All applicable fees;

(4) Source documents as evidence of eligibility for CPE credit for all courses claimed in order to meet CPE requirements as defined by WAC 4-25-833;

(5) Written substantiation of the reasons constituting good cause for the reinstatement;

(6) Two supporting recommendations, under penalty of perjury, from licensees who have personal knowledge of your activities since the suspension or revocation was imposed; and

(7) Other required documentation, required information, and other documentation deemed necessary by the board.

In considering the reinstatement application, the board may consider all relevant factors, including but not limited to:

(a) The offense for which you were disciplined;

(b) Your activities since the disciplinary penalty was imposed;

(c) Your activities during the time the license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner was in good standing;

(d) Your rehabilitative efforts;

(e) Restitution to damaged parties in the matter for which the penalty was imposed; and

(f) Your general reputation for truth and professional ((probity)) ethics.

If the board decides to consider the merits of your application for reinstatement, in the board's discretion, a hearing may be held following such procedures as the board deems suitable for the particular case. If the board decides that it will not consider the merits of your application for reinstatement, then this constitutes final agency action and there is no further administrative review available to you. As a condition of reinstatement, the board may impose such terms and conditions as it deems suitable.

The board will not consider a request for reinstatement while you are under sentence for any criminal offense, including any period during which you are on court-imposed probation or parole.

Upon approval of your application, your license, notification of your status as a CPA-Inactive certificateholder, or registration as a resident nonlicensee firm owner will be mailed to the last address you provided to the board. Your license, CPA-Inactive certificate, or registration will expire on June 30th of the third calendar year following approval of the reinstatement. The CPE reporting period for your next

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renewal begins on January 1 of the calendar year in which the reinstatement of your license, CPA-Inactive certificate, or registration was approved by the board and ends on December 31 of the second calendar year following approval of the reinstatement. CPE credit hours utilized to qualify for reinstatement of a license, CPA-Inactive certificate, or registration cannot be utilized for this CPE reporting period.

You may not use the title CPA or CPA-Inactive until your reinstatement application has been approved.

With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be performed in a CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-830 What are the CPE requirements? (1) The following CPE is required during the three calendar year period prior to renewal:

(a) ~~((A-licensee))~~ CPAs must complete 120 CPE credit hours which is limited to 24 CPE credit hours in nontechnical subject areas and must include 4 CPE credit hours in ethics ((applicable to the practice of public accounting in Washington state)) meeting the requirements of subsection (3) of this section;

(b) A CPA-Inactive certificateholder or a resident nonlicensee firm owner must complete 4 CPE credit hours in ethics ((applicable to the practice of public accounting in Washington state)) meeting the requirements of subsection (3) of this section; and

(c) Individuals holding practice privileges are exempt from the CPE requirements of this section.

(2) **CPE requirements for renewal of a license that was issued less than three years before the end of a CPA-Inactive certificate renewal cycle:** When you convert your status from a CPA-Inactive certificateholder to a licensee, your CPE reporting period (the three calendar year period prior to renewal) and renewal cycle will remain the same. The CPE requirements for renewal are as follows:

(a) If your license was issued during the first calendar year of your CPE reporting period, you must have completed 80 CPE credit hours which is limited to 16 CPE credit hours in nontechnical subject areas and must include 4 CPE credit hours in ethics ~~((applicable to the practice of public accounting in Washington state))~~ meeting the requirements of subsection (3) of this section.

(b) If your license was issued during the second calendar year of your CPE reporting period, you must have completed 40 CPE credit hours which is limited to 8 CPE credit hours in nontechnical subject areas and must include 4 CPE credit hours in ethics ~~((applicable to the practice of public accounting in Washington state))~~ meeting the requirements of subsection (3) of this section.

(c) If your license was issued during the third calendar year of your CPE reporting period, you must have completed 4 CPE credit hours in ethics ~~((applicable to the practice of public accounting in Washington state))~~ meeting the requirements of subsection (3) of this section.

(3) **Ethics applicable to practice in Washington state:** During each CPE reporting period all ~~((licensees))~~ CPAs, CPA-Inactive certificateholders, and resident nonlicensee firm owners are required to complete ((a)) four((-hour course e)) CPE credit hours in professional ethics with specific application to the practice of public accounting in Washington state; however, for CPE reporting periods beginning January 1, 2006, and later, during each CPE reporting period all CPAs, CPA-Inactive certificateholders, and resident nonlicensee firm owners are required to complete four hours in board approved ethics CPE. In order to be approved by the board, the CPE sponsor must submit documentation associated with the ethics CPE to the board for approval and the sponsor must obtain written approval from the board. The ethics CPE must cover all of the following topics, and the ethics CPE must substantially address only these topics:

(a) Chapter 18.04 RCW and chapter 4-25 WAC. The CPE must include general level information on the Public Accountancy Act, the board's rules, policies, and the rule-making process.

(b) WAC 4-25-521 How can I contact the board?

(c) WAC 4-25-550 Do I need to notify the board if I change my address?

(d) WAC 4-25-551 Must I respond to inquiries from the board?

(e) WAC 4-25-600 Series—Ethics and prohibited practices. The CPE must include detailed information on each rule and all related board policies.

(f) WAC 4-25-800 Series—Continuing competency. The CPE must include detailed information on each rule and all related board policies.

(g) WAC 4-25-910 What are the bases for the board to impose discipline?

(h) AICPA Code of Conduct: The CPE must include general level information on the AICPA Code of Conduct.

(i) Variances or key differences between Washington state law (chapter 18.04 RCW and chapter 4-25 WAC) and the AICPA Code of Conduct.

(j) Other topics or information as defined by board policy.

~~(4) ((20 hours a year minimum) Licensees must complete a minimum of 20 hours of CPE each calendar year. This requirement is waived for the first calendar year of a licensee's initial CPE reporting cycle.~~

~~(5)) CPE requirements ((for renewal following retirement)) to renew a retired license or CPA-Inactive certificate:~~

(a) In order to renew ((as a licensee)) your retired license you must meet the CPE requirements of subsection (1)(a) of this section within the thirty-six month period immediately preceding the date the renewal application is received by the board; however, the four CPE hours in ethics meeting the requirements of subsection (3) of this section must be completed within the six-month period immediately preceding the date your renewal application was received by the board.

(b) In order to renew ((as a certificateholder)) your retired CPA-Inactive certificate, you must meet the CPE requirements of subsection (1)(b) of this section within the six-month period immediately preceding the date your renewal application was received by the board.

~~((6)) (5) CPE requirements for a CPA-Inactive certificateholder to either qualify to apply for a license or return to their previously held status as a licensee: If you hold a valid CPA-Inactive certificate and you wish to apply for a license or you want to return to your previously held status as a licensee, you must meet the ((following)) CPE requirements((:~~

~~(a) If your certificate was issued less than a year prior to the date you apply for a license, there is no CPE requirement for licensure.~~

~~(b) If your certificate was issued more than a year but less than two years from the date you apply for a license, you must have completed 40 CPE credit hours within the twelve months immediately preceding the date you file your application. If more than four years has lapsed since you passed the CPA examination, you are limited to 8 CPE credit hours in nontechnical subject areas.~~

~~(c) If your certificate was issued more than two years but less than three years from the date you filed your renewal, you must have completed 80 CPE credit hours within the twenty-four months immediately preceding the date you file your application. If more than four years has lapsed since you passed the CPA examination, you are limited to 16 CPE credit hours in nontechnical subject areas.~~

~~(d) If your certificate was issued more than three years from the date you apply for a license, you must have completed 120 CPE credit hours within the thirty-six months immediately preceding the date you file your application. If more than four years has lapsed since you passed the CPA examination, you are limited to 24 CPE credit hours in nontechnical subject areas)) of subsection (1)(a) of this section within the thirty-six month period immediately preceding the date your application is received by the board.~~

~~((7)) (6) Reinstatement of a lapsed, suspended, or revoked license, certificate, or registration as resident nonlicensee firm owner:~~

~~(a) If you seek to reinstate a lapsed, suspended, or revoked license, you must satisfy the requirements of subsection (1)(a) of this section within the ((three-year)) thirty-six month period immediately preceding the date the application for reinstatement was received by the board; however, the four CPE hours in ethics meeting the requirements of subsection (3) of this section must be completed within the six-month period immediately preceding the date your application for reinstatement was received by the board.~~

~~(b) If you seek to reinstate a lapsed, suspended, or revoked CPA-Inactive certificate, or registration as a resident nonlicensee firm owner, you must satisfy the requirements of subsection (1)(b) of this section within the six-month period immediately preceding the date ((the)) your application for reinstatement was received by the board.~~

~~((8)) (7) Reciprocity: If you are applying for an initial Washington state CPA license under the reciprocity provisions of the act, you must satisfy the requirements in subsection (1)(a) of this section within the three-year period immediately preceding the date ((the)) your application was received by the board. For purposes of initial licensure, you do not need to satisfy the ethics requirements of subsection (1)(a) of this section. Thereafter, in order to renew your~~

Washington state license, you must comply with all the renewal requirements in subsection (1)(a) of this section.

~~((9)) (8) CPE waiver request: In order to renew your license, CPA-Inactive certificate, or registration as a nonlicensee firm owner you must complete the required CPE by the end of the CPE reporting period preceding your renewal unless you can demonstrate your failure to meet the CPE requirements was due to reasonable cause. The board may provide limited extensions to the CPE requirements for reasons of ((individual)) financial hardship ((including health, military service, foreign residence, or other reasonable cause)), critical illness, or active military deployment. You must request such an extension in writing on the form(s) provided by the board. The request must include justification for the request and ((your)) identify the specific CPE you plan to obtain to correct your CPE deficiency.~~

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-831 What are the program standards for CPE? (1) Qualifying program: A program qualifies as acceptable CPE for purposes of RCW 18.04.215(5) if it is a formal program of learning which contributes to the ((growth in the)) CPA's professional knowledge and ((professional)) competence ((of an individual in the practice of the profession)). A formal program means:

- The program is at least fifty minutes in length;
- Attendance is recorded;
- Participants sign in to confirm attendance and, if the program is greater than four credit hours, participants sign out during the last hour of the program; and
- Attendees are provided a certificate of completion.

(2) **Undergraduate and graduate courses:** A graduate or undergraduate course qualifies for CPE credit if it meets the standards in subsections (1) and (5) of this section. For both undergraduate and graduate courses one quarter credit equals 10 CPE credit hours and one semester credit equals 15 CPE credit hours.

(3) **Committee meetings:** Generally, CPE credit is not allowed for attending committee meetings. A meeting qualifies for CPE credit only if it meets the standards in subsections (1) and (5) of this section.

(4) ~~((Quality assurance review- Service on the board's QAR committee, participating as a QAR team captain or reviewer, and participating on other board approved quality or peer review committees may be considered for CPE credit as defined by board policy.))~~ CPE credit hours for volunteer service on the board and its committees and volunteer service on board approved peer review committees: You may receive up to thirty-two hours of technical CPE credit each calendar year for actual time spent on board, board committee, or board approved peer review committee activities.

(5) **Subject areas:** Programs dealing with the following general subject areas are acceptable so long as they meet the standards in subsection (1) of this section:

- (a) **Technical subjects include:**
- (i) Auditing standards or procedures;
 - (ii) Compilation and review of financial statements;

- (iii) Financial statement preparation and disclosures;
 - (iv) Attestation standards and procedures;
 - (v) Projection and forecast standards or procedures;
 - (vi) Accounting and auditing;
 - (vii) Management advisory services;
 - (viii) Personal financial planning;
 - (ix) Taxation;
 - (x) Management information services;
 - (xi) Budgeting and cost analysis;
 - (xii) Asset management;
 - (xiii) Professional ethics (other than those programs used to satisfy the requirements of WAC 4-25-830(3));
 - (xiv) Specialized areas of industry;
 - (xv) Human resource management;
 - (xvi) Economics;
 - (xvii) Business law;
 - (xviii) Mathematics, statistics, and quantitative applications in business;
 - (xix) Business management and organization;
 - (xx) General computer skills, computer software training, information technology planning and management; and
 - (xxi) Negotiation or dispute resolution courses;
- (b) Nontechnical subjects include:**
- (i) Communication skills;
 - (ii) Interpersonal management skills;
 - (iii) Leadership and personal development skills;
 - (iv) Client and public relations;
 - (v) Practice development;
 - (vi) Motivational and behavioral courses; and
 - (vii) Speed reading and memory building(;
- ~~(e) Professional ethics with specific application to the practice of public accounting in Washington state covers the following subjects: Revised Code of Washington chapter 18.04, Washington Administrative Code chapter 4-25, and the code of professional conduct promulgated by the American Institute of CPAs).~~

Subjects other than those listed above may be acceptable provided you can demonstrate they contribute to your professional competence. You are solely responsible for demonstrating that a particular program is acceptable.

(6) Group programs: You may claim CPE credit for group programs such as the following so long as the program meets the standards in subsections (1) and (5) of this section:

- (a) Professional education and development programs of national, state, and local accounting organizations;
- (b) Technical sessions at meetings of national, state, and local accounting organizations and their chapters;
- (c) Formal in-firm education programs;
- (d) Programs of other organizations (accounting, industrial, professional, etc.);
- (e) Dinner, luncheon, and breakfast meetings which are structured as formal educational programs;
- (f) Firm meetings for staff and/or management groups structured as formal education programs. Portions of such meetings devoted to communication and application of general professional policy or procedure may qualify, but portions devoted to firm administrative, financial and operating matters generally will not qualify.

(7) CPE credit: CPE credit is allowable only for those programs taken after the issuance of the CPA ((~~certificat~~))

license. Credit is not allowed for programs taken to prepare an applicant for the ethics examination as a requirement for initial ((~~certification~~)) licensure. CPE credit is given in half-hour increments only after the first full CPE credit hour has been earned. A minimum of fifty minutes ((~~constituting~~)) constitutes one CPE credit hour and, after the first fifty-minute segment has been earned, twenty-five minutes constitutes one-half CPE credit hour. For example:

- Twenty-five minutes of continuous instruction counts as zero CPE credit hour;
- Fifty minutes of continuous instruction counts as one CPE credit hour; and
- Seventy-five minutes of continuous instruction counts as one and one-half CPE credit hours.

Attendees obtain CPE credit only for time spent in instruction; no credit is allowed for preparation time.

(8) Self-study programs: Credit for self-study programs is allowed in the renewal period in which you completed the program as established by the evidence of completion provided by the program sponsor.

(a) Interactive self-study programs: The amount of credit allowed for interactive self-study is that which is recommended by the program sponsor on the basis of the average completion time under appropriate "field tests." In order to claim CPE credit for interactive self-study programs, you must obtain evidence of satisfactory completion of the course from the program sponsor.

(b) Noninteractive self-study programs: The amount of credit allowed for noninteractive self-study is one-half the average completion time as determined by the program sponsor on the basis of appropriate "field tests." To claim CPE credit for noninteractive self-study programs, you must obtain evidence of satisfactory completion of the course from the program sponsor.

(9) Instructor, discussion leader, or speaker: If you serve as an instructor, discussion leader or speaker at a program which meets the standards in subsections (1) and (5) of this section, the first time you present the program you may claim CPE credit for both preparation and presentation time. One hour of credit is allowed for each fifty minutes of instruction. Additionally, you may claim credit for actual preparation time up to two times the presentation hours. No credit is allowed for subsequent presentations. A maximum of seventy-two CPE credit hours are allowed for preparation and presentation during each CPE reporting period.

(10) Published articles, books: You may claim CPE credit for published articles and books, provided they contribute to your professional competence. Credit for preparation of such publications may be claimed on a self-declaration basis for up to thirty hours in a CPE reporting period. In exceptional circumstances, you may request additional credit by submitting the article(s) or book(s) to the board with an explanation of the circumstances that justify a greater credit. The amount of credit awarded for a given publication will be determined by the board.

(11) Carry-forward: CPE credit hours you complete during one period cannot be carried forward to the next period.

(12) Carry-back: As specified in WAC 4-25-830(9), CPE credit hours you complete during one period can be car-

ried back to the previous reporting period only after the board has approved your request to carry back CPE credit hours.

(13) **Credential examination:** You may not claim CPE credit for preparing for or taking a credential examination unless you complete a formal review course and receive a certificate of completion meeting the requirements of WAC 4-25-833. CPE credit may not be claimed for CPA examination review courses.

AMENDATORY SECTION (Amending WSR 03-24-033, filed 11/25/03, effective 12/31/03)

WAC 4-25-910 What are the bases for the board to impose discipline? RCW 18.04.055, 18.04.295, and 18.04.-305 authorize the board to revoke, suspend, refuse to issue, renew, or reinstate an individual or firm license, CPA-Inactive certificate, practice privilege, or registration as a resident nonlicensee firm owner; impose a fine not to exceed thirty thousand dollars; recover investigative and legal costs; impose full restitution to injured parties; impose remedial sanctions; impose conditions precedent to renew; or prohibit a nonlicensee from holding an ownership interest in a licensed firm for the specific acts listed below.

The following are specific examples of prohibited acts that constitute grounds for discipline under RCW 18.04.295 and 18.04.305. The board does not intend this listing to be all inclusive.

(1) Fraud or deceit in applying for the CPA examination, obtaining a license, registering as a nonlicensee firm owner, submitting notification of practice privileges, or in any filings with the board.

(2) Fraud or deceit in renewing a license, CPA-Inactive certificate, registration as a nonlicensee firm owner, or practices privileges.

(3) Cheating on the CPA exam.

(4) Making a false or misleading statement in support of another's application to take the CPA examination, application for a license (and/or certificate), registration as a nonlicensee firm owner, submission of notification of practice privileges, renewal, or reinstatement.

~~((3))~~ (5) Dishonesty, fraud, or negligence while representing oneself as a CPA, CPA-Inactive certificateholder, CPA firm, or a nonlicensee firm owner including but not limited to:

(a) Practicing public accounting in Washington state prior to obtaining a license;

(b) Making misleading, deceptive, or untrue representations;

(c) Engaging in acts of fiscal dishonesty;

(d) Purposefully, knowingly, or negligently failing to file a report or record, or filing a false report or record, required by local, state, or federal law;

(e) Unlawfully selling unregistered securities;

(f) Unlawfully acting as an unregistered securities salesperson or broker-dealer;

(g) Discharging a trustee's duties in a negligent manner or breaching one's fiduciary duties; or

(h) Withdrawing or liquidating, as fees earned, funds received by a CPA, CPA firm, or a nonlicensee firm owner from a client as a deposit or retainer when the client contests

the amount of fees earned, until such time as the dispute is resolved.

~~((4))~~ (6) The following shall be prima facie evidence that a CPA, CPA-Inactive certificateholder, CPA firm, or a nonlicensee firm owner has engaged in dishonesty, fraud, or negligence while representing oneself as a CPA, CPA-Inactive certificateholder, CPA firm, or a nonlicensee firm owner:

(a) An order of a court of competent jurisdiction finding the CPA, CPA-Inactive certificateholder, CPA firm, or the nonlicensee firm owner to have committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on a CPA's, CPA-Inactive certificateholder's, CPA firm's, or nonlicensee firm owner's fitness to represent himself or herself as a CPA, CPA-Inactive certificateholder's, CPA firm, or a nonlicensee firm owner;

(b) An order of a federal, state, local or foreign jurisdiction regulatory body, or the PCAOB, finding the CPA, CPA-Inactive certificateholder, CPA firm, or nonlicensee firm owner to have committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on a CPA's, CPA-Inactive certificateholder's, the nonlicensee firm owner's, or CPA firm's fitness to represent itself as a CPA, a CPA-Inactive certificateholder, a nonlicensee firm owner, or a CPA firm;

(c) Cancellation, revocation, suspension, or refusal to renew the right to practice as a CPA, CPA-Inactive certificateholder, or a nonlicensee firm owner by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state; or

(d) Suspension or revocation of the right to practice before any state ((or) agency, federal agency, or the PCAOB.

~~((5))~~ (7) Any state or federal criminal conviction or commission of any act constituting a crime under the laws of this state, or of another state, or of the United States.

~~((6))~~ (8) A conflict of interest such as:

(a) Self dealing as a trustee, including, but not limited to:

(i) Investing trust funds in entities controlled by or related to the trustee;

(ii) Borrowing from trust funds, with or without disclosure; and

(iii) Employing persons related to the trustee or entities in which the trust has a beneficial interest to provide services to the trust (unless specifically authorized by the trust creation document).

(b) Borrowing funds from a client unless the client is in the business of making loans of the type obtained by the CPA, CPA-Inactive certificateholder, CPA firm, or nonlicensee firm owner and the loan terms are not more favorable than loans extended to other persons of similar credit worthiness.

~~((7))~~ (9) A violation of the Public Accountancy Act or failure to comply with a board rule contained in chapter 4-25 WAC.

~~((8))~~ (10) Violation of one or more of the rules of professional conduct included in chapter 4-25 WAC or concealing another's violation of the Public Accountancy Act or board rules.

~~((9))~~ (11) Failure to cooperate with the board by failing to:

(a) Furnish any papers or documents requested or ordered to produce by the board;

(b) Furnish in writing a full and complete explanation related to a complaint as requested by the board;

(c) Respond to an inquiry of the board;

(d) Respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding.

~~((10))~~ (12) Failure to comply with an order of the board.

~~((11))~~ (13) A CPA's, CPA-Inactive certificateholder's, or nonlicensee firm owner's adjudication as mentally incompetent is prima facie evidence that the CPA, CPA-Inactive certificateholder, or nonlicensee firm owner lacks the professional competence required by the rules of professional conduct.

~~((12))~~ (14) Failure of a licensee, CPA-Inactive certificateholder, or nonlicensee firm owner to notify the board, on a form and in the manner prescribed by board policy, within thirty days of the issuance of:

(a) A sanction, order, suspension, revocation, or modification of a license, certificate, permit or practice rights by the SEC, PCAOB, IRS, or another state board of accountancy for any cause other than failure to pay a professional license fee by the due date or failure to meet the continuing professional education requirements of another state board of accountancy; or

(b) Charges filed by the SEC, IRS, PCAOB, another state board of accountancy, or a federal or state taxing, insurance or securities regulatory body that the licensee, CPA-Inactive certificateholder, or nonlicensee firm owner committed a prohibited act that would be a violation of board ethical or technical standards.

WSR 04-17-086

PROPOSED RULES

BOARD OF ACCOUNTANCY

[Filed August 16, 2004, 1:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-06-085.

Title of Rule and Other Identifying Information: WAC 4-25-530 Fees.

Hearing Location(s): Ridpath WestCoast Hotel, 515 West Sprague Avenue, Spokane, WA 99201, on October 28, 2004, at 1:00 p.m.

Date of Intended Adoption: October 29, 2004.

Submit Written Comments to: Dana M. McInturff, Executive Director, P.O. Box 9131, Olympia, WA 98507-9131, e-mail webmaster@cpaboard.wa.gov, fax (360) 664-9190, by October 15, 2004.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by October 18, 2004, TTY (800) 833-6384 or (360) 664-9194.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The suggested revision:

- Addresses the new CPA-Inactive title use requirement.
- Establishes a fee for submission of a peer review report to obtain an exemption from participating in the board's quality assurance review program. Because firms that submit a peer review have been historically exempted from the fee, the program is currently being funded by only those firms that participate in the board's quality review program and not all the firms that undergo board oversight. Firms that request a peer review exemption to also require monitoring, correspondence, review of peer review records, filing, and QAR staff support to respond to inquiries. The suggested fee reflects the estimated staff time and other costs associated with this activity and would, in effect, require all firms under the board's quality oversight to fund the program.
- Raises the fee for amending a firm license. As a result of the recent changes to the firm licensing requirements, the time associated with reviewing, processing, and responding to inquiries regarding firm amendments has significantly increased. The suggested fee increase reflects that cost. It also removes the requirement for firms to submit an amendment form and fee for a change of address. Address changes are a relatively simple process for board staff to complete, and therefore, do not merit a fee or require the completion of a firm amendment form. (Firms will be able to use the change of address form currently used by individuals).
- Eliminates "computer diskette of CPA exam candidates" from the type of lists that can be purchased because this list no longer exists.
- Establishes a fee for transferring grades to another state. The recommended fee reflects the estimated board costs for processing requests for transferring grades to another state. There has been an increase in the number of grade transfer requests that the board receives. And, because the board's fees are very competitive (and Washington state does not require citizenship or residency which many other states do require) and applicants may take the exam as a Washington applicant at 300+ locations nationwide (including Guam, the Virgin Islands, and Puerto Rico), the board anticipates Washington may have multiple applicants who take the exam as a Washington applicant and then transfer their grades to the state in which they actually seek licensure.
- Establishes an investigation fee for exam applicants who do not provide a social security number. The National Association of State Boards of Accountancy (NASBA) charges an investigation fee for applicants who do not submit a social security number. This is because NASBA uses the social security number to perform its comparison of an applicant against the national database to ensure the applicant has not applied for the same section of the exam, during the same exam window, in two jurisdictions at the same time. Without a social security number NASBA must perform other investigative tech-

(13) CPA examination. Exam fees are comprised of section fees plus administrative fees. **The total fee is contingent upon which section(s) is/are being applied for and the number of sections being applied for at the same time.** The total fee is the section fee(s) for each section(s) applied for added to the administrative fee for the number of section(s) applied for.

(a) Section fees:			
(i)	Auditing and attestation	\$134.50	
(ii)	Financial accounting and reporting	\$126.00	
(iii)	Regulation	\$109.00	
(iv)	Business environment and concepts	\$100.50	
(b) Administrative fees:			
		1/1/04 -	After
		12/31/06	1/1/07
(i)	First-time candidate - Four sections	\$124.50	\$132.95
(ii)	First-time candidate - Three sections	\$111.00	\$119.10
(iii)	First-time candidate - Two sections	\$97.00	\$104.70
(iv)	First-time candidate - One section	\$83.00	\$90.30
(v)	Reexam candidate - Four sections	\$122.50	\$130.75
(vi)	Reexam candidate - Three sections	\$104.00	\$111.40
(vii)	Reexam candidate - Two sections	\$85.00	\$91.50
(viii)	Reexam candidate - One section	\$66.00	\$71.60
	<u>National Association of State Boards of Accountancy candidate data base investigation fee for exam applications submitted without the applicant's Social Security number</u>	<u>\$70</u>	<u>\$70</u>

Note: The board may waive late filing fees for ~~((good-cause))~~ financial hardship, critical illness, or active military deployment.

WSR 04-17-087
PROPOSED RULES
BOARD OF ACCOUNTANCY

[Filed August 16, 2004, 1:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-11-033.

Title of Rule and Other Identifying Information: WAC 4-25-756 I am licensed in another state—How do I notify the board of my intent to enter the state in order to obtain practice privileges in the state of Washington?, 4-25-782 How do I apply for an initial Washington state license through foreign reciprocity?, and 4-25-820 What are the requirements for participating in quality assurance review (QAR)?

Hearing Location(s): Ridpath WestCoast Hotel, 515 West Sprague Avenue, Spokane, WA 99201, on October 28, 2004, at 1:00 p.m.

Date of Intended Adoption: October 29, 2004.

Submit Written Comments to: Dana M. McInturff, Executive Director, P.O. Box 9131, Olympia, WA 98507-9131, e-mail webmaster@cpaboard.wa.gov, fax (360) 664-9190, by October 15, 2004.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by October 18, 2004, TTY (800) 833-6384 or (360) 664-9194.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

WAC section	The suggested revision:
WAC 4-25-756	Clarifies the language regarding the provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.
WAC 4-25-782	Clarifies the language regarding the provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.
WAC 4-25-820?	<ul style="list-style-type: none"> • Revises language to align with the board's purpose as defined in RCW 18.04.015. • Moves the following from board policy to rule: (1) Notice of required participation in QAR is mailed in January; (2) participating firms must submit a quality assurance review status form and fees by April 30; and (3) late fees will be assessed. • Adds the reasons/justification that the board will consider when approving a late fee waiver request. • Moves subsections ((2))(e) and (f) to a more logical placement. • Removes the reference to maintain certain information in confidence (may not be possible given the Public Disclosure Act). • Clarifies that the cost of preissuance review will be at the firm's expense. • Eliminates a vague limitation as to when the board may initiate an investigation and clarifies that the board may use investigators. • Multiple verbiage improvements.

Reasons Supporting Proposal: The board's goal with all its rule proposals is to:

- Promote clarity.
- Ensure effective communication.
- Ensure fairness in interpretation and application of the rules.
- Promote efficiencies through minimizing gray areas.

Statutory Authority for Adoption: For WAC 4-25-756 is RCW 18.04.350(6); for WAC 4-25-782 is RCW 18.04.183; and for WAC 4-25-820 is RCW 18.04.055(9).

Statute Being Implemented: For WAC 4-25-756 is RCW 18.04.350(6); for WAC 4-25-782 is RCW 18.04.183; and for WAC 4-25-820 is RCW 18.04.055(9).

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

Name of Proponent: Primarily the Washington State Board of Accountancy, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, Olympia, Washington, (360) 586-0163.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule(s) will not have more than minor economic impact on business.

A cost-benefit analysis is not required under RCW 34.05.328. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.-328.

August 12, 2004

Dana M. McInturff, CPA, CFE
Executive Director

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-756 I am licensed in another state—How do I notify the board of my intent to enter the state in order to obtain practice privileges in the state of Washington? If you hold a valid license to practice public accountancy in another state, you may practice public accountancy in Washington state under a grant of practice privileges if:

- (1) You are an individual;
- (2) Your qualifications are found to be substantially equivalent to a Washington licensee because:
 - (a) Your education, examination, and experience are deemed by the board to be substantially equivalent to Washington's requirements for initial licensure; or
 - (b) Your original license was issued by a state the board has deemed to be substantially equivalent to Washington's requirements;
- (3) Your principal place of business is not in Washington state; and
- (4) You comply with the act and all board rules applicable to Washington state licensees and subject yourself to discipline for violation of the act or board rules.
- (5) You notify the board of your intent to enter the state using the form(s) provided by the board.

You need to fully complete the form(s) and submit the form(s), all applicable fees, and all required documentation to the board's office.

Notification is not complete and cannot be processed until all fees, required documentation, required information, and other documentation deemed necessary by the board are received by the board. The board will mail its confirmation of the receipt of your notification to the last address you provided to the board.

Your notification will expire on June 30 of the third calendar year following the date you submit your notification.

Provided no sanctions or investigations by other jurisdictions are in process and you have met the requirements for practice privileges, upon filing your notification with the board, you may use the CPA title in Washington state.

You must notify the board within thirty days if your license or certificate issued by another jurisdiction has lapsed or otherwise becomes invalid.

~~((Unless you are a sole practitioner))~~ With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, you may only offer to provide attest services in a ((licensed)) CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-782 How do I apply for an initial Washington state license through foreign reciprocity? Pursuant to RCW 18.04.183 the board may issue a license through foreign reciprocity provided you meet the requirements for application through foreign reciprocity established by the act, WAC 4-25-781 and 4-25-830(7).

To apply for an initial Washington state CPA license, you must use the foreign reciprocity application form(s) provided by the board.

You need to fully complete the form(s), and submit the form(s), all applicable fees, required information, required documentation, or other documentation deemed necessary by the board to the board's office.

An application is not complete and cannot be processed until all fees, required information, required documentation, or other documentation deemed necessary by the board are received by the board. When the processing of your application is complete, your license will be mailed to the last address you provided to the board.

Your Washington state CPA license will expire on June 30 of the third calendar year following initial licensure.

You may not use the title CPA until you have received notice from the board that your Washington state license has been approved. With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be offered or performed in a CPA firm licensed by the ((Washington state)) board ((of accountancy)) and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-820 What are the requirements for participating in quality assurance review (QAR)? (1) Purpose. The Washington state board of accountancy is charged

with protection of the public interest and ensuring the integrity of financial information as it relates to the licensure of ~~((certified public accountants-))CPAs(())~~ and CPA firms. The purpose of the QAR program is to monitor licensees' compliance with attest standards.

(2) Structure and implementation.

(a) The board will annually appoint a quality assurance review committee to perform the following functions:

(i) Review of financial statements and the reports of licensees thereon to assess their compliance with applicable professional standards;

(ii) Improvement of reporting practices of licensees through education and rehabilitative measures;

(iii) Referral of cases requiring further investigation to the board ~~((or its designee))~~; and

(iv) Such other functions as the board may assign to the committee.

(b) Once every three years the board ~~((may request from))~~ will require each licensed firm((-and such)) to participate in the board's quality assurance review program. Participating firms will be notified by the board in January of the reporting requirement, and participating firms will be required to submit a quality assurance review status form, along with the appropriate fee, by the following April 30th. Failure to submit a complete quality assurance review status form postmarked by the April 30th due date, will result in the assessment of late fees. The board may waive late fees based on financial hardship, critical illness, or active military deployment.

(c) Each participating firm shall submit, for each of its offices, a compilation report, a review report, and an audit report. A firm shall select these reports from all reports prepared during the twelve months preceding the date of board request or, if no reports have been issued within the last twelve months, from all reports during the preceding three years.

If reports issued by all offices of a firm are reviewed and issued in a controlled, centralized process, only one of each of the reports specified above need be submitted by the firm as a whole.

~~((e))~~ (d) The board may exempt from the requirement of ~~((b))~~ (c) of this subsection any firm which has participated in a board-approved peer review program within the three years immediately preceding the date of board request. Firms requesting exemption must submit a copy of an unmodified report, letter of comments, response to letter of comments, if applicable, and letter of acceptance from the reviewing organization. Firms that receive modified peer review reports may request exemption, but must submit copies of such reports and related correspondence, at the discretion of the board, for consideration on an individual basis.

~~((d))~~ (e) Any documents submitted in accordance with ~~((b))~~ (c) of this subsection may have the name of the client, the client's address, and other identifying factors omitted, provided that the omission does not render the type or nature of the ~~((enterprise))~~ entity undeterminable. Dates may not be omitted.

~~((e) The committee may solicit and review financial statements and related reports of licensees from clients, public agencies, banks, and other users of financial statements-))~~

~~((In gathering information about the attest work of licensees, the committee may make use of investigators, either paid or unpaid, who are not themselves members of the committee.~~

~~((g) The identities of the sources of financial statements and reports received by the board or the committee from other than the licensees who issued the reports shall be preserved in confidence-))~~ Reports submitted to the committee pursuant to ~~((b))~~ (c) of this subsection and comments of reviewers, the committee and the board on such reports or workpapers relating thereto, shall also be preserved in confidence except to the extent that they are communicated by the board to the licensees who issued the reports or disclosure is required under administrative procedure rules or by direction of a court of law.

~~((h))~~ (g) The committee's review of financial statements and reports of the licensees thereon shall be directed toward the following:

(i) Presentation of financial statements in conformity with generally accepted accounting principles;

(ii) Compliance by licensees with generally accepted auditing standards;

(iii) Compliance by licensees with other professional standards; and

(iv) Compliance by licensees with the rules of the board and other regulations relating to the practice of public accounting.

~~((i))~~ (h) If the board determines that a report referred to the board by the committee is substandard or seriously questionable with respect to applicable professional standards, the board may take one or more of the following actions:

(i) Send the licensee ~~((firm))~~ a letter of comment detailing the perceived deficiencies and require the licensee to develop quality control procedures to ensure that similar occurrences will not occur in the future;

(ii) Require any ~~((individual))~~ licensee who had responsibility for issuance of a report, or who substantially participated in preparation of the report and/or related workpapers, to successfully complete specific courses or types of continuing education as specified by the board;

(iii) Require that the ~~((office))~~ licensee responsible for a substandard report submit all or specified categories of its reports to a preissuance review in a manner and for a duration prescribed by the board. The cost of the preissuance review will be at the firm's expense;

(iv) Require the ~~((office or the))~~ licensee ~~((firm))~~ responsible for a substandard report to submit to a peer review conducted in accordance with standards acceptable to the board. The cost of the peer review will be at the ~~((firm's))~~ licensee's expense;

(v) Require the licensee ~~((firm))~~ responsible for substandard work to submit to on-site field review or other investigative procedures of work product and practices by board representatives in order to assess the degree or pervasiveness of substandard work. The board may assess the costs of such field review or procedures to the ~~((firm))~~ licensee if the results of such investigative efforts substantiate the existence of substandard work product;

(vi) Initiate an investigation pursuant to RCW 18.04.295, 18.04.305, and/or 18.04.320 ~~((if it appears that the profes-~~

sional conduct reflected in a substandard report is so serious as to warrant consideration of possible disciplinary action)).

(i) The board may solicit and review financial statements and related reports of licensees from clients, public agencies, banks, and other users of financial statements. In gathering information about the attest work of licensees, the board may make use of investigators.

WSR 04-17-092

WITHDRAWAL OF PROPOSED RULES STATE BOARD OF EDUCATION

(By the Code Reviser's Office)

[Filed August 17, 2004, 8:58 a.m.]

WAC 180-50-300 and 180-50-320, proposed by the State Board of Education in WSR 04-04-086 appearing in issue 04-04 of the State Register, which was distributed on February 18, 2004, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 04-17-093

PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 17, 2004, 10:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-131.

Title of Rule and Other Identifying Information: Advanced registered nurse practitioners and physician assistants, in response to SHB 1691 (chapter 65, Laws of 2004) this rule lays out the expanded duties that an advanced registered nurse practitioner (ARNP) can now perform under Title 51 RCW. In response to SB 6356 (chapter 163, Laws of 2004) this rule also defines what a "simple industrial injury" is in order to explain when a physician assistant (PA) may have sole signature on the report of accident or physician's initial report.

Hearing Location(s): Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, on October 1, 2004, at 1:00 p.m.

Date of Intended Adoption: November 2, 2004.

Submit Written Comments to: Jami Lifka, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, e-mail lifk235@lni.wa.gov, fax (360) 902-6315, by October 1, 2004, at 5:00 p.m. PST.

Assistance for Persons with Disabilities: Contact Office of Information and Assistance by September 15, 2004, TTY (360) 902-5797 or (360) 902-4941.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to obtain public comment and to make perma-

nent an emergency rule on this subject made effective July 1, 2004. It will make clear the expanded duties that ARNPs can perform under Title 51 RCW and will describe under what circumstances PAs may have sole signature on report of accidents for simple industrial injury claims. The ultimate result will be better access for injured workers and crime victims to health care providers.

This proposal will amend WAC 296-14-400, 296-20-01002, 296-20-01501, 296-20-06101 and 296-23-240; and create two new sections WAC 296-20-01502 and 296-23-241.

Reasons Supporting Proposal: This proposal is in response to legislative directives on these subjects.

Statutory Authority for Adoption: RCW 51.04.020, SHB 1691 (chapter 65, Laws of 2004) and SB 6356 (chapter 163, Laws of 2004).

Statute Being Implemented: SHB 1691 (chapter 65, Laws of 2004) and SB 6356 (chapter 163, Laws of 2004).

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

Name of Proponent: Department of Labor and Industries, governmental.

Name of Agency Personnel Responsible for Drafting: Jami Lifka, 7273 Linderson Way S.W., Tumwater, (360) 902-4941; Implementation: Gary Franklin, MD, MPH, Medical Director, (360) 902-5020; and Enforcement: Robert Malooly, Assistant Director for Insurance Services, (360) 902-4209.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes are intended only to make possible the administration of the statutes they are based upon, and do not carry any penalty not specifically dictated by those statutes. Per RCW 34.05.310 (4)(e) the small business economic impact statement requirement does not apply to "rules the content of which is explicitly and specifically dictated by statute." This proposed rule has little or no impact on business. There are no additional costs to business required by this rule.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed changes are intended only to make possible the administration of the statutes they are based upon, and do not carry any penalty not specifically dictated by those statutes. Per RCW 34.05.328 (5)(b)(v) the cost-benefit analysis requirement does not apply to "rules the content of which is explicitly and specifically dictated by statute." This proposed rule has little or no impact on business. There are no additional costs to business required by this rule.

August 17, 2004

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 90-22-054, filed 11/5/90, effective 12/6/90)

WAC 296-14-400 Reopenings for benefits. The director at any time may, upon the workers' application to reopen for aggravation or worsening of condition, provide proper and necessary medical and surgical services as authorized under RCW 51.36.010. This provision will not apply to total

permanent disability cases, as provision of medical treatment in those cases is limited by RCW 51.36.010.

The seven-year reopening time limitation shall run from the date the first claim closure becomes final and shall apply to all claims regardless of the date of injury. In order for claim closure to become final on claims where closure occurred on or after July 1, 1981, the closure must include documentation of medical recommendation, advice or examination. Such documentation is not required for closing orders issued prior to July 1, 1981. First closing orders issued between July 1, 1981, and July 1, 1985, shall for the purposes of this section only, be deemed issued on July 1, 1985.

The director shall, in the exercise of his or her discretion, reopen a claim provided objective evidence of worsening is present and proximately caused by a previously accepted asbestos-related disease.

In order to support a final closure based on medical recommendation or advice the claim file must contain documented information from a doctor, or nurse consultant (departmental) or nurse practitioner (~~supervised by a doctor~~). The doctor or nurse practitioner may be in private practice, acting as a member of a consultation group, employed by a firm, corporation, or state agency.

For the purpose of this section, a "doctor" is defined in WAC 296-20-01002.

When a claim has been closed by the department or self-insurer for sixty days or longer, the worker must file a written application to reopen the claim. An informal written request filed without accompanying medical substantiation of worsening of the condition will constitute a request to reopen, but the time for taking action on the request shall not commence until a formal application is filed with the department or self-insurer as the case may be.

A formal application occurs when the worker and doctor complete and file the application for reopening provided by the department. Upon receipt of an informal request without accompanying medical substantiation of worsening of the worker's condition, the department or self-insurer shall promptly provide the necessary application to the worker for completion.

If, within seven years from the date the first closing order became final, a formal application to reopen is filed which shows by "sufficient medical verification of such disability related to the accepted condition(s)" that benefits are payable, the department, or the self-insurer, pursuant to RCW 51.32.210 and 51.32.190, respectively shall mail the first payment within fourteen days of receiving the formal application to reopen. If the application does not contain sufficient medical verification of disability, the fourteen-day period will begin upon receipt of such verification. If the application to reopen is granted, compensation will be paid pursuant to RCW 51.28.040. If the application to reopen is denied, the worker shall repay such compensation pursuant to RCW 51.32.240.

Applications for reopenings filed on or after July 1, 1988, must be acted upon by the department within ninety days of receipt of the application by the department or the self-insurer. The ninety-day limitation shall not apply if the worker files an appeal or request for reconsideration of the department's denial of the reopening application.

The department may, for good cause, extend the period in which the department must act for an additional sixty days. "Good cause" for such an extension may include, but not be limited to, the following:

- (1) Inability to schedule a necessary medical examination within the ninety-day time period;
- (2) Failure of the worker to appear for a medical examination;
- (3) Lack of clear or convincing evidence to support reopening or denial of the claim without an independent medical examination;
- (4) Examination scheduled timely but cannot be conducted and a report received in sufficient time to render a decision prior to the end of the ninety-day time period.

The department shall make a determination regarding "good cause" in a final order as provided in RCW 51.52.050.

The ninety-day limitation will not apply in instances where the previous closing order has not become final.

AMENDATORY SECTION (Amending WSR 04-08-040, filed 3/30/04, effective 5/1/04)

WAC 296-20-01002 Definitions. Acceptance, accepted condition: Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative treatment of a claimant's medical condition is the responsibility of the department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

Appointing authority: For the evidence-based prescription drug program of the participating agencies in the state purchased health care programs, appointing authority shall mean the following persons acting jointly: The administrator of the health care authority, the secretary of the department of social and health services, and the director of the department of labor and industries.

Attendant care: Those proper and necessary personal care services provided to maintain the worker in his or her residence. Refer to WAC 296-20-303 for more information.

Attending doctor report: This type of report may also be referred to as a "60 day" or "special" report. The following information must be included in this type of report. Also, additional information may be requested by the department as needed.

- (1) The condition(s) diagnosed including ICD-9-CM codes and the objective and subjective findings.
- (2) Their relationship, if any, to the industrial injury or exposure.
- (3) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The probability, if any, of permanent partial disability resulting from industrial conditions should be noted.
- (4) If the worker has not returned to work, the attending doctor should indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.

(5) If the worker has not returned to work, a doctor's estimate of physical capacities should be included with the report. If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical capacities evaluations should be conducted by a licensed occupational therapist or a licensed physical therapist. Performance-based physical capacities evaluations may also be conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

Authorization: Notification by a qualified representative of the department or self-insurer that specific proper and necessary treatment, services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

Average wholesale price (AWP): A pharmacy reimbursement formula by which the pharmacist is reimbursed for the cost of the product plus a mark-up. The AWP is an industry benchmark which is developed independently by companies that specifically monitor drug pricing.

Baseline price (BLP): Is derived by calculating the mean average for all NDC's (National Drug Code) in a specific product group, determining the standard deviation, and calculating a new mean average using all prices within one standard deviation of the original mean average. "Baseline price" is a drug pricing mechanism developed and updated by First Data Bank.

Bundled codes: When a bundled code is covered, payment for them is subsumed by the payment for the codes or services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient. This service is not separately payable because it is included in the payment for other services such as hospital visits.) Bundled codes and services are identified in the fee schedules.

By report: BR (by report) in the value column of the fee schedules indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative, medical, radiological, laboratory, pathology, or other similar service report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

- (1) Diagnosis;
- (2) Size, location and number of lesion(s) or procedure(s) where appropriate;
- (3) Surgical procedure(s) and supplementary procedure(s);
- (4) Whenever possible, list the nearest similar procedure by number according to the fee schedules;
- (5) Estimated follow-up;
- (6) Operative time;
- (7) Describe in detail any service rendered and billed using an "unlisted" procedure code.

The department or self-insurer may adjust BR procedures when such action is indicated.

Chart notes: This type of documentation may also be referred to as "office" or "progress" notes. Providers must maintain charts and records in order to support and justify the services provided. "Chart" means a compendium of medical records on an individual patient. "Record" means dated reports supporting bills submitted to the department or self-insurer for medical services provided in an office, nursing facility, hospital, outpatient, emergency room, or other place of service. Records of service shall be entered in a chronological order by the practitioner who rendered the service. For reimbursement purposes, such records shall be legible, and shall include, but are not limited to:

- (1) Date(s) of service;
- (2) Patient's name and date of birth;
- (3) Claim number;
- (4) Name and title of the person performing the service;
- (5) Chief complaint or reason for each visit;
- (6) Pertinent medical history;
- (7) Pertinent findings on examination;
- (8) Medications and/or equipment/supplies prescribed or provided;
- (9) Description of treatment (when applicable);
- (10) Recommendations for additional treatments, procedures, or consultations;
- (11) X rays, tests, and results; and
- (12) Plan of treatment/care/outcome.

Consultation examination report: The following information must be included in this type of report. Additional information may be requested by the department as needed.

- (1) A detailed history to establish:
 - (a) The type and severity of the industrial injury or occupational disease.
 - (b) The patient's previous physical and mental health.
 - (c) Any social and emotional factors which may effect recovery.
- (2) A comparison history between history provided by attending doctor and injured worker, must be provided with exam.
- (3) A detailed physical examination concerning all systems affected by the industrial accident.
- (4) A general physical examination sufficient to demonstrate any preexisting impairments of function or concurrent condition.
- (5) A complete diagnosis of all pathological conditions including ICD-9-CM codes found to be listed:
 - (a) Due solely to injury.
 - (b) Preexisting condition aggravated by the injury and the extent of aggravation.
 - (c) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.
 - (d) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).
- (6) Conclusions must include:
 - (a) Type of treatment recommended for each pathological condition and the probable duration of treatment.
 - (b) Expected degree of recovery from the industrial condition.

(c) Probability, if any, of permanent disability resulting from the industrial condition.

(d) Probability of returning to work.

(7) Reports of necessary, reasonable X-ray and laboratory studies to establish or confirm the diagnosis when indicated.

Doctor: For these rules, means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry.

Only those persons so licensed may sign report of accident forms and certify time loss compensation except as provided in ~~(chapter 296-20-)~~ WAC 296-20-01502. When can a physician assistant have sole signature on the report of accident or physician's initial report? and WAC 296-23-241, Can advanced registered nurse practitioners independently perform the functions of an attending physician?

Emergent hospital admission: Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the workers health or treatment outcome.

Endorsing practitioner: A practitioner who has reviewed the preferred drug list and has notified the health care authority that he or she has agreed to allow therapeutic interchange of a preferred drug for any nonpreferred drug in a given therapeutic class.

Fatal: When the attending doctor has reason to believe a worker has died as a result of an industrial injury or exposure, the doctor should notify the nearest department service location or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

Fee schedules or maximum fee schedule(s): The fee schedules consist of, but are not limited to, the following:

(a) Health Care Common Procedure Coding System Level I and II Codes, descriptions and modifiers that describe medical and other services, supplies and materials.

(b) Codes, descriptions and modifiers developed by the department.

(c) Relative value units (RVUs), calculated or assigned dollar values, percent-of-allowed-charges (POAC), or diagnostic related groups (DRGs), that set the maximum allowable fee for services rendered.

(d) Billing instructions or policies relating to the submission of bills by providers and the payment of bills by the department or self-insurer.

(e) Average wholesale price (AWP), baseline price (BLP), and policies related to the purchase of medications.

Health services provider or provider: For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. It includes, but is not limited to, hospitals, medical doctors, dentists, chiropractors, vocational rehabilitation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage

therapists, psychologists, naturopathic physicians, and durable medical equipment dealers.

Home nursing: Those nursing services that are proper and necessary to maintain the worker in his or her residence. These services must be provided through an agency licensed, certified or registered to provide home care, home health or hospice services. Refer to WAC 296-20-091 for more information.

Independent or separate procedure: Certain of the fee schedule's listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

Medical aid rules: The Washington Administrative Codes (WACs) that contain the administrative rules for medical and other services rendered to workers.

Modified work status: The worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limitations and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational assessment can be conducted to determine whether the worker will require assistance in returning to work.

Nonemergent (elective) hospital admission: Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely scheduled in advance without jeopardizing the worker's health or treatment outcome.

Physician: For these rules, means any person licensed to perform one or more of the following professions: Medicine and surgery; or osteopathic medicine and surgery.

Practitioner: For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; physician or osteopathic assistant; and massage therapy.

Preferred drug list: The list of drugs selected by the appointing authority to be used by applicable state agencies as the basis for the purchase of drugs in state purchased health care programs.

Proper and necessary:

(1) The department or self-insurer pays for proper and necessary health care services that are related to the diagnosis and treatment of an accepted condition.

(2) Under the Industrial Insurance Act, "proper and necessary" refers to those health care services which are:

(a) Reflective of accepted standards of good practice, within the scope of practice of the provider's license or certification;

(b) Curative or rehabilitative. Care must be of a type to cure the effects of a work-related injury or illness, or it must be rehabilitative. Curative treatment produces permanent changes, which eliminate or lessen the clinical effects of an accepted condition. Rehabilitative treatment allows an injured or ill worker to regain functional activity in the presence of an interfering accepted condition. Curative and rehabilitative care produce long-term changes;

(c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and

(d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition.

(3) The department or self-insurer stops payment for health care services once a worker reaches a state of maximum medical improvement. Maximum medical improvement occurs when no fundamental or marked change in an accepted condition can be expected, with or without treatment. Maximum medical improvement may be present though there may be fluctuations in levels of pain and function. A worker's condition may have reached maximum medical improvement though it might be expected to improve or deteriorate with the passage of time. Once a worker's condition has reached maximum medical improvement, treatment that results only in temporary or transient changes is not proper and necessary. "Maximum medical improvement" is equivalent to "fixed and stable."

(4) In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered proper and necessary. Services that are controversial, obsolete, investigational or experimental are presumed not to be proper and necessary, and shall be authorized only as provided in WAC 296-20-03002(6) and 296-20-02850.

Refill: The continuation of therapy with the same drug (including the renewal of a previous prescription or adjustments in dosage) when a prescription is for an antipsychotic, antidepressant, chemotherapy, antiretroviral or immunosuppressive drug.

Regular work status: The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

Temporary partial disability: Partial time loss compensation may be paid when the worker can return to work on

a limited basis or return to a lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary. **All time loss compensation must be certified by the attending doctor based on objective findings.**

Termination of treatment: When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

Therapeutic alternative: Drug products of different chemical structure within the same pharmacologic or therapeutic class and that are expected to have similar therapeutic effects and safety profiles when administered in therapeutically equivalent doses.

Therapeutic interchange: To dispense with the endorsing practitioner's authorization, a therapeutic alternative to the prescribed drug.

Total permanent disability: Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the attending doctor feels a worker may be totally and permanently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

Total temporary disability: Full-time loss compensation will be paid when the worker is unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted industrial injury or exposure.

Unusual or unlisted procedure: Value of unlisted services or procedures should be substantiated "by report" (BR).

Utilization review: The assessment of a claimant's medical care to assure that it is proper and necessary and of good quality. This assessment typically considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

AMENDATORY SECTION (Amending WSR 03-21-069, filed 10/14/03, effective 12/1/03)

WAC 296-20-01501 Physician((s)) assistant rules.
 (1) Physician((s)) assistants may perform only those medical services in industrial injury cases, for which the physician((s)) assistant is trained and licensed, under the control and supervision of a licensed physician. Such control and supervision shall not be construed to require the personal presence of the supervising physician.

(2) Physician((s)) assistants may perform those medical services which are within the scope of their physician's assis-

tant license for industrial injury cases within the limitations of subsection (3) of this section.

(3) Advance approval must be obtained from the department to treat industrial injury cases. To be eligible to treat industrial injuries, the physician((s)) assistant must:

(a) Provide the department with a copy of his/her license.

(b) Provide the name and address and specialty of the supervising physician.

(c) Provide the department with the evidence of a reliable and rapid system of communication with the supervising physician.

(4) Physician((s')) assistants may prepare report of accident, time loss compensation certification, and progress reports for the supervising physician((s)) signature. Physician((s')) assistants cannot submit such information under his/her signature. Under certain circumstances, physician assistants can submit the report of accident or physician initial report under his or her signature. See WAC 296-20-01502.

NEW SECTION

WAC 296-20-01502 When can a physician assistant have sole signature on the report of accident or physician's initial report? (1) Physician assistants (PAs) may complete and have sole signature on the report of accident or the physician's initial report, where applicable, on simple industrial injury claims. This can occur for the period beginning July 1, 2004, and ending July 1, 2007.

PAs cannot certify entitlement to time-loss compensation, pension benefits, death benefits, or loss-of-earning power benefits.

(2) A simple industrial injury claim would include:

- No time lost from work after the date of injury; and
- A simple industrial injury limited to an insect bite, abrasion, contusion, laceration, blister, foreign body, open wound, sprain, strain, closed fracture, simple burn, or probable exposure to bloodborne pathogen due to a needlestick.

(Specific examples include 2nd degree burn, ICD-9 943.29, tibia fracture, closed, ICD-9 823.80.)

A simple industrial injury does not involve:

- Time lost from work after the date of injury; or
- Surgery or hospitalization on the date of the injury or date of first treatment; or
- Occupational diseases (e.g., dermatitis, carpal tunnel syndrome, hearing loss, asbestosis, exposure to blood with no needlestick); or
- Complex industrial injuries (e.g., hernias, head injuries (except simple lacerations or abrasions), mental health conditions, open fractures, extremity amputation, severe crush injuries, severe burns, spinal cord injuries, cancer, heart disease, stroke or chemical exposure).

(3) An attending physician must be assigned to the claim to certify any time off work after the date of injury.

(4) The PA must identify on the report of accident or physician's initial report the name of the doctor who will be supervising care under this claim and also list the corresponding labor and industries provider number for that doctor. The claim will be considered on its own merits regardless of the absence of the supervising physician's L&I number but payment of bills may be delayed.

(5) WAC 296-20-01502 expires July 1, 2007.

AMENDATORY SECTION (Amending WSR 00-01-190, filed 12/22/99, effective 1/24/00)

WAC 296-20-06101 What reports are health care providers required to submit to the insurer? The department or self-insurer requires different kinds of information at various stages of a claim in order to approve treatment, time loss compensation, and treatment bills. The department or self-insurer may request the following reports at specified points in the claim. The information provided in these reports is needed to adequately manage industrial insurance claims.

<i>Report</i>	<i>Due/Needed by Insurer</i>	<i>What Information Should Be Included In the Report?</i>	<i>Special Notes</i>
Report of Industrial Injury or Occupational Disease (form) Self-Insurance: Physician's Initial Report (form)	Immediately - within five days of first visit.	See form If additional space is needed, please attach the information to the application. The claim number should be at the top of the page.	Only MD, DO, DC, ND, DPM, DDS, <u>ARNP</u> , and OD may sign and be paid for completion of this form. <u>PAs may sign and be paid for completion of this form under the circumstances outlined in WAC 296-20-01502.</u>

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<i>Report</i>	<i>Due/Needed by Insurer</i>	<i>What Information Should Be Included In the Report?</i>	<i>Special Notes</i>
<p>Sixty Day (narrative) Purpose: Support and document the need for continued care when conservative (non-surgical) treatment is to continue beyond sixty days</p>	<p>Every sixty days when only conservative (non-surgical) care has been provided.</p>	<p>(1) The conditions diagnosed, including ICD-9-CM codes and the subjective complaints and objective findings.</p>	<p>Providers may submit legible comprehensive chart notes in lieu of sixty day reports PROVIDED the chart notes include all the information required as noted in the "What Information Should Be Included?" column.</p>
		<p>(2) The relationship of diagnoses, if any, to the industrial injury or exposure. (3) Outline of proposed treatment program, its length, components and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date and the probability, if any, of permanent partial disability resulting from the industrial condition. (4) Current medications, including dosage and amount prescribed. With repeated prescriptions, include the plan and need for continuing medication. (5) If the worker has not returned to work, indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why. (6) If the worker has not returned to work, a doctor's estimate of physical capacities should be included. (7) Response to any specific questions asked by the insurer or vocational counselor.</p>	<p>However, office notes are not acceptable in lieu of requested narrative reports and providers may not bill for the report if chart notes are submitted in place of the report. Please see WAC 296-20-03021 and 296-20-03022 for documentation requirements for those workers receiving opioids to treat chronic non-cancer pain.</p> <p>Providers must include their name, address and date on all chart notes submitted.</p>

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<i>Report</i>	<i>Due/Needed by Insurer</i>	<i>What Information Should Be Included In the Report?</i>	<i>Special Notes</i>
<p>Special Reports/Follow-up Reports (narrative)</p>	<p>As soon as possible following request by the department/insurer.</p>	<p>Response to any specific questions asked by the insurer or vocational counselor.</p>	<p>"Special reports" are payable only when requested by the insurer.</p>
<p>Consultation Examination Reports (narrative)</p> <p>Purpose: Obtain an objective evaluation of the need for ongoing conservative medical management of the worker.</p> <p>The attending doctor may choose the consultant.</p>	<p>At one hundred twenty days if only conservative (nonsurgical) care has been provided.</p>	<p>(1) Detailed history. (2) Comparative history between the history provided by the attending doctor and injured worker. (3) Detailed physical examination. (4) Condition(s) diagnosed including ICD-9-CM codes, subjective complaints and objective findings. (5) Outline of proposed treatment program: Its length, components, expected prognosis including when treatment should be concluded and condition(s) stable. (6) Expected degree of recovery from the industrial condition. (7) Probability of returning to regular work or modified work and an estimated return to work date. (8) Probability, if any, of permanent partial disability resulting from the industrial condition. (9) A doctor's estimate of physical capacities should be included if the worker has not returned to work. (10) Reports of necessary, reasonable X ray and laboratory studies to establish or confirm diagnosis when indicated.</p>	<p>If the injured/ill worker had been seen by the consulting doctor within the past three years for the same condition, the consultation will be considered a follow-up office visit, not consultation.</p> <p>A copy of the consultation report must be submitted to both the attending doctor and the department/insurer.</p>
<p>Supplemental Medical Report (form)</p>	<p>As soon as possible following request by the department/insurer.</p>	<p>See form</p>	<p>Payable only to the attending doctor upon request of the department/insurer.</p>

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<i>Report</i>	<i>Due/Needed by Insurer</i>	<i>What Information Should Be Included In the Report?</i>	<i>Special Notes</i>
Attending Doctor Review of IME Report (form) Purpose: Obtain the attending doctor's opinion about the accuracy of the diagnoses and information provided based on the IME.	As soon as possible following request by the department/insurer.	Agreement or disagreement with IME findings. If you disagree, provide objective/subjective findings to support your opinion.	Payable only to the attending doctor upon request of the department/insurer.
Loss of Earning Power (form) Purpose: Certify the loss of earning power is due to the industrial injury/occupational disease.	As soon as possible after receipt of the form.	See form	Payable only to the AP.
Application to Reopen Claim Due to Worsening of Condition (form) Purpose: Document worsening of the accepted condition and need to reopen claim for additional treatment.	Immediately following identification of worsening after a claim has been closed for sixty days. Crime Victims: Following identification of worsening after a claim has been closed for ninety days.	See form	Only MD, DO, DC, ND, DPM, DDS, ARNP, and OD may sign and be paid for completion of this form.

What documentation is required for initial and follow up visits?

Legible copies of office or progress notes are required for the initial and all follow-up visits.

What documentation are ancillary providers required to submit to the insurer?

Ancillary providers are required to submit the following documentation to the department or self-insurer:

Provider	Chart Notes	Reports
Audiology	X	X
Biofeedback	X	X
Dietician		X
Drug & Alcohol Treatment	X	X
Free Standing Surgery	X	X
Free Standing Emergency Room	X	X
Head Injury Program	X	X
Home Health Care		X
Infusion Treatment, Professional Services		X
Hospitals	X	X
Laboratories		X
Licensed Massage Therapy	X	X
Medical Transportation		X
Nurse Case Managers		X
Nursing Home	X	X
Occupational Therapist	X	X

Provider	Chart Notes	Reports
Optometrist	X	X
Pain Clinics	X	X
Panel Examinations		X
Physical Therapist	X	X
Prosthetist/Orthotist	X	X
Radiology		X
Skilled Nursing Facility	X	X
Speech Therapist	X	X

AMENDATORY SECTION (Amending WSR 00-03-056, filed 1/14/00, effective 2/14/00)

WAC 296-30-090 What are the maximum allowable fees? (1) Maximum allowable fees for medical services are those fees published in the *Medical Aid Rules and Fee Schedules* less any available benefits of public or private insurance.

(2) Maximum allowable fees for mental health services are those fees published in the *Crime Victims Compensation Program Mental Health Treatment Rules and Fees* less any available benefits of public or private insurance.

EXCEPTION: If any of the maximum allowable fees in the publications entitled *Medical Aid Rules and Fee Schedules* and *Crime Victims Compensation Program Mental Health Treatment Rules and Fees* are lower than the maximum allowable fees for those procedures established by the department of social and health services under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.

(3) The percent of allowed charges authorized for hospital inpatient and outpatient services billed by revenue codes

are those rates established by the department of social and health services under Title 74 RCW and WAC 388-550-4500 (1)(a) and 388-550-6000 (1)(a) less any available benefits of public or private insurance.

(4) The maximum allowable fees for medical and mental health services will be those rates established by the department of social and health services.

AMENDATORY SECTION (Amending WSR 03-21-069, filed 10/14/03, effective 12/1/03)

WAC 296-23-240 Licensed nursing rules. (1) Registered nurses and licensed practical nurses may perform private duty nursing care in industrial injury cases when the attending physician deems this care necessary. Registered nurses may be reimbursed for services as outlined by department policy. (See chapter 296-20 WAC for home nursing rules.)

(2) Advanced registered nurse practitioners (ARNPs) may perform advanced and specialized levels of nursing care on a fee for service basis in industrial injury cases within the limitations of this section. ARNPs may be reimbursed for services as outlined by department policy.

(3) In order to treat workers under the Industrial Insurance Act, the advanced registered nurse practitioner must be:

(a) Recognized by the Washington state board of nursing or other government agency as an advanced registered nurse practitioner (ARNP). For out-of-state nurses an equivalent title and training may be approved at the department's discretion.

(b) Capable of providing the department with evidence and documentation of a reliable and rapid system of obtaining physician consultations.

(4) Billing procedures outlined in the medical aid rules and fee schedules apply to all nurses.

~~((5) Advanced registered nurse practitioners cannot sign accident report forms or certify time loss compensation.))~~

NEW SECTION

WAC 296-23-241 Can advanced registered nurse practitioners independently perform the functions of an attending physician? Advanced registered nurse practitioners (ARNPs) may for the period of July 1, 2004, through June 30, 2007, independently perform the functions of an attending physician under the Industrial Insurance Act, with the exception of rating permanent impairment. These functions are referenced in the medical aid rules as those of a physician, attending physician, or attending doctor and include, but are not limited to:

- Completing and signing the report of accident or physician's initial report, where applicable;
- Certifying time-loss compensation;
- Completing and submitting all required or requested reports;
- Referring workers for consultations;
- Performing consultations;
- Facilitating early return to work offered by and performed for the employer(s) of record;

• Doing all that is possible to expedite the vocational process, including making an estimate of the worker's physical or mental capacities that affect the worker's employability.

ARNPs can state whether a worker has permanent impairment, such as on the department's physician's final report (PFR). ARNPs cannot rate permanent impairment or perform independent medical examinations (IMEs).

WAC 296-23-241 expires on June 30, 2007.

WSR 04-17-094
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed August 17, 2004, 10:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-14-088.

Title of Rule and Other Identifying Information: WAC 296-46B-900 Electrical work and permits and fees, 296-46B-905 Inspection, 296-46B-915 Civil penalty schedule, 296-46B-925 Electrical/telecommunications contractor's license, and 296-46B-970 Continuing education. General requirements—Continuing education classes requirements for administrator, master electrician, and electrician renewal.

This rule proposal is related to an emergency rule that went into effect on August 2, 2004, as WSR 04-16-076.

Hearing Location(s): Department of Labor and Industries, 7273 Linderson Way S.E., Olympia, WA 98504, on September 21, 2004, at 8:00 a.m.; and at the Department of Labor and Industries, 3001 West Broadway Avenue, Moses Lake, WA, on September 22, 2004, at 10:00 a.m.

Date of Intended Adoption: October 20, 2004.

Submit Written Comments to: Christine Swanson, 7273 Linderson Way, Olympia, WA 98504-4400, e-mail copc235@lni.wa.gov, fax (360) 902-5292, by September 22, 2004.

Assistance for Persons with Disabilities: Contact Christine Swanson by September 7, 2004, TTY (360) 902-5797 or (360) 902-6411.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making proposes to make the following amendments to the electrical work and permits and fees rules:

- A permit will no longer be required to perform only maintenance work on a sign.
- This requirement was an unintended consequence of a rule making in 2003. This amendment will restore previous business practices.
- Any electrician with a certificate to teach continuing education classes may be an electrical instructor, this includes, all administrators and all electricians including specialty electricians.

An emergency rule went into effect August 2, 2004, (WSR 04-16-076) to immediately put the above rules in effect. This rule making will make these amendments permanent.

This rule making also proposes to:

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- When service call companies respond to a call they do not know exactly what type of work will need to be performed. Under the current rules, before they can perform most types of electrical work they can do two things: 1) Call back to the office and have them immediately purchase an electrical permit or 2) leave the job and go to L&I and purchase a permit. Both options are a work stoppage challenge for this industry and do not make business sense. This rule proposal will create a provisional electrical permit to allow service call companies some flexibility with permitting. The department will allow this provisional permit as long as an electrical permit is purchased within two working days after posting the provisional permit.
- The definition of independent power producer is clearly defined per directive from the Electrical Board in a policy. This rule making proposes to place the policy language into rule. The policy will be repealed.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: Chapter 19.28 RCW, Electricians and electrical installations.

Statute Being Implemented: Chapter 19.28 RCW, Electricians and electrical installations.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: Department of Labor and Industries, governmental.

Name of Agency Personnel Responsible for Drafting: Ron Fuller, Tumwater, Washington, (360) 902-5249; Implementation and Enforcement: Patrick Woods, Tumwater, Washington, (360) 902-6348.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department evaluated the proposed rules and determined that there is no increase in costs to business, therefore, we did not prepare a small business economic impact statement or a cost-benefit analysis.

A cost-benefit analysis is not required under RCW 34.05.328. The department evaluated the proposed rules and determined that there is no increase in costs to business, therefore, we did not prepare a small business economic impact statement or a cost-benefit analysis.

August 17, 2004

Paul Trause
Director

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-900 Electrical work permits and fees. General.

(1) When an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections may not be made, equipment must not be energized, or services connected unless:

(a) A valid electrical work permit is completely and legibly filled out and readily available;

(b) The classification or type of facility to be inspected and the exact scope and location of the electrical work to be performed are clearly shown on the electrical work permit;

(c) The address where the inspection is to be made is clearly identifiable from the street, road or highway that serves the premises; and

(d) Driving directions and/or a legible map is provided for the inspectors' use.

(2) An electrical work permit is valid for only one specific site address.

(3) Except as provided in subsection (8) of this section, a valid electrical work permit must be posted on the job site at a readily accessible and conspicuous location prior to beginning electrical work and at all times until the electrical inspection process is completed.

Permit - responsibility for.

(4) Each person, firm, partnership, corporation, or other entity must furnish a valid electrical work permit for the installation, alteration, or other electrical work performed or to be performed by that entity. Each electrical work permit application must be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing the electrical installation or alteration. Permits purchased electronically do not require a handwritten signature. An entity designated to sign electrical permits must provide written authorization of the purchaser's designation when requested by the department.

(5) Permits to be obtained by customers. Whenever a serving electrical utility performs work for a customer under one of the exemptions in WAC 296-46B-925 and the work is subject to inspection, the customer is responsible for obtaining all required permits.

(6) Except for emergency repairs to existing electrical systems, electrical work permits must be obtained and posted at the job site prior to beginning the installation or alteration. An electrical work permit for emergency repairs to existing electrical systems must be obtained and posted at the job site no later than the next business day after the work is begun.

(7) Fees must be paid in accordance with the inspection fee schedule, WAC 296-46B-905. The amount of the fee due is calculated based on the fee effective at the date payment is made. If the project is required to have an electrical plan review, the plan review fees will be based on the fees effective at the date the plans are received by the department for review.

Permit - requirements for.

(8) As required by chapter 19.28 RCW or this chapter, an electrical work permit is required for the installation, alteration, or maintenance of all electrical systems or equipment except for:

(a) Travel trailers;

(b) Class A basic electrical work which includes the **like-in-kind replacement** of a: Contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; component(s) of electric signs, outline lighting, skeleton neon tubing when replaced on-site by an appropriate electrical con-

tractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; ten horsepower or smaller motor; and induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices.

A provisional electrical work permit label may be posted in lieu of an electrical work permit. If a provisional electrical work permit label is used, an electrical work permit must be obtained within two working days after posting the provisional electrical work permit label.

(9) An electrical work permit is required for all installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections. For the purposes of determining the inspection threshold for telecommunications projects greater than ten outlets, the following will apply:

(a) An outlet is the combination of jacks and mounting hardware for those jacks, along with the associated cable and telecommunications closet terminations, that serve one workstation. In counting outlets to determine the inspection threshold, one outlet must not be associated with more than six standard four-pair cables or more than one twenty-five-pair cable. Therefore, installations of greater than sixty standard four-pair cables or ten standard twenty-five-pair cables require permits and inspections. (It is not the intent of the statute to allow large masses of cables to be run to workstations or spaces serving telecommunications equipment without inspection. Proper cable support and proper loading of building structural elements are safety concerns. When considering total associated cables, the telecommunications availability at one workstation may count as more than one outlet.)

(b) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

(c) All telecommunications installations within the residential dwelling units of single-family, duplex, and multi-family dwellings do not require permits or inspections. In residential multifamily dwellings, permits and inspections are required for all backbone installations, all fire barrier penetrations, and installations of greater than ten outlets in common areas.

(d) No permits or inspections are required for installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment.

(e) Definitions of telecommunications technical terms will come from chapter 19.28 RCW, this chapter, TIA/EIA standards, and NEC.

Permit - inspection and approval.

(10) Requests for inspections.

(a) Requests for inspections must be made no later than three business days after completion of the electrical/telecommunications installation or one business day after any

part of the installation has been energized, whichever occurs first.

(b) Requests for after hours or weekend inspections must be made by contacting the local electrical inspection supervisor at least three working days prior to the requested date of inspection. The portal-to-portal inspection fees required for after hours or weekend inspections are in addition to the cost of the original electrical work permit.

(c) Emergency requests to inspect repairs necessary to preserve life and equipment safety may be requested at any time.

(d) Inspections for annual electrical maintenance permits and annual telecommunications permits may be done on a regular schedule arranged by the permit holder with the department.

(11) Final inspection approval will not be made until all inspection fees are paid in full.

Permit - duration/refunds.

(12) Electrical work permits will expire one year after the date of purchase unless electrical work is actively and consistently in progress and inspections requested. Refunds are not available for:

(a) Expired electrical work permits;

(b) Electrical work permits where the electrical installation has begun; or

(c) Any electrical work permit where an electrical inspection or electrical inspection request has been made.

Permit - annual telecommunications.

(13) The chief electrical inspector can allow annual permits for the inspection of telecommunications installations to be purchased by a building owner or licensed electrical/telecommunications contractor. The owner's full-time telecommunications maintenance staff, or a licensed electrical/telecommunications contractor(s) can perform the work done under this annual permit. The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all the telecommunications work performed and the valid electrical or telecommunications contractor's license numbers for all contractors working under the permit.

Permit - annual electrical.

(14) The chief electrical inspector can allow annual permits for the inspection of electrical installations to be purchased by a building owner or licensed electrical contractor. This type of permit is available for commercial/industrial locations employing a full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor.

The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all electrical work performed.

This type of electrical permit may be used for retrofit, replacement, maintenance, repair, upgrade, and alterations to electrical systems at a single plant or building location. This type of permit does not include new or increased service or new square footage.

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Provisional electrical work permit - use/duration/refunds.

(15) Only licensed electrical contractors can use provisional electrical work permits.

(16) If a provisional electrical work permit label is used, the following requirements must be met:

(a) The certified electrician performing the installation must affix the provisional electrical work permit label on the cover of the panelboard or overcurrent device supplying power to the circuit or equipment prior to beginning the work.

(b) The job site portion of the label must include the following:

- (i) Date the work is begun;
- (ii) Electrical contractor's name;
- (iii) Electrical contractor's license number; and
- (iv) Short description of the work.

(c) The contractor portion of the label must include the following:

- (i) Date the work is begun;
- (ii) Electrical contractor's license number;
- (iii) Job site address;
- (iv) Owner's name; and
- (v) Short description of the work.

(d) The label must be filled in using sunlight and weather resistant ink.

(e) The electrical contractor must return the contractor's portion of the label to the department of labor and industries, electrical section office having jurisdiction for the inspection, within one working day after the job site portion of the label is affixed. Either receipt by department of labor and industries or postmark to a valid department of labor and industries electrical address is acceptable for meeting this requirement.

(17) Refunds are not available for provisional electrical work permit labels.

(18) Provisional electrical work permit labels will be sold in blocks of twenty.

(19) Any electrical contractor purchasing a provisional electrical work permit label may be audited for compliance with the provisions for purchasing, inspection, reporting of installations, and any other requirement of usage.

Class B electrical work permit - use.

(20) The electrical contractor must return the contractor's portion of the Class B label to the department of labor and industries, chief electrical inspector, within five working days after destroying or voiding any label.

(21) The electrical contractor is responsible for safe-keeping of all purchased Class B labels.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-905 Inspection fees. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) of this section, PROGRESS INSPECTIONS.

The amount of the fee due is calculated based on the fee effective at the date of a department assessed fee (e.g., plan review or fee due) or when the electrical permit is purchased.

(1) Residential.

(a) Single- and two-family residential (new construction).

Notes:

- (1) Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)
- (2) "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit.
- (3) "Inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.
- (4) An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

(i) First 1300 sq. ft.	\$73.00
Each additional 500 sq. ft. or portion of	\$23.40
(ii) Each outbuilding or detached garage - inspected at the same time as a dwelling unit on the property	\$30.50
(iii) Each outbuilding or detached garage - inspected separately	\$48.10
(iv) Each swimming pool - inspected with the service	\$48.10
(v) Each swimming pool - inspected separately	\$73.00
(vi) Each hot tub, spa, or sauna - inspected with the service	\$30.50
(vii) Each hot tub, spa, or sauna - inspected separately	\$48.10
(viii) Each septic pumping system - inspected with the service	\$30.50
(ix) Each septic pumping system - inspected separately	\$48.10

(b) Multifamily residential and miscellaneous residential structures, services and feeders (new construction).

Each service and/or feeder	Ampacity	Service/Feeder	Additional Feeder
	0 to 200	\$78.70	\$23.40
	201 to 400	\$97.80	\$ 48.10
	401 to 600	\$134.30	\$66.90
	601 to 800	\$172.30	\$91.80
	801 and over	\$245.70	\$184.30

(c) Single or multifamily altered services or feeders including circuits.

(i) Each altered service and/or altered feeder	Ampacity	Service or Feeder
	0 to 200	\$66.90
	201 to 600	\$97.80
	601 and over	\$147.40

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$36.30

(d) Single or multifamily residential circuits only (no service inspection).

Note:

Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) of this section.

(i) 1 to 4 circuits (see note above)	\$48.10
(ii) Each additional circuit (see note above)	\$5.30

(e) Mobile homes, modular homes, mobile home parks, and RV parks.

(i) Mobile home or modular home service or feeder only	\$48.10
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(ii) Mobile home service and feeder \$78.70

(f) Mobile home park sites and RV park sites.

Note:

For master service installations, see subsection (2) COMMERCIAL/INDUSTRIAL of this section.

(i) First site service or site feeder \$48.10

(ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder \$30.50

(2) Commercial/industrial.

(a) New service or feeder, and additional new feeders inspected at the same time (includes circuits).

Note:

For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2)(a)(table) of this section. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS of this section.

Service/feeders

Ampacity	Service/Feeder	Additional Feeder
0 to 100	\$78.70	\$48.10
101 to 200	\$95.80	\$61.30
201 to 400	\$184.30	\$73.00
401 to 600	\$214.80	\$85.80
601 to 800	\$277.70	\$116.90
801 to 1000	\$339.00	\$141.40
1001 and over	\$369.80	\$197.30

(b) Altered services or feeders (no circuits).

(i) Service/feeders

Ampacity	Service or Feeder
0 to 200	\$78.70
201 to 600	\$184.30
601 to 1000	\$277.70
1001 and over	\$308.40

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$66.90

(c) Circuits only.

Note:

Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (2)(a)(table) above.

(i) First 5 circuits per branch circuit panel \$61.30

(ii) Each additional circuit per branch circuit panel \$5.30

(d) Over 600 volts surcharge per permit. \$61.30

(3) Temporary service(s).

Note:

(1) See WAC 296-46B-527 for information about temporary installations.

(2) Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from this subsection or the portal-to-portal fee.

Temporary services, temporary stage or concert productions.

Ampacity	Service or Feeder	Additional Feeder
0 to 60	\$42.20	\$21.60
61 to 100	\$48.10	\$23.40
101 to 200	\$61.30	\$30.50
201 to 400	\$73.00	\$36.40
401 to 600	\$97.80	\$48.10
601 and over	\$110.90	\$55.30

(4) Irrigation machines, pumps, and equipment.

Irrigation machines.

(a) Each tower - when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL \$5.30

(b) Towers - when not inspected at the same time as a service and feeders - 1 to 6 towers \$73.00

(c) Each additional tower \$5.30

(5) Miscellaneous - commercial/industrial and residential.

(a) Low-voltage thermostats controlling a single piece of utilization equipment.

(i) First thermostat \$36.40

(ii) Each additional thermostat inspected at the same time as the first \$11.40

(b) Low-voltage systems and telecommunications systems. Includes all telecommunications installations, fire alarm and burglar alarm, nurse call, intercom, security systems, energy management control systems, HVAC/refrigeration control systems (other than thermostats above), industrial and automation control systems, lighting control systems, stand-alone sound systems, public address, and similar low-energy circuits and equipment.

(i) First 2500 sq. ft. or less \$42.20

(ii) Each additional 2500 sq. ft. or portion thereof \$11.40

(c) Signs and outline lighting.

(i) First sign (no service included) \$36.40

(ii) Each additional sign inspected at the same time on the same building or structure \$17.30

(d) Berth at a marina or dock.

Note:

Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a) (i) above.

(i) Berth at a marina or dock \$48.10

(ii) Each additional berth inspected at the same time \$30.50

(e) Yard pole, pedestal, or other meter loops only.

(i) Yard pole, pedestal, or other meter loops only \$48.10

(ii) Meters installed remote from the service equipment and inspected at the same time as a service, temporary service or other installations \$11.40

(f) Emergency inspections requested outside of normal working hours.

Regular fee plus surcharge of: \$91.80

(g) Generators.

Note:

Permanently installed generators: Refer to the appropriate residential or commercial new/altered service or feeder section.

Portable generators: Permanently installed transfer equipment for portable generators \$66.90

(h) Electrical - annual permit fee.

Note:

See WAC 296-46B-900(14).

PROPOSED

PROPOSED

For commercial/industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Note, all yearly maintenance contracts must detail the number of contractor electricians necessary to complete the work required under the contract. This number will be used as a basis for calculating the appropriate fee. Each inspection is based on a 2-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	\$1,765.50
4 to 6 plant electricians	24	\$3,532.80
7 to 12 plant electricians	36	\$5,298.90
13 to 25 plant electricians	52	\$7,066.20
More than 25 plant electricians	52	\$8,833.50

(i) Telecommunications - annual permit fee.

Note:

- (1) See WAC 296-46B-900(13).
- (2) Annual inspection time required may be estimated by the purchaser at the rate for "OTHER INSPECTIONS" in this section, charged portal-to-portal per hour.

For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.

2-hour minimum	\$146.10
Each additional hour, or portion thereof, of portal-to-portal inspection time	\$73.00

(j) Permit requiring ditch cover inspection only.

Each 1/2 hour, or portion thereof	\$36.40
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(k) Cover inspection for elevator/conveyance installation. This item is only available to a licensed/registered elevator contractor.

(6) Carnival inspections.

(a) First carnival field inspection each calendar year.

(i) Each ride and generator truck	\$17.30
(ii) Each remote distribution equipment, concession, or gaming show	\$5.30
(iii) If the calculated fee for first carnival field inspection above is less than \$89.00, the minimum inspection fee shall be:	\$91.80

(b) Subsequent carnival inspections.

(i) First ten rides, concessions, generators, remote distribution equipment, or gaming show	\$91.80
(ii) Each additional ride, concession, generator, remote distribution equipment, or gaming show	\$5.30
(c) Concession(s) or ride(s) not part of a carnival.	
(i) First field inspection each year of a single concession or ride, not part of a carnival	\$73.00
(ii) Subsequent inspection of a single concession or ride, not part of a carnival	\$48.10

(7) Trip fees.

(a) Requests by property owners to inspect existing installations. (This fee includes a maximum of one hour of inspection time. All inspection time exceeding one hour will be charged at the rate for progressive inspections.)	\$73.00
(b) Submitter notifies the department that work is ready for inspection when it is not ready.	\$36.40
(c) Additional inspection required because submitter has provided the wrong address or incomplete, improper or illegible directions for the site of the inspection.	\$36.40
(d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work.	\$36.40
(e) Each trip necessary to remove a noncompliance notice.	\$36.40

(f) Corrections that have not been made in the prescribed time, unless an exception has been requested and granted.	\$36.40
(g) Installations that are covered or concealed before inspection.	\$36.40

(8) Progress inspections.

Note:

The fees calculated in subsections (1) through (6) of this section will apply to all electrical work. This section will be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in subsections (1) through (6) of this section.

On partial or progress inspections, each 1/2 hour.	\$36.40
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(9) Plan review.

Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46B-905, plus a plan review submission and shipping/handling fee of:

(a) Supplemental submissions of plans per hour or fraction of an hour of review time.	\$73.00
(b) Plan review shipping and handling fee.	\$17.30

(10) Out-of-state inspections.

(a) Permit fees will be charged according to the fees listed in this section.

(b) Travel expenses:

All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section.

(11) Other inspections.

Inspections not covered by above inspection fees must be charged portal-to-portal per hour:

(12) Refund processing fee.

All requests for permit fee refunds will be assessed a processing fee. (Refund processing fees will not be charged for electrical contractors, using the contractor deposit system, who request less than twenty-four refunds during a rolling calendar year.)

(13) Variance request processing fee.

Variance request processing fee. This fee is nonrefundable once the transaction has been validated.

(14) Marking of industrial utilization equipment.

(a) Standard(s) letter review (per hour of review time).	\$73.00
(b) Equipment marking - charged portal-to-portal per hour:	\$73.00

(c) All travel expenses and per diem for in/out-of-state review and/or equipment marking are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in (b) of this subsection.

(15) Class B basic electrical work labels.

(a) Block of twenty Class B basic electrical work labels (not refundable).	\$200.00
(b) Reinspection of Class B basic electrical work to assure that corrections have been made (per 1/2 hour).	\$36.40

(16) Provisional electrical work permit labels.

<u>(a) Block of twenty provisional electrical work permit labels.</u>	<u>\$200.00</u>
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AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-915 Civil penalty schedule.

• Each day that a violation occurs will be a separate offense.

• Once a violation of chapter 19.28 RCW or chapter 296-46B WAC becomes a final judgment, any additional violation within three years becomes a "second" or "additional" offense subject to an increased penalty as set forth in the following tables.

• In case of continued, repeated or gross violation of the provisions of chapter 19.28 RCW or this chapter, or if property damage or bodily injury occurs as a result of the failure of a person, firm, partnership, corporation, or other entity to comply with chapter 19.28 RCW or this chapter the department may double the penalty amounts shown in subsections (1) through (13) of this section.

• A person, firm, partnership, corporation or other entity who violates a provision of chapter 19.28 RCW or chapter 296-46B WAC is liable for a civil penalty based upon the following schedule.

(1) Offering to perform, submitting a bid for, advertising, installing or maintaining cables, conductors or equipment:

(a) That convey or utilize electrical current without having a valid electrical contractor's license.

(b) Used for information generation, processing, or transporting of signals optically or electronically in telecommunications systems without having a valid telecommunications contractor's license.

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

(2) Employing an individual for the purposes of chapter 19.28 RCW who does not possess a valid certificate of competency or training certificate to do electrical work.

First offense:	\$100
Each offense thereafter:	\$500

(3) Performing electrical work without having a valid certificate of competency or electrical training certificate.

First offense:	\$250
Each offense thereafter:	\$500

(4) Employing electricians and electrical trainees for the purposes of chapter 19.28 RCW in an improper ratio. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

First offense:	\$250
Each offense thereafter:	\$500

(5) Failing to provide proper supervision to an electrical trainee as required by chapter 19.28 RCW. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

First offense:	\$250
Each offense thereafter:	\$500

(6) Working as an electrical trainee without proper supervision as required by chapter 19.28 RCW.

First offense:	\$50 (see note E)
Second offense:	\$250
Each offense thereafter:	\$500

(7) Offering, bidding, advertising, or performing electrical or telecommunications installations, alterations or maintenance outside the scope of the firm's specialty electrical or telecommunications contractor license.

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

(8) Selling or exchanging electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs which are not listed by an approved laboratory.

First offense:	\$500
Second offense:	\$1,000
Each offense thereafter:	\$2,000

Definition:

The sale or exchange of electrical equipment associated with hot tubs, spas, swimming pools or hydromassage bathtubs includes to: "Sell, offer for sale, advertise, display for sale, dispose of by way of gift, loan, rental, lease, premium, barter or exchange."

(9) Covering or concealing installations prior to inspection.

First offense:	\$250 (see note E)
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(10) Failing to make corrections within fifteen days of notification by the department.

Exception:

Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.

First offense:	\$250 (see note E)
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(11) Failing to obtain or post an electrical/telecommunications work permit or provisional electrical work permit label prior to beginning the electrical/telecommunications installation or alteration.

Exception:

In cases of emergency repairs to existing electrical/telecommunications systems, this penalty will not be charged if the permit is obtained and posted no later than the business day following beginning work on the emergency repair.

First offense:	\$250
((Homeowner—First offense:	\$50)
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(12) Violating chapter 19.28 RCW duties of the electrical/telecommunications administrator.

First offense:	\$100 (see note E except for RCW 19.28.061 (5)(a) or 19.28.430 (3)(a))
Second offense:	\$750
Third offense:	\$1,500
Each offense thereafter:	\$3,000

(13) Violating any of the provisions of chapter 19.28 RCW or chapter 296-46B WAC which are not identified in subsections (1) through (12) of this section.

RCW 19.28.161 through 19.28.271 and the rules developed pursuant to them.

First offense:	\$250
Each offense thereafter:	\$500

All other chapter 19.28 RCW provisions and the rules developed pursuant to them.

First offense:	\$250
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Second offense:	\$750
Each offense thereafter:	\$2,000

- E: Upon written request to the chief electrical inspector, the penalty amount will be waived for the first citation issued within a three-year period. The written request must be received by the department no later than twenty days after notice of penalty. If a subsequent citation is issued within a three-year period and found to be a final judgment, the penalty amount for the first citation will be reinstated and immediately due and payable. Penalty waivers will not be granted for any citation being appealed under WAC 296-46B-995(11).

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-925 Electrical/telecommunications contractor's license. General.

(1) The department will issue an electrical/telecommunications contractor's license that will expire twenty-four months following the date of issue to a person, firm, partnership, corporation or other entity that complies with requirements for such license in chapter 19.28 RCW. An electrical/telecommunications contractor's license will not be issued to or renewed for a person, firm, or partnership unless the Social Security number, date of birth, and legal address of the individual legal owner(s) are submitted with the application. The department may issue an electrical/telecommunications contractor's license for a period greater or less than twenty-four months for the purpose of equalizing the number of electrical contractor's licenses that expire each month. The department may prorate the electrical/telecommunications contractor's license fee according to the license period.

(2) Combination specialty contractor's license. The department may issue a combination specialty contractor's license to a firm that qualifies for more than one specialty electrical contractor's license. The assigned administrator must be certified in all specialties applicable to the combination specialty contractor's license. The license will plainly indicate the specialty licenses' codes included in the combination license. An administrator assigned to a telecommunications contractor must be certified as a telecommunications administrator. A combination license will not be issued for telecommunications (09).

(3) The department may deny renewal of an electrical/telecommunications contractor's license if a firm, an owner, partner, member, or corporate officer owes money as a result of an outstanding final judgment(s) to the department.

Electrical/telecommunications contractor cash or securities deposit.

(4) Cash or securities deposit. The electrical/telecommunications contractor may furnish the department with a cash or security deposit to meet the bond requirements in lieu of posting a bond. A cash or security deposit assigned to the department for bond requirements will be held in place for one year after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as an electrical/telecommunications contractor. Upon written request, the cash or security deposit will then be released by

the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Telecommunications contractor insurance.

(5) To obtain a telecommunications contractor's license, the applicant must provide the department with an original certificate of insurance naming the department of labor and industries, electrical section as the certificate holder. Insurance coverage must be no less than twenty thousand dollars for injury or damages to property, fifty thousand dollars for injury or damage including death to any one person, and one hundred thousand dollars for injury or damage including death to more than one person. The insurance will be considered a continuing obligation unless canceled by the insurance company. The insurance company must notify the department in writing ten days prior to the effective date of said cancellation or failure to renew.

(6) The telecommunications contractor may furnish the department with an assigned account to meet the insurance requirements in lieu of a certificate of insurance. An account assigned to the department for insurance requirements will be held in place for three years after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as a telecommunications contractor. Upon written request, the account then will be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Electrical/telecommunications contractor exemptions.

(7) The following types of systems and circuits are considered exempt from the requirements for licensing and permitting described in chapter 19.28 RCW. The electrical failure of these systems does not inherently or functionally compromise safety to life or property.

Low-voltage thermocouple derived circuits and low-voltage circuits for:

- (a) Built-in residential vacuum systems;
- (b) Underground landscape sprinkler systems;
- (c) Underground landscape lighting; and
- (d) Residential garage doors.

For these types of systems and circuits to be considered exempt, the following conditions must be met:

(e) The power supplying the installation must be derived from a listed Class 2 power supply;

(f) The installation and termination of line voltage equipment and conductors supplying these systems is performed by appropriately licensed and certified electrical contractors and electricians;

(g) The conductors of these systems do not pass through fire-rated walls, fire-rated ceilings or fire-rated floors in other than residential units; and

(h) Conductors or luminaires are not installed in installations covered by the scope of Article 680 NEC (swimming pools, fountains, and similar installations).

(8) Firms who clean and/or replace lamps in luminaires are not included in the requirements for licensing in chapter 19.28 RCW. This exemption does not apply to electric signs as defined in the NEC.

(9) Firms who install listed plug and cord connected equipment are not included in the requirements for licensing in chapter 19.28 RCW. The plug and cord must be a single listed unit consisting of a molded plug and cord and not exceed 250 volt 60 ampere single phase. The plug and cord can be field installed per the manufacturer's instructions and the product listing requirements. The equipment must be a single manufactured unit that does not require any electrical field assembly except for the installation of the plug and cord.

(10) Firms regulated by the Federal Communications Commission or the utilities and transportation commission, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(11) Unregulated firms, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(12) Leaseholders. For electrical installations, maintenance, or alterations to existing buildings only, any person, firm, partnership, corporation, or other entity holding a valid, signed lease from the property owner authorizing the leaseholder to perform electrical work, on the property the leaseholder occupies, will be allowed to purchase an electrical permit(s) and do electrical work on or within the property described in the lease. The lessee and/or his or her regularly employed employees must perform the electrical installation, maintenance and alteration.

The lessee who performs the electrical maintenance or installation work must be the sole occupant of the property or space. Property owners or leaseholders cannot perform electrical work on new buildings for rent, sale, or lease, without the proper electrical licensing and certification. Refer to RCW 19.28.261 for exemptions from licensing and certification.

(13) Assisting a householder. A friend, neighbor, relative, or other person (including a certified electrician) may assist a householder, at his/her residence in the performance of electrical work on the condition that the householder is present when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work. For the purposes of this subsection, a residence is a single-family residence.

(14) Volunteering to do electrical work. There are no exceptions from the electrical contractor's license or electrician certification requirements to allow persons to perform volunteer electrical work for anyone other than a householder or a nonprofit organization as allowed by RCW 19.28.091(7). For the purpose of this section, volunteer means that there is no remuneration or receiving of goods or services in return for electrical installations performed.

(15) Farms or place of business. See RCW 19.28.261 for licensing/certification exemptions allowed for the owner(s)

of a farm or other place of business and for the employees of the owner.

Exemptions - electrical utility and electrical utility's contractor.

(16) Electrical utility system exemption. Neither a serving electrical utility nor a contractor employed by the serving electrical utility is required to have an electrical contractor's license for work on the "utility system" or on service connections or on meters and other apparatus or appliances used to measure the consumption of electricity.

(a) Street lighting exemption. A serving electrical utility is not required to have an electrical contractor's license or electrical permit to work on electrical equipment used in the lighting of streets, alleys, ways, or public areas or squares.

Utilities are allowed to install outside area lighting on privately owned property where the lighting fixture(s) is installed on a utility owned pole(s) used to support utility owned electric distribution wiring or equipment designed to supply electrical power to a customer's property.

Utilities are allowed to install area lighting outside and not attached to a building or other customer owned structure when the areas are outside publicly owned buildings such as: Publicly owned/operated parking lots, parks, schools, play fields, beaches, and similar areas; or the areas are privately owned where the public has general, clear and unrestricted access such as: Church parking lots, and commercial property public parking areas and similar areas.

Utilities are not allowed to install area lighting when the area is privately owned and the public does not have general, clear, and unrestricted access such as industrial property, residential property and controlled commercial property where the public's access is otherwise restricted.

Utilities are not allowed to install area lighting where the lighting is supplied from a source of power derived from a customer owned electrical system.

(b) Customer-owned equipment exemption. A serving electrical utility is not required to have an electrical contractor's license to work on electrical equipment owned by a commercial, industrial, or public institution customer if:

- (i) The utility has not solicited such work; and
- (ii) Such equipment:

- (A) Is located outside a building or structure; and

- (B) The work performed is on the primary side of the customer's transformer(s) which supplies power at the customer's utilization voltage.

(c) Exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.091.

(d) Exemption from inspection.

(i) The work of a serving electrical utility and its contractors on the utility system is not subject to inspection. The utility is responsible for inspection and approval for the installation.

(ii) Work exempted by NEC 90.2 (B)(5), 1981 edition, is not subject to inspection.

Exemptions - electrical utility telecommunications transition equipment installations, maintenance and repair.

(17) Until July 1, 2005, no license, inspection or other permit will be required by the department of any electric utility or, of any person, firm, partnership or corporation or other entity employed or retained by an electric utility or its contractor, because of work in connection with the installation, maintenance, or repair of telecommunications transition equipment located ahead of the utility's telecommunications network demarcation point on the outside of a building or other structure when the work is performed by a qualified person consistent with the requirements of the National Electric Code (NEC) except as provided in (a) and (b) of this subsection:

(a) The following exceptions to the NEC shall be permitted:

(i) An additional service disconnect supplying power to the transition equipment can be connected on the supply side of the main service disconnect supplying general power to the building;

(ii) Service entrance disconnects may be separated when clearly labeled;

(iii) The service disconnect used for supplying power to the transition equipment must be connected to the grounding electrode system using:

(A) # 8 AWG copper or larger grounding electrode conductor if protected from physical damage; or

(B) # 6 AWG copper or larger grounding electrode conductor if not protected from physical damage;

(iv) Use of equipment or materials that have been listed/field evaluated by a recognized independent testing laboratory or the department;

(v) Low-voltage circuits do not require a separate disconnecting means and may be grounded to the transition equipment grounding system;

(vi) Any other variance to the NEC must be approved by the department.

(b) A variance recommended by a joint utility standards group composed of representatives of both public and private utilities or certified by a professional engineer will be approved by the department unless the recommendation is inconsistent with meeting equivalent objectives for public safety.

(c) For the purposes of this section, a qualified worker is employed by a utility or its contractor and is familiar with the construction or operation of such lines and/or equipment that concerns his/her position and who is proficient with respect to the safety hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected or is in a recognized training or apprenticeship course and is supervised by a journey level person.

(d) Although the utility is responsible for inspection and approval of the installation, including the selection of material and equipment, the department reserves the right to audit worker qualifications and inspect such installations semi-annually for conformance with the requirements of (a), (b) and (c) of this subsection but shall not collect a permit fee for such inspection or audit.

(e) If a utility fails to meet the requirements of this section, the department may require the utility to develop and submit a remedial action plan and schedule to attain compli-

ance with this section which may be enforced by the department.

(f) This exemption shall be in addition to any other exemption provided in chapter 19.28 RCW, this chapter or other applicable law.

Exemptions - independent electrical power production equipment exemption.

(18) An independent electrical power production entity is not required to have an electrical contractor's license to work on electrical equipment used to produce or transmit electrical power if:

(a) The entity is:

(i) The owner or operator of the generating facility is regulated by the Federal Energy Regulatory Commission (FERC);

(ii) A municipal utility, or other form of governmental electric utility, or by an electrical cooperative or mutual corporation; or

(iii) The owner or operator of the generating facility ((and)) is an independent electrical power producer and the facility generates electrical power only for sale to one or more:

~~((Is an independent electrical power producer and the facility generates electrical power only for sale to one or more:~~

*) (A) Electrical utilities regulated by FERC, municipal utility, or other form of governmental utility, or to an electric cooperative or mutual corporation; and

((*) (B) The electrical power generated by the facility is not used for self-generation or any other on- or off-site function other than sale to one or more utilities regulated by FERC or by one or more state public utilities commissions, or to a PUD, municipal utility, or other form of governmental electric utility, or to an electric cooperative or mutual corporation.

(b) The entity must supply the chief electrical inspector a valid master business license issued by the department of licensing, state of Washington so that the entity's status as a revenue generating business can be confirmed.

(c) The entity has entered into an agreement to sell electricity to a utility or to a third party; and

((e)) (d) The electrical equipment is used to transmit electricity from the terminals of an electrical generating unit located on premises to the point of interconnection with a utility system.

((d)) (e) The electrical power production facility's generation capacity exceeds 115 KVA.

(f) Notwithstanding that a generating facility may be granted an exemption pursuant to this section, the facility will be subject to all the requirements of chapter 19.28 RCW if the facility at any time in the future ceases to comply with the requirements for exemption. All site facilities not exclusively and directly required to generate and/or distribute the electrical power generated on the site are subject to all the licensing and inspection requirements of chapter 19.28 RCW. All facility services, feeders, and circuits not exclusively and directly required to generate and/or distribute the electrical power (e.g., lights, outlets, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection. Facility

circuits supplied to equipment required for the function of generation equipment (e.g., block heaters, power supplies, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection up to and including the equipment termination point.

Exemptions - telegraph and telephone utility and telegraph and telephone utility's contractor.

(19) Telegraph and telephone utility exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.151. For the purposes of this exemption, "building or buildings used exclusively for that purpose" may mean any separate building or space of a building where the space is separated from the remainder of the building by a two-hour fire wall. The telecommunications or telegraph equipment within such a space must supply telephone or telegraph service to other customer's buildings (i.e., telecommunications or telegraph equipment cannot solely supply the building containing the telephone/telegraph space).

Exemptions - manufacturers of electrical/telecommunications products.

(20) Manufacturers of electrical/telecommunications systems products will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing:

(a) Provided the product:

(i) Has not been previously energized;

(ii) Has been recalled by the Consumer Product Safety Commission;

(iii) Is within the manufacturer's written warranty period; or

(iv) The manufacturer is working under the written request and supervision of an appropriately licensed electrical contractor.

(b) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring.

(c) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory.

(d) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(21) Premanufactured electric power generation equipment assemblies and control gear.

(a) Manufacturers of premanufactured electric power generation equipment assemblies and control gear will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the con-

finances of the specific product, without permit or required licensing, provided:

(i) For transfer equipment, the product has not been previously energized or is within the manufacturer's written warranty period;

(ii) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring;

(iii) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory; or

(iv) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(b) Premanufactured electric power generation equipment assemblies are made up of reciprocating internal combustion engines and the associated control gear equipment. Control gear equipment includes control logic, metering, and annunciation for the operation and the quality of power being generated by the reciprocating internal combustion engine and does not have the function of distribution of power.

(c) Modifications of a transfer switch must not include changes to the original intended configuration or changes or contact with externally field-connected components.

(d) For the purposes of this subsection, the following work on premanufactured electric power generation equipment assemblies is not exempt from the requirements of chapter 19.28 RCW:

(i) Installation or connection of conduit or wiring between the power generation unit, transfer switch, control gear;

(ii) Installation of the transfer switch;

(iii) Connections between the power generation unit, transfer switch, control gear, and utility's transmission or distribution systems;

(iv) Connections between the power generation unit, transfer switch, control gear, and any building or structure; or

(v) Test connections with any part of:

(A) The utility's transmission or distribution system; or

(B) The building or structure.

(22) The installation, maintenance, or repair of a medical device deemed in compliance with chapter 19.28 RCW is exempt from licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28-101. This exemption does not include work providing electrical feeds into the power distribution unit or installation of conduits and raceways. This exemption covers only those factory engineers or third-party service companies with equivalent training who are qualified to perform such service.

(23) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption.

(24) Nothing in this section will alter or amend any other exemptions from or requirement for licensure or inspection, chapter 19.28 RCW or this chapter.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-970 Continuing education. General requirements - continuing education classes requirements for administrator, master electrician, and electrician renewal.

(1) **DEFINITIONS** - for purposes of this section.

(a) "Applicant" means the entity submitting an application for review.

(b) "Application" means a submittal made by an applicant seeking instructor or class approval.

(c) "Calendar day" means each day of the week, including weekends and holidays.

(d) "Class" means continuing education class or course.

(e) "Contractor" means the entity who has contracted with the department to review and approve/deny continuing education classes and instructors.

(f) "Date of notification" means the date of a request for additional information from the contractor or the approval/denial letter sent to the applicant by the contractor.

(g) "Individual" means an administrator or electrician seeking credit for continuing education.

(h) "Instructor" means an individual who is authorized to instruct an approved continuing education class.

(i) "Working day" means Monday through Friday, excluding state of Washington holidays.

(2) **GENERAL.**

(a) The department and the electrical board have the right to monitor all approved classes without notice and at no charge.

If the department or electrical board determines that the class or instructor does not meet or exceed the minimum requirements for approval or course length or instructor qualifications, the department may revoke the class or instructor approval and reduce the number of credited hours for the class.

(b) Department-offered classes and the instructors used for those classes are automatically approved and do not need to be sent to the contractor for review.

(c) Instructors who meet the minimum requirements using subsection (5)(b)(i)(D) of this section may only instruct classes sponsored by the manufacturer(s) who verified the instructors' qualifications under subsection (5)(b)(i)(D) of this section.

(d) An individual will not be given credit for the same approved continuing education class taken more than once. No credit will be granted for any class not approved per this section.

(e) Telecommunications administrators do not require continuing educations.

(f) Other administrators, master electricians, and electricians:

(i) To be eligible for renewal of an administrator certificate, master electrician or electrician certificate of competency, the individual must have completed at least eight hours of approved continuing education for each year of the prior certification period. The individual is not required to take the classes in separate years. At least eight hours of the total required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(ii) An individual changing an electrical administrator and an electrician certificate of competency into a master electrician's certificate of competency as allowed in RCW 19.28.191 (1)(a) or (b) must have completed at least eight hours of approved continuing education for each year of the prior electrician certificate period. The individual is not required to take the classes in separate years. Eight hours of the required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(iii) Any portion of a year of a prior administrator or electrician certificate period is equal to one year for the purposes of the required continuing educations.

(iv) An individual who has both an electrician certificate and an administrator certification may use the same class to fulfill the requirements for continuing education.

(g) A continuing education class attended or completed by an individual before the class's effective date cannot be used to meet the administrator or electrician certificate renewal requirements.

(h) If neither the electrical board nor the department has a contract in effect as described in this section, the department may, at its option, elect to act as the contractor. If a contractor is not in place and the department elects not to act as the contractor, the electrical board will act as the contractor. If either the electrical board or the department acts as the contractor, the following will apply:

(i) The fee for class or instructor submittal is as set in WAC 296-46B-910(4).

(ii) The electrical board or the department will:

(A) Review the application for completeness within fifteen working days after receipt.

(B) If the application is incomplete, notify the applicant within seven working days of the status of the review and what additional information is required.

(C) Complete the review and approval/denial process within fifteen working days upon receipt of a complete application or additional requested information.

(iii) An appeal of a denial by the department will be heard by the full electrical board in accordance with WAC 296-46B-995.

(3) **CLASS AND INSTRUCTOR - GENERAL APPROVAL PROCESS.**

(a) The contractor will review submitted class and instructor applications to determine whether the application meets the minimum requirements for approval.

(b) The contractor will deny approval of applications that do not meet the minimum requirements.

(c) All applications will be considered to be new applications (i.e., Classes and instructors may not be renewed. All applications must include all information necessary to show conformance with the minimum requirements).

(d) **Minimum requirements:**

(i) **Application review fees:**

(A) The contractor may charge a fee for review of an application. Such fees, paid by the applicant, are nonrefundable.

(B) The fee will be as set by contractor between the department and the contractor.

(C) The fee will be set for a minimum of one year.

(D) Upon mutual agreement between the department and the contractor, the fee may be raised or lowered.

(ii) Application:

(A) The applicant must submit a complete application to the contractor at least thirty calendar days prior to offering or instructing a class.

(B) The contractor will only consider material included with the application when reviewing an application.

(C) All applications will consist of:

- Two copies of all material;
- Applicant's name, address, contact name, and telephone number;

- All required fees;
- Any other information the applicant wants to consider during the review; and

• In addition, class applications will include:

- Sponsor's name, address, contact name, and telephone number;

- Class title;

- Number of continuing education hours requested for the class;

- Statement of whether the class is open to the public;

- Class syllabus (e.g., general description of the training, specific NEC articles referenced, time allowed for various subject matter, etc.);

- List of resources (e.g., texts, references, etc.);

- Copies of all visual aids;

- Sample of the completion certificate.

• In addition, instructor application will include:

- Instructor's name, address, telephone number;

- Copies of credentials or other information showing compliance with the instructor minimum qualifications.

(e) Contractor's review process:

(i) When the application is received, the contractor must:

(A) Date stamp the application;

(B) Review the application for completeness within seven working days after receipt.

(ii) If the application is incomplete, the contractor must within two working days notify the applicant of the status of the review and what additional information is required.

(A) The applicant must provide any additional information requested by the contractor within five working days after the date of notification.

(B) The contractor will deny the application if the additional required information is not received within the five working days after the date of notification.

(iii) When the contractor has received a complete application, the contractor must review and evaluate the application for compliance with the minimum requirements.

The contractor must complete the review and approval/denial process within seven working days upon receipt of a complete application or additional requested information and within two working days notify:

- The applicant in writing; and

- The chief electrical inspector in writing and electronically. The contractor's electronic notification to the chief electrical inspector must be made in a format approved by the chief electrical inspector.

(iv) A notification of denial must include:

(A) Applicant's name and telephone number;

(B) Date of denial;

(C) Sponsor's name and class title if applicable;

(D) Instructor's name if applicable; and

(E) The reason for denial.

(v) A notification of approval:

(A) For classes must include:

- Applicant's name and telephone number;

- Sponsor's name and telephone number;

- Class title;

- Class number;

- Number of hours approved for the class. Note that the contractor may reduce the hours requested in the application if the review shows that the requested number of hours is excessive;

- Effective date for this class;

- Expiration date of class;

- Category for which the class is approved (i.e., code update, RCW/WAC update, or industry related);

- Sample of written class roster and attendance sheet;

- Type of class (i.e., classroom, correspondence, internet); and

- Whether the class is open to the public.

(B) For instructors must include:

- Applicant's name and telephone number;

- Instructor's name and telephone number;

- Effective date for the approval; and

- Expiration date of the approval.

(vi) Applicant's request for review of the contractor's decision:

The applicant's may request a review of the contractor's decision to deny or modify an application:

- All requests for review must be:

- Made in writing;

- Received by the chief electrical inspector within twenty calendar days of the contractor's denial; and

- Accompanied by a review fee of \$109.50. The review fee is nonrefundable.

(4) CLASS APPROVAL PROCESS.

(a) Class approval will be valid for three years except:

(i) If the class is "code update" and a new NEC is adopted by the department within the class approval period, the class approval will be considered automatically revoked; or

(ii) If the class is modified after the application is approved, the class approval will be considered automatically revoked (i.e., change in syllabus, hours, examination, etc.).

(b) Minimum requirements:

(i) Class content:

(A) Industry-related classes must be based on:

- Codes or rules included in the NEC chapters 19.28 RCW or 296-46B WAC;

- Electrical theory based on currently published documents that are readily available for retail purchase; and/or

• Materials and methods that pertain to electrical construction, building management systems, electrical maintenance, or workplace health and safety.

(B) Code update classes must be based on the latest adopted version of the NEC and must specify the NEC articles to be addressed in the class presentation.

(C) RCW/WAC update classes must be based on the latest adopted versions of chapter 19.28 RCW and/or chapter 296-46B WAC.

(ii) Class length:

(A) The minimum allowed length of a class is two hours.

(B) The maximum allowed credit for a class is twenty-four hours.

(C) Class length must be based on two-hour increments (e.g., 2, 4, 6, 8, etc.).

(D) Class length must be based on the following:

• Classroom instruction will be based on the total hours the individual is in the classroom.

• Correspondence instruction will be based on:

– A written examination (i.e., twenty-five questions will equal two hours of classroom instruction). Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

• Internet instruction will be based on:

– A written examination (i.e., twenty-five questions will equal two hours of classroom instruction).

• Examinations must not direct or point the individual to a correct answer or reference. Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

• To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(iii) Class material must include:

(A) Supplementary written instruction material appropriate to the type and length of the class; and

(B) If the class is code update and is provided via correspondence or internet, the sponsor must provide the individual with a nationally recognized, copyrighted publication that covers all changes to the NEC;

(iv) Class material may include:

• Supplementary internet material;

• Supplementary texts;

• Other material as appropriate.

(v) Certificates of completion:

(A) The sponsor must award a completion certificate to each individual successfully completing the approved class. To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(B) The completion certificate must include the:

• Name of participant;

• Participant's Washington certificate number;

• Name of sponsor;

• Name of class;

• Date of class;

• Name of instructor;

• Location of the class:

– If a classroom-type class, the city and state in which the class was given;

– If a correspondence class, state the class is a correspondence class;

– If an internet class, state the class is an internet class;

• Class approval number;

• Number of continuing units; and

• Type of continuing education units.

(vi) Instructors:

(A) For classroom instruction, all instructors must be approved per this section; and

(B) For correspondence and internet instruction, the applicant must show that the sponsor regularly employs at least one staff member who meets the requirements for instructors in this section.

(5) INSTRUCTOR APPROVAL PROCESS:

(a) Instructor approval will be valid for three years except:

(i) If the instructor's credentials are invalidated (e.g., suspension or revocation by the issuing entity) for any reason, approval will be automatically revoked.

(ii) When the instructor approval expires or is revoked, a new application must be submitted to regain approved instructor status.

(b) Minimum requirements:

(i) The application must show that the instructor meets one of the following:

(A) Has a valid Washington:

• ~~((General administrator's))~~ Administrator, master electrician, or electrician's certificate; ((or)) and

~~((General master electrician's certificate; and))~~

• Has appropriate knowledge of and experience working as an electrical/electronic trainer; or

(B) Is accredited by the Washington work force training and education coordinating board. The instructor's normal duties must include providing electrical/electronic education; or

(C) Is a high school vocational teacher, community college, college, or university instructor. The instructor's normal duties must include providing electrical/electronic education; or

(D) Works for and is approved by a manufacturer of electrical products to teach electrical continuing education; ~~((or~~

~~((E) For first-aid classes is certified by the Red Cross or other similar agency as a first-aid instructor;)) and~~

(ii) Any other information the applicant wants to be considered during the review.

(6) FORMS:

(a) The contractor will:

Develop an appropriate form(s) for the applicant's use when submitting for instructor or class approval;

(b) Applicants must use the contractor's form when submitting an application for review.

(7) PUBLICATIONS:

The contractor will provide the department with appropriate material for use by the department on the electrical program website and may post the application process, review, and approval requirements on the contractor's website.

(8) CLASS ATTENDANCE:

(a) The contractor is not responsible for monitoring any individual's attendance or class completion.

(b) The department is not responsible for providing verification of an individual's continuing education history with the class sponsor;

(c) Classes offered in Washington:

(i) The sponsor must provide the department with an accurate and typed course attendance/completion roster for each class given.

(A) The attendance/completion roster must be provided within thirty days of class completion.

(B) In addition, the course sponsor must provide the attendance/completion roster in an electronic format provided by the department.

(C) The attendance/completion roster must show each individual's name, Washington certificate number, class number, location of class, date of completion, and instructor's name. The typed roster must contain the signature of the class sponsor's authorized representative.

(ii) The sponsor must provide the individual a certificate of completion within fifteen days after successful class completion. See subsection (4) of this section.

(iii) Individuals will not be granted credit for continuing education classes unless the sponsor's attendance/completion roster shows the individual successfully completed the class.

(iv) The department will keep submitted class rosters on file for four years.

(d) Classes offered in other states:

(i) For individuals to apply continuing education units earned from out-of-state classes, one of the following conditions must be met:

(A) The individual must request that the class sponsor submit a complete continuing education class application and gain approval for the class as described in this section for classes and instructors. Application for class or instructor approval will not be considered more than three years after the date the class was offered; or

(B) The department must have entered into a reciprocal agreement with the state providing class approval.

(ii) The individual must provide a copy of an accurate and completed award or certificate from the class sponsor identifying the class location, date of completion, individual's names, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the individual attended and completed the class.

(9) Contractor requirements:

(a) The contractor cannot be a sponsor or instructor.

(b) The contractor cannot be an employee of the department.

(c) The contractor must:

(i) Be an independent entity with no organizational, managerial, financial, design, or promotional affiliation with any sponsor or instructor covered under the contractor's review and approval/denial process;

(ii) Employ at least one staff member having a valid 01-General Administrator or 01-General Master Electrician Certificate. This staff member:

(A) Is responsible for reviewing and determining an application's approval or denial; and

(B) Must sign the written notification provided to applicants for all approvals and denials:

(iii) Receive, review, and process all applications as required in this section;

(iv) Allow the department access to the contractor's facilities during normal working hours to audit the contractor's ability to conform to the contract requirements;

(v) Treat all applications as proprietary information;

(vi) Respond to and attempt to resolve complaints contesting the review or approval/denial process performed by the applicant;

(vii) Notify the department within ten working days of any change in business status or ability to conform to this section;

(viii) Maintain one copy, original or electronic, of all applications and associated materials for a period of three years from the date of receipt.

**WSR 04-17-100
PROPOSED RULES
BOARD OF
BOILER RULES**

[Filed August 17, 2004, 11:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-114.

Title of Rule and Other Identifying Information: Board of Boiler Rules—Substantive, chapter 296-104 WAC.

Hearing Location(s): Department of Labor and Industries, 950 Broadway, Suite 200, Tacoma, WA, on September 21, 2004, at 10:00 a.m.

Date of Intended Adoption: October 19, 2004.

Submit Written Comments to: Christine Swanson, 7273 Linderson Way, Olympia, WA 98504-4400, e-mail copc235@lni.wa.gov, fax (360) 902-5292, by September 22, 2004.

Assistance for Persons with Disabilities: Contact Christine Swanson by September 7, 2004, (360) 902-6411.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of these rule changes is to address actions and requests of the Board of Boiler Rules by:

- Clarifying the rules so that they are easier to use and understand;
- Incorporating necessary policy and practice into rule;
- Including provision from nationally recognized consensus codes adopted by the Board of Boiler Rules;
- Eliminating unnecessary definitions;
- Making changes to ensure consistency with statute;
- Eliminating rules that are unnecessary or that are no longer necessary; and
- Making several other necessary changes identified by the Board of Boiler Rules.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: Chapter 70.79 RCW.

Statute Being Implemented: Chapter 70.79 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: Board of Boiler Rules, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robb Marvin, Tumwater, Washington, (360) 902-5270.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Board of Boiler Rules evaluated the proposed rules and determined that there is no increase in costs to business, therefore, we did not prepare a small business economic impact statement or a cost-benefit analysis.

A cost-benefit analysis is not required under RCW 34.05.328. The Board of Boiler Rules evaluated the proposed rules and determined that there is no increase in costs to business, therefore, we did not prepare a small business economic impact statement or a cost-benefit analysis.

August 17, 2004
 Craig Hopkins
 Chair

AMENDATORY SECTION (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

WAC 296-104-010 Administration—What are the definitions of terms used in this chapter? "Agriculture purposes" shall mean any act performed on a farm in production of crops or livestock, and shall include the storage of such crops and livestock in their natural state, but shall not be construed to include the processing or sale of crops or livestock.

"Attendant" shall mean the person in charge of the operation of a boiler or unfired pressure vessel.

"Automatic operation of a boiler" shall mean automatic unattended control of feed water and fuel in order to maintain the pressure and temperature within the limits set. Controls must be such that the operation follows the demand without interruption. Manual restart may be required when the burner is off because of low water, flame failure, power failure, high temperatures or pressures.

"Board of boiler rules" or "board" shall mean the board created by law and empowered under RCW 70.79.010.

"Boiler and unfired pressure vessel installation/reinstallation permit," shall mean a permit approved by the chief inspector before starting installation or reinstallation of any boiler and unfired pressure vessel ~~((in this state))~~ within the jurisdiction of Washington.

Owner/user inspection agency's, and Washington specials ~~((and rental boilers))~~ are exempt from "boiler and unfired pressure vessel installation/reinstallation permit."

"Boilers and/or unfired pressure vessels" - below are definitions for types of boilers and unfired pressure vessels used in these regulations:

- "Condemned boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel that has been inspected and declared unsafe or disqualified for further use by legal requirements and appropriately marked by an inspector ~~((who has applied a~~

~~stamping or marking designating its condemnation))~~.

- "Hot water heater" shall mean a closed vessel designed to supply hot water for external use to the system. All vessels must be fabricated and listed by a nationally recognized testing agency and shall be protected with an approved temperature and pressure safety relief valve and shall not exceed any of the following limits:
 - * Pressure of 160 psi (1100 kpa);
 - * Temperature of 210 degrees F (99°C);
 - * Capacity of 120 U.S. gallons (454 liters);
 - * Input of 200,000 BTU/hr (58.58 kw). Note that if input exceeds 200,000 BTU/hr (58.58 kw), other terms defined in this section may apply.
 - * Hot water heaters exceeding 200,000 BTU/hr (58.58 kw) must be ASME code stamped.
- ~~((# Each vessel shall be protected with an approved temperature and pressure safety relief valve.))~~
- "Low pressure heating boiler" shall mean a steam or vapor boiler operating at a pressure not exceeding 15 psig or a boiler in which water or other fluid is heated and intended for operation at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy including lined potable water heaters.
- "Nonstandard boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel that does not bear marking of the codes adopted in WAC 296-104-200.
- "Power boiler" shall mean a boiler in which steam or other vapor is generated at a pressure of more than 15 psig for use external to itself or a boiler in which water or other fluid is heated and intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy.
- "Reinstalled boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel removed from its original setting and reset at the same location or at a new location without change of ownership.
- "Rental boiler" shall mean any power or low pressure heating boiler that is under a rental contract between owner and user.
- "Second hand boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel of which both the location and ownership have changed after primary use.
- "Standard boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel which bears the marking of the codes adopted in WAC 296-104-200.
- "Unfired pressure vessel" shall mean a closed vessel under pressure excluding:
 - * Fired process tubular heaters;
 - * Pressure containers which are integral parts of components of rotating or reciprocating mechanical

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devices where the primary design considerations and/or stresses are derived from the functional requirements of the device;

- * Piping whose primary function is to transport fluids from one location to another;
- * Those vessels defined as low pressure heating boilers or power boilers.
- **"Unfired steam boiler"** shall mean a pressure vessel in which steam is generated by an indirect application of heat. It shall not include pressure vessels known as evaporators, heat exchangers, or vessels in which steam is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels, such as used in the manufacture of chemical and petroleum products, which will be classed as unfired pressure vessels.

"Certificate of competency" shall mean a certificate issued by the Washington state board of boiler rules to a person who has passed the ~~((National Board Examination for Commissioned Inspectors))~~ tests as set forth in WAC 296-104-050.

"Code, API-510" shall mean the Pressure Vessel Inspection Code of the American Petroleum Institute with addenda and revisions, thereto made and approved by the institute which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Code, ASME" shall mean the boiler and pressure vessel code of the American Society of Mechanical Engineers with ~~((amendments))~~ addenda thereto made and approved by the council of the society which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Code, NBIC" shall mean the National Board Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors with addenda and revisions, thereto made and approved by the National Board of Boiler and Pressure Vessel Inspectors and adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Commission" shall mean an annual commission card issued to a person in the employ of Washington state, an insurance company or a company owner/user inspection agency holding a Washington state certificate of competency which authorizes them to perform inspections of boilers and/or unfired pressure vessels.

"Department" as used herein shall mean the department of labor and industries of the state of Washington.

"Director" shall mean the director of the department of labor and industries.

"Domestic and/or residential purposes" shall mean serving a private residence or an apartment house of less than six families.

"Existing installations" shall mean any boiler or unfired pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1952.

"Inspection, external" shall mean an inspection made while a boiler or unfired pressure vessel is in operation and includes the inspection and demonstration of controls and safety devices required by these rules.

"Inspection, internal" shall mean an inspection made when a boiler or unfired pressure vessel is shut down and

handholes, manholes, or other inspection openings are open or removed for examination of the interior. An external ultrasonic examination of unfired pressure vessels less than 36" inside diameter shall constitute an internal inspection.

"Inspector" shall mean the chief boiler inspector, a deputy inspector, or a special inspector.

- **"Chief inspector"** shall mean the inspector appointed under RCW 70.79.100 who serves as the secretary to the board without a vote.
- **"Deputy inspector"** shall mean an inspector appointed under RCW 70.79.120.
- **"Special inspector"** shall mean an inspector holding a Washington commission identified under RCW 70.79.130.

"Nationwide engineering standard" shall mean a nationally accepted design method, formulae and practice acceptable to the board.

"Owner" or "user" shall mean a person, firm, or corporation owning or operating any boiler or unfired pressure vessel within the state.

"Owner/user inspection agency" shall mean an owner or user of boilers and/or pressure vessels that maintains an established inspection department, whose organization and inspection procedures meet the requirements of a nationally recognized standard acceptable to the department.

"Place of public assembly" or "assembly hall" shall mean a building or portion of a building used for the gathering together of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, or dining or waiting transportation. This shall also include child care centers (those agencies which operate for the care of thirteen or more children), public and private hospitals, nursing and boarding homes.

"Special design" shall mean a design using nationwide engineering standards other than the codes adopted in WAC 296-104-200 or other than allowed in WAC 296-104-230.

AMENDATORY SECTION (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

WAC 296-104-050 Administration—What ~~((examinations must))~~ are the requirements for a boiler inspector ~~((take))~~? In order to qualify as a prospective National Board Commissioned Inspector an applicant shall meet the minimum requirements as set forth in the national board's "Rules for Commissioned Inspectors," NB263, Revision 8 (4/02).

Application for examination for certificate of competency shall be in writing upon a form to be furnished by the chief inspector stating the school and education of the applicant, a list of employers, period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected.

If the applicant's history and experience meet with the approval of the board of boiler rules, the candidate shall be given the national board examination and the Washington state examination(~~(s)~~). If the applicant is accepted on the merits of these examinations or as provided for in WAC 296-104-065, a certificate of competency will be issued by the chief inspector.

Examinations shall be held at locations and times when considered necessary by the board of boiler rules. The examinations may be offered four times each year, namely, the first Wednesday and following Thursday of the months of March, June, September and December. Special examinations may be held when considered necessary by the board of boiler rules.

AMENDATORY SECTION (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

WAC 296-104-100 Inspection—How often must boilers and unfired pressure vessels be inspected? In accordance with RCW 70.79.080, 70.79.090, and 70.79.240 the following inspection requirements shall apply:

- (1) **Power boilers** shall be inspected:
- (a) Internally and externally while not under pressure - Annually.
- (b) Externally while under pressure - Annually.
- (2) **Organic vapor boilers** shall be inspected:
- (a) Internally and externally while not under pressure - Biennially.
- (b) Externally while under pressure - Annually.
- (3) **Low pressure heating boilers** shall be inspected:
- (a) Externally while in operation and under pressure - Biennially.
- (b) Where construction permits, internally while not under pressure. Also, as a minimum, an internal of their low water fuel cutoff(s) must be completed, where construction permits - Biennially.
- (4) **Hot water heaters** shall be inspected:
- (a) Externally - Biennially.
- (b) Internally - None required.
- (5) **Unfired pressure vessels** shall be inspected:
- (a) Externally - Biennially.
- (b) Internally:
- (i) When subject to corrosion and construction permits - Biennially. Vessels in an owner/user inspection program may follow intervals established by the NBIC or API-510 eighth edition with ~~((supplements))~~ addenda, provided nondestructive examination (NDE) is performed at the biennial external inspection.
- (ii) Pulp or paper dryer rolls may be inspected on a five-year basis in accordance with TAPPI TIP 0402-16 ~~((1999))~~ 2001 edition, provided the owner has established a written inspection program accepted by the inspector that ~~((requires the minimums in section 8))~~ meets the minimum requirements of TAPPI TIP 0402-16 1999 edition.
- (iii) Vessels not subject to corrosion do not require an internal.

AMENDATORY SECTION (Amending WSR 01-24-061, filed 11/30/01, effective 12/31/01)

WAC 296-104-102 Inspection—What are the standards for in-service inspection? ~~((1))~~ Where a conflict exists between the requirements of the standards listed below and this chapter, this chapter shall prevail.

~~((2))~~ (1) The standard for inspection of nonnuclear boilers, unfired pressure vessels, and safety devices is the National Board Inspection Code (NBIC), 2001 edition, with

addenda. This code may be used on or after the date of issue and becomes mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2).

(2) The standard for inspection of historical steam boilers of riveted construction preserved, restored, or maintained for hobby or demonstration use, shall be Appendix "C" of the National Board Inspection Code as referenced in subsection (1) of this section.

(3) The standard for inspection of nuclear items is ASME section XI. The applicable ASME Code edition and addenda shall be as specified in the owner in-service inspection program plan.

(4) Where a petroleum or chemical process industry owner/user inspection agency so chooses, the standard for inspection of unfired pressure vessels used by the owner shall be the API-510 Pressure Vessel Inspection Code, eighth edition, with ~~((supplements))~~ addenda. This code may be used on or after the date of issue.

(5) TAPPI TIP 0402-16, dated ~~((1999))~~ 2001 may be used for both pulp dryers and paper machine dryers when requested by the owner. When requested by the owner, this document becomes a requirement and not a guideline.

AMENDATORY SECTION (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

WAC 296-104-140 Inspection—How should a state stamp be applied? Upon completion of the installation, all boilers and unfired pressure vessels shall be inspected by an inspector as defined in WAC 296-104-010. At the time of this inspection, each boiler or unfired pressure vessel shall be marked with a serial number of the state of Washington followed by the letter "W." The marking should be conspicuously located and as close as possible to the boiler or unfired pressure vessel nameplate.

Washington special numbers when assigned by the chief inspector shall be ~~((preceded))~~ a serial number of the state of Washington followed by the letters "WS."

All rental boilers used in the state of Washington shall be marked with the serial number of the state of Washington followed by the letters "WR." This will indicate that the boiler is a rental unit.

The state of Washington markings, numbers and letters, referenced above, shall not be less than 5/16 inches in height and shall not be concealed by lagging or paint and shall be exposed at all times.

AMENDATORY SECTION (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

WAC 296-104-200 Construction—What are the standards for new construction? The standards for new construction are:

(1) ASME Boiler and Pressure Vessel Code, ~~((2001))~~ 2004 edition, with addenda Sections I, III, IV, VIII, X;

(2) ASME ~~((ANSI))~~ PVHO-1 ~~((Standard for Pressure Vessels for Human Occupancy), 1997 edition))~~ 2002-2003 Safety Standard for Pressure Vessels for Human Occupancy; and

(3) ASME CSD-1 ~~((1998))~~ 2002 edition with addenda (as referenced in WAC 296-104-300(3)); and

(4) NFPA 85 Boiler and Combustion Systems Hazards Code 2001 edition (for use with boilers with fuel input ratings over 12,500,000 BTU/hr); and

(5) Standards of construction approved by the chief inspector and meeting the National Board Criteria for Registration of Boilers, Pressure Vessels and Other Pressure Retaining Items.

These codes and standards may be used on or after the date of issue and become mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2). ASME Code Cases may be approved for use when accepted by the chief inspector. The board recognizes that the ASME Code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. For nuclear systems, components and parts the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

AMENDATORY SECTION (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

WAC 296-104-300 Installation—What control and limit devices are required on automatically fired boilers prior to June 1989? ((1) Installations prior to June 1989:)) All automatically fired steam, vapor, or hot water boilers except boilers having a constant attendant who has no other duties while the boiler is in operation, shall be equipped with:

((a)) (1) An automatic low-water fuel cutoff; and

((b)) (2) An automatic water feeding device.

((e)) (3) All devices shall be designed so that they may be readily tested at frequent intervals.

((2) Installations after June 1989:

(a) All boilers that are automatically fired low pressure steam heating boilers, small power boilers, and power steam boilers without a constant attendant who has no other duties shall be equipped with:

(i) Two high steam pressure limit controls, the highest of which shall be provided with a manual reset.

(ii) Two low water fuel cutoffs, one of which shall be provided with a manual reset device and independent of the feed water controller.

(iii) Coil type flash steam boilers may use two high temperature limit controls, one of which shall have a manual reset. This is instead of the low water fuel cutoff.

(iv) All control and limit devices shall be independently connected and electrically wired in series.

(b) All automatically fired hot water supply, low pressure hot water heating boilers, and power hot water boilers shall be equipped with:

(i) Two high temperature limit controls, the highest of which shall be provided with a manual reset.

(ii) One low water fuel cutoff with a manual reset and independent of the feed water controller.

(iii) For coil type hot water boilers a low water flow limit control installed in the circulating water line may be used instead of a low water fuel cutoff.

(iv) All control and limit devices shall be independently connected and electrically wired in series.

(3) Installations or refits of gas, oil, or combinations of gas or oil after December 1998 shall have the following additional requirements:

(a) All boilers excluding lined potable water heaters of all BTU input installed or refitted after December 1998, with fuel input ratings of less than 12,500,000 BTU/hr which are fired by gas, oil, or a combination of gas or oil shall comply with the fuel train requirements defined in ASME CSD-1 (CF), as adopted in WAC 296-104-200 where applicable.

(b) A manually operated remote shutdown switch or circuit breaker should be located just outside the boiler room door and marked for easy identification. Consideration shall be given to the type and location of the switch to safeguard against tampering.

(c) Verification of fuel train compliance will be per CSD-1. A CSD-1 report will be filled out and signed by an authorized representative of the manufacturer and/or the installing contractor.

(d) The CSD-1 report must be made available to the authorized inspection agency or the inspector after which a certificate of operation may be issued. The report shall remain in the possession of the boiler owner.

(e) A means shall be provided for testing the operation of hot water heating boiler low water fuel cutoff(s) without resorting to draining the entire system. Such means shall not render the device(s) inoperable. If the means temporarily isolates the device from the boiler during testing, it shall automatically return to its normal position.))

NEW SECTION

WAC 296-104-301 Installation—What control and limit devices are required on automatically fired boilers after June 1989? In addition to those requirements listed in WAC 296-104-300, the following are also required:

(1) All boilers that are automatically fired low pressure steam heating boilers, small power boilers, and power steam boilers without a constant attendant who has no other duties shall be equipped with:

(a) Two high steam pressure limit controls, the highest of which shall be provided with a manual reset.

(b) Two low-water fuel cutoffs, one of which shall be provided with a manual reset device and independent of the feed water controller.

(c) Coil type flash steam boilers may use two high-temperature limit controls, one of which shall have a manual reset. This is instead of the low-water fuel cutoff.

(d) All control and limit devices shall be independently connected and electrically wired in series.

(2) All automatically fired hot water supply, low-pressure hot water heating boilers, and power hot water boilers shall be equipped with:

(a) Two high-temperature limit controls, the highest of which shall be provided with a manual reset.

(b) One low-water fuel cutoff with a manual reset and independent of the feed water controller.

(c) For coil type hot water boilers a low-water flow limit control installed in the circulating water line may be used instead of a low-water fuel cutoff.

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(d) All control and limit devices shall be independently connected and electrically wired in series.

NEW SECTION

WAC 296-104-302 Installation—What control and limit devices are required on automatically fired boilers after December 1998? In addition to those requirements listed in WAC 296-104-301, the following are also required with regard to installations or refits of gas, oil, or combinations of gas or oil:

(1) All boilers excluding lined potable water heaters of all BTU input installed or refitted after December 1998, with fuel input ratings of less than 12,500,000 BTU/hr which are fired by gas, oil, or a combination of gas or oil shall comply with the fuel train requirements defined in ASME CSD-1 (CF), as adopted in WAC 296-104-200 where applicable.

(2) Verification of fuel train compliance will be per CSD-1. A CSD-1 report will be completed and signed by an authorized representative of the manufacturer and/or the installing contractor.

(3) The CSD-1 report must be made available to the authorized inspection agency or the inspector after which a certificate of operation may be issued. The report shall remain in the possession of the boiler owner.

NEW SECTION

WAC 296-104-303 Installation—What control and limit devices are required on automatically fired boilers after December 2004? In addition to those requirements listed in WAC 296-104-302, the following are also required with regard to installations or refits of gas, oil, or combinations of gas or oil:

(1) A manually operated remote shutdown switch or circuit breaker should be located just outside the boiler room door and marked for easy identification. Consideration should be given to the type and location of the switch to safeguard against tampering. If the boiler room door is on the building exterior, the switch should be located just inside the door. If there is more than one door to the boiler room, there should be a switch located at each door.

(2) A means shall be provided for testing the operation of hot water heating boiler low-water fuel cutoff(s) without resorting to draining the entire system. Such means shall not render the device(s) inoperable. If the means temporarily isolates the device from the boiler during testing, it shall automatically return to its normal position.

AMENDATORY SECTION (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

WAC 296-104-405 Existing installation—How can the maximum allowable working pressure be established for nonstandard boilers or unfired pressure vessels? The maximum allowable working pressure MAWP of cylindrical components under internal pressure shall be established as follows:

(1) For nonstandard steel low pressure steam heating boilers the MAWP shall be computed from the formula in subsection (5) of this section not exceeding 15 psi steam.

(2) For nonstandard steel low pressure water heating boilers the MAWP shall be computed from the formula in subsection (5) of this section not exceeding 30 psi.

(3) For nonstandard cast iron low pressure steam heating boilers the MAWP shall not exceed 15 psi steam.

(4) For nonstandard cast iron low pressure water heating boilers the MAWP shall not exceed 30 psi.

(5) For boilers and unfired pressure vessels not listed above, where the original code of construction is unknown, the following formula will be used.

$$\frac{TS \times t \times E}{R \times FS} = MAWP$$

TS = Tensile Strength in psi as given in ASME Code, when material cannot be identified use 55,000 for steel and 45,000 for wrought iron.

t = thickness in inches of the thinnest part determined by actual measurement.

E = efficiency of longitudinal joint or ligament, whichever is the least, determined by the rules and formula in the ASME Code. When construction methods are not known welded joint efficiency will be 70%.

R = radius of largest course in inches.

FS = Factor of Safety, for boilers shall be a minimum of 5. For boilers with a longitudinal lap seam it shall be a minimum 8. Boilers with a longitudinal lap seam, unless granted a special permit, may only be used at a maximum of 15 psi provided they have passed inspection. The minimum for unfired pressure vessels shall be 4 when less than 20 years old, 4 1/2 when over 20 years old.

~~((6) For miniature hobby boilers the MAWP shall be computed using the formulas referenced in the ASME Code Section I, but the MAWP may not exceed 150 psi. For these formulas the maximum allowable stress (MAS) value shall be 0.75 times the maximum stress at 400 degrees F. in ASME Code Section II Part D, for listed materials or as set by the department for nonlisted materials.))~~

AMENDATORY SECTION (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

WAC 296-104-502 Repairs—What are the requirements for nonnuclear boilers and unfired pressure vessel repairs and alterations? Repairs and alterations to nonnuclear boilers and pressure vessels shall be made in accordance with the rules of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102. Additionally, repairs and alterations to nonstandard boilers and pressure vessels, as addressed in WAC 296-104-215, must be authorized by the chief inspector.

Repairs~~(/)~~ and alterations may be made by~~(/)~~ an organization authorized by the jurisdiction and in possession of a valid Certificate of Authorization for use of the "R" sym-

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bol stamp, issued by the National Board provided such repairs/alterations are within the scope of the authorization.

~~((2) An organization authorized by the chief inspector and in possession of a valid ASME Certificate of Authorization provided such repairs/alterations are within the scope of the organization's Quality Control System. The chief inspector may limit or restrict repairs/alterations for cause.))~~

Owner/user special inspectors may only accept repairs((f)) and alterations to boilers and unfired pressure vessels operated by their respective companies per RCW 70.79.130.

Documentation of repairs and alterations, in accordance with the requirements of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102, shall be submitted to the department.

AMENDATORY SECTION (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

WAC 296-104-520 Repairs—What are the requirements for repair of nonnuclear safety devices? The resetting, repairing, and restamping of safety valves and relief valves shall be done by a qualified manufacturer or valve repair organization holding a valid "V," "UV," or "VR" Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors. Section IV safety valves shall be repaired only by the valve manufacturer.

Boiler and pressure vessel users, however, may authorize external adjustments to be made to bring their installed safety valves and relief valves, except Section IV safety valves, back to the stamped set pressure(-) when performed by the user's trained, qualified, regular, and full-time employee or this adjustment shall be witnessed and approved by a National Board Commissioned Inspector. Refer to Appendix "J" of the National Board Inspection Code as referenced in WAC 296-104-102 for guidelines in training and qualifying user employees. All such external adjustments shall be resealed showing the identification of the organization making the adjustments and the date.

Repairing of noncode relief or safety valves shall not be allowed, except as specified below. Noncode liquid relief valves installed prior to 1-1-85 shall be repaired by an organization holding a valid "V," "UV," or "VR" Certificate of Authorization, but need not be stamped.

AMENDATORY SECTION (Amending WSR 04-13-044, filed 6/10/04, effective 6/30/04)

WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses? The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

Heating boilers:	Internal	External
Cast iron—All sizes	\$30.30	\$24.20
All other boilers less than 500 sq. ft.	\$36.50	\$24.20
500 sq. ft. to 2500 sq. ft.	\$60.80	\$30.30

Each additional 2500 sq. ft. of total heating surface, or any portion thereof	\$24.20	\$12.00
Power boilers:	Internal	External
Less than 100 sq. ft.	\$30.30	\$24.20
100 sq. ft. to less than 500 sq. ft.	\$36.50	\$24.20
500 sq. ft. to 2500 sq. ft.	\$60.80	\$30.30
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	\$24.20	\$12.00

Pressure vessels:		
Automatic utility hot water supply heaters per RCW 70.79.090		\$5.80

All other pressure vessels:

Square feet shall be determined by multiplying the length of the shell by its diameter.

	Internal	External
Less than 15 sq. ft.	\$24.20	\$18.10
15 sq. ft. to less than 50 sq. ft.	\$36.50	\$18.10
50 sq. ft. to 100 sq. ft.	\$42.50	\$24.20
For each additional 100 sq. ft. or any portion thereof	\$42.50	\$12.00

Certificate of inspection fees: For objects inspected, the certificate of inspection fee is \$18.10 per object.

Boiler and pressure vessel installation/reinstallation permit (excludes inspection and certificate of inspection fee) \$50.00

Nonnuclear shop inspections, field construction inspections, and special inspection services:

For each hour or part of an hour up to 8 hours	\$36.50
For each hour or part of an hour in excess of 8 hours	\$54.60

Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:

For each hour or part of an hour up to 8 hours	\$54.60
For each hour or part of an hour in excess of 8 hours	\$85.20

Nonnuclear triennial shop survey and audit:

When state is authorized inspection agency:	
For each hour or part of an hour up to 8 hours	\$36.50

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For each hour or part of an hour in excess of 8 hours \$54.60

When insurance company is authorized inspection agency:

For each hour or part of an hour up to 8 hours \$54.60

For each hour or part of an hour in excess of 8 hours \$85.20

Examination fee: A fee of \$67.40 will be charged for each applicant sitting for an inspection examination(s).

Special inspector commission: An initial fee of \$25 and an annual renewal fee of \$10 ((will be charged)) along with an annual work card fee of \$15.

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of \$338.00 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

AMENDATORY SECTION (Amending WSR 00-21-024, filed 10/10/00, effective 11/13/00)

WAC 296-104-701 What are the civil penalties? (1)

An owner, user, or operator of a boiler or pressure vessel that violates a provision of chapter 70.79 RCW, or of the rules adopted under that chapter, is liable for a civil penalty based on the following schedule.

Operating under pressure a boiler or pressure vessel which the department has condemned, has issued a red tag or has suspended the inspection certificate:

First offense \$150.00
Second offense \$300.00
Each additional offense \$500.00

Each day of such unlawful operation shall be deemed a separate offense.

Operating under pressure a boiler or pressure vessel without a valid inspection certificate:

First offense \$ 50.00
Second offense \$100.00
Each additional offense \$200.00

Each day of such unlawful operation shall be deemed a separate offense.

Installation of a boiler or pressure vessel without meeting prior filing requirements of WAC 296-104-020:

First offense \$100.00
Second offense \$200.00
Each additional offense \$500.00

Performing a repair to a boiler or pressure vessel, involving welding to a pressure retaining part, without meeting requirements of WAC 296-104-502:

First offense \$150.00
Second offense \$300.00
Each additional offense \$500.00

Performing an alteration to a boiler or pressure vessel without meeting requirements of WAC 296-104-502:

First offense \$150.00
Second offense \$300.00
Each additional offense \$500.00

Performing resetting, repair or restamping of safety valves, safety relief valves, or rupture discs, without meeting requirements of WAC 296-104-515:

First offense \$150.00
Second offense \$300.00
Each additional offense \$500.00

Failure of owner to notify chief inspector in case of accident which serves to render a boiler or unfired pressure vessel inoperative, as required by WAC 296-104-025:

Each offense \$100.00

Failure to comply with a noncompliance report requirement:

Within 90 days \$100.00
Within 91-180 days \$250.00
Within 181-270 days \$400.00
Within 271-360 days \$500.00

(2) The insurance company responsible for the inservice inspector of a boiler or unfired pressure vessel that violates a provision of chapter 296-104 WAC, or the rules adopted under that chapter, is liable for a civil penalty based on the following schedule.

Failure to file a report of inspection per WAC 296-104-040:

Each offense \$50.00

Failure to apply a state serial number per WAC 296-104-140:

Each offense \$50.00

Failure to attach a "Red TAG" per WAC 296-104-110:

Each offense \$50.00

Each object (boiler or unfired pressure vessel) is considered a separate offense.

(3) The department shall by certified mail notify a person of its determination that the person has violated this section.

((3)) (4) Any person aggrieved by an order or act under the boiler and unfired pressure vessels law or under the rules and regulations may, within fifteen days after such order or act, appeal to the board of boiler rules.

((4)) (5) Each day that a violation occurs will be a separate offense. A violation will be a second or additional offense only if it occurs within one year from the first violation.

WSR 04-17-107

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 17, 2004, 1:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-095.

Title of Rule and Other Identifying Information: Amending WAC 388-97-017 Nursing homes—Discrimination prohibited, nursing facilities under common ownership with boarding homes or independent housing are not required to place the names of applicants from those facilities on the same waiting list as outside applicants for their nursing facility placements.

Hearing Location(s): Office Building 2 Auditorium, DSHS headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on September 21, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 22, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 21, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 17, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of amending this rule is to be consistent with recently passed legislation SSB 6466 (chapter 34, Laws of 2004) - an act regarding the admission of residents to nursing facilities.

Reasons Supporting Proposal: To comply with state law.

Statutory Authority for Adoption: RCW 18.51.070 and 74.42.620.

Statute Being Implemented: RCW 74.42.055.

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

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

Name of Agency Personnel Responsible for Drafting: Lisa Yanagida, 640 Woodland Square Loop, (360) 725-2589; Implementation and Enforcement: Joyce Stockwell, 640 Woodland Square Loop, (360) 725-2404.

No small business economic impact statement has been prepared under chapter 19.85 RCW. It is unlikely that any licensed nursing homes regulated under chapters 18.51 and 74.42 RCW have fewer than fifty employees. In the event that there is such a nursing home, RCS has analyzed its proposed rule and has concluded that they do not impose an increase in existing costs, an imposition of a new cost, or a decrease in benefit. The purpose of amending this rule is to conform with recently passed legislation SSB 6466 - an act regarding the admission of residents to nursing facilities. As a result, the preparation of a small business economic impact statement is not required.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(iii) the proposed changes in WAC 388-97-017 are exempt from a cost benefit analysis since the rule is adopting language from a recent state statute (chapter 34, Laws of 2004) without material change.

August 11, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-017 Discrimination prohibited. (1) A nursing facility must establish and maintain identical policies and practices regarding transfer, discharge, and the provision of services covered under the state Medicaid plan for all individuals regardless of source of payment.

(2) A nursing facility must not require or request:

(a) Residents or potential residents to waive their rights to Medicare or Medicaid;

(b) Oral or written assurance that residents or potential residents are not eligible for, or will not apply for Medicare or Medicaid benefits; and

(c) A third party guarantee of payment to the facility as a condition of admission or expedited admission, or continued stay in the facility. However, the facility may require an individual who has legal access to a resident's income or resources available to pay for facility care to sign a contract, without incurring personal financial liability, to provide facility payment from the resident's income or resources.

(3) A nursing facility must inform, in writing, a prospective resident, and where applicable, the resident's representative, before or at the time of admission, that a third party may not be required or requested to personally guarantee payment to the nursing home, as specified in subsection (2)(c) of this section.

(4) A nursing facility must readmit a resident, who has been hospitalized or on therapeutic leave, immediately to the first available bed in a semiprivate room if the resident:

(a) Requires the services provided by the facility; and

(b) Is eligible for Medicaid nursing facility services.

PROPOSED

(5) A nursing facility must not:

(a) Deny or delay admission or readmission of an individual to the facility because of the individual's status as a Medicaid recipient;

(b) Transfer a resident, except from a single room to another room within the facility, because of the resident's status as a Medicaid recipient;

(c) Discharge a resident from a facility because of the resident's status as a Medicaid recipient; or

(d) Charge Medicaid recipients any amounts in excess of the Medicaid rate from the date of eligibility, except for any supplementation that may be permitted by department regulation.

~~((5))~~ (6) A nursing facility must maintain only one list of names of individuals seeking admission to the facility, which is ordered by the date of request for admission, and must:

(a) Offer admission to individuals in the order they appear on the list, ~~((provided))~~ except as provided in subsection (7), as long as the facility can meet the needs of the individual with available staff or through the provision of reasonable accommodations required by state or federal laws;

(b) Retain the list of individuals seeking admission for one year from the month admission was requested; and

(c) Offer admission to the portions of the facility certified under Medicare and Medicaid without discrimination against persons eligible for Medicaid~~((-~~

~~(6))~~ except as provided in subsection (7).

(7) A nursing facility is permitted to give preferential admission to individuals who seek admission from a boarding home, licensed under chapter 18.20 RCW, or from independent retirement housing, if:

(a) The nursing facility is owned by the same entity that owns the boarding home or independent housing; and

(b) They are located within the same proximate geographic area; and

(c) The purpose of the preferential admission is to allow continued provision of culturally or faith-based services, or services provided by a continuing care retirement community as defined in RCW 74.38.025.

(8) A nursing facility must develop and implement written policies and procedures to ensure nondiscrimination in accordance with this section and RCW 74.42.055.

WSR 04-17-108

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 17, 2004, 1:41 p.m.]

Supplemental Notice to WSR 04-15-053.

Preproposal statement of inquiry was filed as WSR 03-17-085.

Title of Rule and Other Identifying Information: WAC 388-418-0005 What types of changes must I report for cash, Basic Food, and medical assistance?

Hearing Location(s): Office Building 2 Auditorium (DSHS headquarters), 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on September 21, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 22, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5 p.m., September 21, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 17, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This supplemental rule filing will update the effective date of the proposed rule as submitted under WSR 04-15-053 to reflect reporting requirements under the department's simplified reporting initiative. Simplified reporting reduces the changes clients must report to the department while requiring some clients to complete a six-month report to determine ongoing eligibility for benefits.

Reasons Supporting Proposal: These rules are necessary to implement the department's simplified reporting initiative for cash assistance, medical assistance, and the Washington Basic Food program.

The Farm Security and Rural Investment Act of 2002 provides states the option to implement simplified reporting for the food stamp program. ESB 6411 (chapter 54, Laws of 2004) requires the department to implement simplified reporting for food stamps by October 31, 2004. The department plans to implement simplified reporting for cash, medical, and the Basic Food program beginning in October 2004.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, ESB 6411 (chapter 54, Laws of 2004).

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.510, ESB 6411 (chapter 54, Laws of 2004).

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, Policy Analyst, 1009 College S.E., Lacey, WA 98504, (360) 725-4616.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses; they only affect DSHS clients by outlining the rules clients must meet in order to be eligible for the department's cash assistance or food benefit programs.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These rules adopt federal requirements and implement program options under Title 7 of the Code of Federal Regula-

tions Part 273 regarding eligibility for food stamp benefits as well as requirements under Title 45 of the Code of Federal Regulations and the TANF state plan for benefits under the TANF program. The department also applies these eligibility requirements to the general assistance and refugee cash assistance programs.

August 9, 2004
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-06-026, filed 2/23/04, effective 3/25/04)

WAC 388-418-0005 How will I know what ((type of)) changes I must ((I)) report ((for cash, Basic Food, and medical assistance))? ((For purposes of this section, an "assistance unit" or "AU" is a group of people who live together and whose income or resources we count to decide what benefits the AU gets. Even if someone in your AU is not eligible to get a benefit, we still count that person's income or resources if they are financially responsible for you or someone in your AU, such as a common child. If you are a parent of a child who gets long term care benefits, you need only report changes in income or resources that are actually contributed to the child. Tables one, two and three below show the types of changes you must report based on the type of assistance you get. Use table one to see if you must report a change for cash or Basic Food. Use table two to see if you must report a change for children's, pregnant women's, or family medical assistance. Use table three to see if you must report a change for SSI related medical or long term care medical assistance.

Table 1—Cash Assistance and Basic Food		
Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for cash assistance?	Do I have to report this change for Basic Food?
(1) Starts to get money from a new source;	Yes	Yes, but only if the change causes a change in the person's income.
(2) Has unearned income that changed by more than fifty dollars from amount we budgeted;	Yes	Yes
(3) Moves into or out of your home, including new-borns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes

Table 1—Cash Assistance and Basic Food		
Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for cash assistance?	Do I have to report this change for Basic Food?
(4) Moves to a new residence;	Yes	Yes
(5) Has a change in shelter costs;	Yes, but only if you went from having no shelter costs to having a shelter cost, or from having shelter costs to not having to pay anything. You don't have to report a change in the amount you pay.	Yes, report the change at your recertification. If your shelter costs go up, you could get more benefits. Report the change sooner to see if you will get more benefits.
(6) Gets married, divorced, or separated;	Yes	Yes
(7) Gets a vehicle;	Yes	Yes
(8) Has a disability that ends;	Yes	Yes
(9) Has countable resources that are more than the resource limits under WAC 388-470-0005;	Yes	Yes
(10) Gets a job or changes employers;	Yes	Yes, but only if it causes a change in the person's income.
(11) Changes from part time to full time or full time to part time work. We use your employer's definition of part time and full time work;	Yes	Yes
(12) Has a change in hourly wage rate or salary;	Yes	Yes
(13) Stops working;	Yes	Yes

PROPOSED

PROPOSED

Table 1—Cash Assistance and Basic Food

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for cash assistance?	Do I have to report this change for Basic Food?
(14) Has a pregnancy that begins or ends;	Yes	No
(15) Has a change in uncovered medical expenses;	No	Yes, report this change only at your next eligibility review. If you are elderly or disabled and you have an increase in uncovered medical expenses, report this change sooner as you may be eligible to get more benefits.
(16) A change in work hours to below 20 hours per week averaged monthly.	No	Yes, but only if there are no children in your AU and the person is a nonexempt ABAWD under WAC 388-444-0030 and 388-444-0035.
(17) A change in legal obligation to pay child support.	No	Yes

Table 2—Medical Assistance

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for family medical assistance (i.e., TANF-related) or Children's Medical?	Do I have to report this change for Pregnancy Medical?
(18) Starts to get money from a new source;	Yes	No
(19) Has unearned income that changed;	Yes	No

Table 2—Medical Assistance

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for family medical assistance (i.e., TANF-related) or Children's Medical?	Do I have to report this change for Pregnancy Medical?
(20) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(21) Moves to a new residence;	Yes	Yes
(22) Has a change in shelter costs;	No	No
(23) Gets married, divorced, or separated;	Yes	No
(24) Gets a vehicle;	No	No
(25) Has a disability that ends;	No	No
(26) Has countable resources that are more than the resource limits under WAC 388-470-0005;	No	No
(27) Gets a job or changes employers;	Yes	No
(28) Changes from part-time to full-time or full-time to part-time work. We use your employer's definition of part-time and full-time work;	Yes	No
(29) Has a change in hourly wage rate or salary;	Yes	No
(30) Stops working;	Yes	No

PROPOSED

Table 2 – Medical Assistance

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for family medical assistance (i.e., TANF-related) or Children's Medical?	Do I have to report this change for Pregnancy-Medical?
(31) Has a pregnancy that begins or ends;	Yes	Yes
(32) Has a change in uncovered medical expenses.	Yes, but only if an AU member has a spenddown.	Yes, but only if an AU member has a spenddown.

Table 3 – SSI-Related Medical Assistance and Long-Term Care

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for SSI-related medical assistance?	Do I have to report this change for long-term care (i.e., COPES, CAP, or nursing-home)
(33) Starts to get money from a new source;	Yes	Yes
(34) Has unearned income that changed;	Yes	Yes
(35) Has a change in earnings or stops working	Yes	Yes
(36) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(37) Moves to a new residence;	Yes	Yes
(38) Has a change in shelter costs;	No, unless you went from paying rent to not paying any rent. You do not need to report if your rent amount changes.	Yes, if client or community spouse live in their own home

Table 3 – SSI-Related Medical Assistance and Long-Term Care

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for SSI-related medical assistance?	Do I have to report this change for long-term care (i.e., COPES, CAP, or nursing-home)
(39) Gets married, divorced, or separated;	Yes	Yes
(40) Gets a vehicle;	Yes, but only if that person or their spouse gets SSI-related medical	Yes, but only if that person gets long-term care
(41) Has a disability that ends;	Yes	Yes
(42) Has countable resources that are more than the resource limits, under WAC 388-470-0005 or 388-513-1350;	Yes, but only if that person or their spouse get SSI-related medical	Yes, but only if that person gets long-term care
(43) Has a change in uncovered medical expenses.	Yes, but only if an AU member has a spenddown.	Yes.

)) You must report changes to the department based on the kinds of assistance you receive. The set of changes you must report for people in your assistance unit under chapter 388-408 WAC is based on the benefits you receive that require you to report the most changes. It is the first program that you receive benefits from in the list below.

For example:

If you receive Long Term Care and Basic Food benefits, you tell us about changes based on the Long Term Care requirements because it is the first program in the list below you receive benefits from.

(1) If you receive Long Term Care benefits such as Basic, Basic Plus, Core, Community Protection, or nursing home, you must tell us if you have a change of:

- (a) Address;
- (b) Marital status;
- (c) Living arrangement;
- (d) Income;
- (e) Resources;
- (f) Medical expenses; and

(g) If we allow you expenses for your spouse or dependents, you must report changes in their income or shelter cost.

(2) If you receive medical benefits based on age, blindness, or disability (SSI-related medical), you need to tell us if:

- (a) You move;
- (b) Someone moves into or out of your home;
- (c) Your resources change; or

(d) Your income changes. This includes the income of you, your spouse or your child living with you.

(3) If you receive Basic Food and all adults in your assistance unit are elderly or disabled and have no earned income, you need to tell us if:

(a) You move;

(b) You start getting money from a new source;

(c) Your income changes by more than fifty dollars;

(d) Your liquid resources, such as your cash on hand or bank accounts, are more than two thousand dollars; or

(e) Someone moves into or out of your home.

(4) If you receive cash benefits, you need to tell us if:

(a) You move;

(b) Someone moves out of your home;

(c) Your total gross monthly income goes over the:

(i) Payment standard under WAC 388-478-0030 if you receive general assistance or ADATSA benefits; or

(ii) Earned income limit under WAC 388-450-0165 for all other programs;

(d) You have liquid resources more than four thousand dollars; or

(e) You have a change in employment. Tell us if you:

(i) Get a job or change employers;

(ii) Change from part-time to full-time or full-time to part-time;

(iii) Have a change in your hourly wage rate or salary; or

(iv) Stop working.

(5) If you receive Children's Medical or Family Medical benefits, you need to tell us if:

(a) You move;

(b) Someone moves out of your home; or

(c) If your income goes up or down by one hundred dollars or more a month and you expect this income change will continue for at least two months.

(6) If you receive Basic Food benefits, you need to tell us if:

(a) You move; or

(b) Your total gross monthly income is more than the gross monthly income limit under WAC 388-478-0060.

(7) If you receive Pregnancy Medical benefits, you need to tell us if:

(a) You move;

(b) Someone moves out of the home; or

(c) You have a change in your pregnancy.

(8) If you receive other medical benefits, you need to tell us if:

(a) You move; or

(b) Someone moves out of the home.

Preproposal statement of inquiry was filed as WSR 04-13-104.

Title of Rule and Other Identifying Information: Outpatient prospective payment system (OPPS), (Part 1 of 2), new sections WAC 388-550-7000 Outpatient prospective payment system (OPPS)—General, 388-550-7050 OPPS—Definitions, 388-550-7100 OPPS—Exempt hospitals, 388-550-7200 OPPS—Payment method, 388-550-7300 OPPS—Payment limitations, 388-550-7400 OPPS APC relative weights, 388-550-7500 OPPS APC conversion factor, and 388-550-7600 OPPS payment calculation.

Hearing Location(s): Office Building 2 Auditorium (DSHS headquarters), 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on September 21, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than September 22, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 21, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 17, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To improve the area of outpatient hospital expenditures, the department is implementing a new Medicaid payment method for outpatient hospital services provided to Medicaid clients. The outpatient prospective payment system (OPPS) uses claims and cost data to calculate reimbursement to hospitals for the facility component of outpatient services, and uses ambulatory payment classifications (APCs) as the primary basis of payment.

Reasons Supporting Proposal: OPPS is expected to provide consistency for providers when billing for outpatient hospital services that are reimbursed by state agencies. OPPS will also improve DSHS's/MAA's efficiency while managing expenditures in relationship to the federal upper payment limits.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.500.

Statute Being Implemented: RCW 74.08.090 and 74.09.500.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: OPPS has been implemented by state Department of Labor and Industries (L&I) and the Health Care Authority (HCA), and by the federal Centers for Medicare and Medicaid Services (CMS). The department developed its OPPS rules to be consistent and equitable with the L&I, HCA, and CMS OPPS.

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

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: Cynthia Smith, P.O. Box 45510, Olympia, WA 98504, (360) 725-1839.

WSR 04-17-109

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed August 17, 2004, 1:42 p.m.]

Original Notice.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and concludes that they will impose no new costs on small businesses. The preparation of a comprehensive small business economic impact statement is not required.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Cynthia Smith, P.O. Box 45510, Olympia, WA 98504, phone (360) 725-1830, fax (360) 753-9152, e-mail smithch@dshs.wa.gov.

August 13, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-550-7000 Outpatient Prospective Payment System (OPPS)—General. (1) The medical assistance administration's (MAA's) outpatient prospective payment system (OPPS) uses an ambulatory payment classification (APC) based reimbursement methodology as its primary reimbursement method. MAA is basing its OPPS on the Centers for Medicare and Medicaid Services (CMS) Prospective Payment System for Hospital Outpatient Department Services.

(2) For a complete description of the CMS outpatient hospital prospective payment system, including the assignment of status indicators (SIs), see 42 CFR, Chapter IV, Part 419. The Code of Federal Regulations (CFR) is available from the CFR website and the Government Printing Office, Seattle office. The document is also available for public inspection at the Washington state library (a copy of the document may be obtained upon request, subject to any pertinent charge).

NEW SECTION

WAC 388-550-7050 OPPS—Definitions. The following definitions and abbreviations and those found in WAC 388-550-1050 apply to the medical assistance administration's (MAA's) outpatient prospective payment system (OPPS):

"Alternative outpatient payment" means a payment calculated using a method other than the ambulatory payment classification (APC) method, such as the outpatient hospital rate or the fee schedule.

"Ambulatory payment classification (APC)" means a grouping that categorizes outpatient visits according to the clinical characteristics, the typical resource use, and the costs associated with the diagnoses and the procedures performed.

"Ambulatory payment classification (APC) weight" means the relative value assigned to each APC.

"Ambulatory payment classification (APC) conversion factor" means a hospital-specific dollar amount that is one of the components of the APC payment calculation.

"Budget target" means the amount of money allocated by the legislature or through MAA's budget process to pay for a specific group of services.

"Budget target adjustor" means the MAA specific multiplier applied to all payable ambulatory payment classifications (APCs) to allow MAA to reach and not exceed the established budget target.

"Discount factor" means the percentage applied to additional significant procedures when a claim has multiple significant procedures or when the same procedure is performed multiple times on the same day. Not all significant procedures are subject to a discount factor.

"Medical visit" means diagnostic, therapeutic, or consultative services provided to a client by a healthcare professional in an outpatient setting.

"Modifier" means a two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. The modifier provides the means by which the reporting hospital can describe or indicate that a performed service or procedure has been altered by some specific circumstance but not changed in its definition or code. The modifier can affect payment or be used for information only. Modifiers are listed in fee schedules.

"Observation services" means services furnished by a hospital on the hospital's premises, including use of a bed and periodic monitoring by hospital staff, which are reasonable and necessary to evaluate an outpatient's condition or determine the need for possible admission to the hospital as an inpatient.

"Outpatient code editor (OCE)" means a software program published by 3M Health Information Systems that MAA uses for classifying and editing claims in ambulatory payment classification (APC) based OPPS.

"Outpatient prospective payment system (OPPS)" means the payment system used by MAA to calculate reimbursement to hospitals for the facility component of outpatient services. This system uses ambulatory payment classifications (APCs) as the primary basis of payment.

"Pass-throughs" means certain drugs, devices, and biologicals, as identified by Centers for Medicare and Medicaid Services (CMS), for which providers are entitled to additional separate payment until the drugs, devices, or biologicals are assigned their own ambulatory payment classification (APC).

"Significant procedure" means a procedure, therapy, or service provided to a client that constitutes the primary reason for the visit to the healthcare professional.

"Status indicator (SI)" means a one-digit identifier assigned to each service by the outpatient code editor (OCE) software.

"SI" see "status indicator."

NEW SECTION

WAC 388-550-7100 OPPS—Exempt hospitals. The medical assistance administration (MAA) exempts the following hospitals from the initial implementation of MAA's outpatient prospective payment system (OPPS). (Refer to other sections in chapter 388-550 WAC for alternative outpatient payment methods MAA uses to pay hospital providers that are exempt from MAA's OPPS.)

- (1) Cancer hospitals;
- (2) Critical access hospitals;

- (3) Free-standing psychiatric hospitals;
- (4) Out-of-state hospitals (Bordering-city hospitals are considered in-state hospitals. See WAC 388-550-1050.);
- (5) Pediatric hospitals;
- (6) Peer group A hospitals;
- (7) Rehabilitation hospitals; and
- (8) Veterans' and military hospitals.

NEW SECTION

WAC 388-550-7200 OPSS—Payment method. (1) This section describes the payment methods the medical assistance administration (MAA) uses to pay for covered outpatient hospital services.

AMBULATORY PAYMENT CLASSIFICATION (APC) METHOD

(2) MAA uses the APC method when the Centers for Medicare and Medicaid Services (CMS) has established weight(s) to pay for covered:

- (a) Medical visits;
- (b) Significant procedures that are not subject to multiple procedure discounting;
- (c) Significant procedures that are subject to multiple procedure discounting;
- (d) Nonpass-through drugs or devices;
- (e) Observation services; and
- (f) Ancillary services.

OPSS MAXIMUM ALLOWABLE FEE SCHEDULE

(3) MAA uses the OPSS fee schedule to pay for covered:

- (a) Services that are exempted from the APC payment methodology or services for which there are no established weight(s);
- (b) Procedures that are on the CMS inpatient only list;
- (c) Items, codes, and services that are not covered by Medicare;
- (d) Corneal tissue acquisition;
- (e) Drugs or biologicals that are pass-throughs; and
- (f) Devices that are pass-throughs.

HOSPITAL OUTPATIENT RATE

(4) MAA uses the hospital outpatient rate described in WAC 388-550-4500 to pay for the services listed in subsection (3) of this section for which MAA has not established a maximum allowable fee.

NEW SECTION

WAC 388-550-7300 OPSS—Payment limitations. (1) The medical assistance administration (MAA) limits payment for covered outpatient hospital services to the current published maximum allowable units of services listed in the outpatient prospective payment system (OPSS) fee schedule and published in the OPSS section of MAA's hospital billing instructions, subject to the following:

(a) When a unit limit for services is not stated in the OPSS fee schedule, MAA pays for services according to the program's unit limits stated in applicable WAC and published issuances.

(b) Because multiple units for services may be factored into the ambulatory payment classification (APC) weight, MAA pays for services according to the unit limit stated in

the OPSS fee schedule when the limit is not the same as the program's unit limit stated in applicable WAC and published issuances.

(2) MAA does not pay separately for covered services that are packaged into the APC rates. These services are paid through the APC rates.

NEW SECTION

WAC 388-550-7400 OPSS APC relative weights. The medical assistance administration (MAA) uses the ambulatory payment classification (APC) relative weights established by the Centers for Medicare and Medicaid Services (CMS). MAA updates the APC relative weights at least quarterly in conjunction with the outpatient code editor (OCE) updates.

NEW SECTION

WAC 388-550-7500 OPSS APC conversion factor. The medical assistance administration (MAA) uses the ambulatory payment classification (APC) conversion factors established by the Centers for Medicare and Medicaid Services (CMS) and in effect on November 1, 2004, as MAA's initial APC conversion factors. MAA updates its APC conversion factors at least biannually.

NEW SECTION

WAC 388-550-7600 OPSS payment calculation. (1) The medical assistance administration (MAA) follows the discounting and modifier policies of the Centers for Medicare and Medicaid Services (CMS). MAA calculates the ambulatory payment classification (APC) payment as follows:

APC payment =

APC relative weight x APC hospital-specific conversion factor x

Discount factor (if applicable) x Units of service (if applicable) x

Budget target adjustor

- (2) The total OPSS claim payment is the lesser of the:
- (a) Allowed charges for the claim; or
 - (b) Sum of the APC payments plus the sum of payments for non-APC services.

WSR 04-17-110

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed August 17, 2004, 1:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-104.

Title of Rule and Other Identifying Information: Outpatient prospective payment system (OPSS), (Part 2 of 2), amending WAC 388-550-6000 Outpatient hospital services.

Hearing Location(s): Office Building 2 Auditorium (DSHS headquarters), 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on September 21, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than September 22, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 21, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 17, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is updating policy for reimbursement for outpatient hospital services in order to be consistent with the filing of a new rule to implement the OPPS program. In addition, the department is no longer using the twenty-four-hours-or-less criteria in the definition for "outpatient short stay" and is replacing language related to the twenty-four-hour-or-less criteria in WAC 388-550-6000 with alternate language.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.500.

Statute Being Implemented: RCW 74.08.090 and 74.09.500.

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

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

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: Cynthia Smith, P.O. Box 45510, Olympia, WA 98504, (360) 725-1839.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and concludes that they will impose no new costs on small businesses. The preparation of a comprehensive small business economic impact statement is not required.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Cynthia Smith, P.O. Box 45510, Olympia, WA 98504, phone (360) 725-1830, fax (360) 753-9152, e-mail smithch@dshs.wa.gov.

August 13, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-19-044, filed 9/10/03, effective 10/11/03)

WAC 388-550-6000 ((Payment—))Outpatient hospital services—Conditions of payment and reimbursement.

(1) The medical assistance administration (MAA) pays ((outpatient hospital providers for providing covered outpatient hospital services to medical assistance clients using the maximum allowable fee schedule and/or the hospital outpatient rate.

(1) Maximum allowable fee schedule:

(a) ~~MAA uses the maximum allowable fee schedule to pay for services listed in the outpatient hospital fee schedule and published in MAA's billing instructions.~~

(b) ~~Outpatient hospital services are included in the outpatient hospital fee schedule when:~~

(i) ~~A technical component has been established in the Medicare Fee Schedule Data Base (MFSDB); or~~

(ii) ~~MAA specifically identifies certain services for payment using the maximum allowable fee schedule.~~

(c) ~~Outpatient hospital services paid using MAA's maximum allowable fee schedule include:~~

(i) ~~Laboratory services;~~

(ii) ~~Imaging services;~~

(iii) ~~EKG/ECG/EEG and other diagnostics;~~

(iv) ~~Physical therapy;~~

(v) ~~Occupational therapy;~~

(vi) ~~Speech/language therapy;~~

(vii) ~~Synaxis;~~

(viii) ~~Sleep studies; and~~

(ix) ~~Other hospital services as identified and published by the department.~~

(d) ~~MAA's payment for covered services included in the outpatient hospital fee schedule is the lesser of:~~

(i) ~~The hospital's billed amount; or~~

(ii) ~~MAA's maximum allowable.~~

(e) ~~Certain services or supplies listed in the outpatient hospital fee schedule are identified and designated by MAA to be paid by acquisition cost or by report. See subsection (7) of this section for MAA's requirement for submitting invoices.~~

(2) ~~Outpatient rate:~~

(a) ~~MAA uses the outpatient rate to pay hospitals for covered services reported on a hospital claim that are not listed in the outpatient hospital fee schedule.~~

(b) ~~The outpatient rate is a hospital-specific rate that uses the hospital's ratio of costs to charges (RCC) rate as its base. MAA's rate-setting method for an outpatient rate is described in WAC 388-500-4500.~~

(3) ~~The department considers hospital stays of twenty-four hours or less outpatient short stays and uses the outpatient payment methods in subsections (1) and (2) of this section to pay a hospital for these services. However, when an outpatient short stay involves one of the following situations, the department uses inpatient payment methods to pay a hospital for covered services:~~

(a) ~~Death of a client;~~

(b) ~~Obstetrical delivery;~~

(c) ~~Initial care of a newborn; or~~

(d) ~~Transfer of a client to another acute care hospital.~~

(4) ~~The department uses the outpatient payment methods in subsections (1) and (2) of this section to pay for covered inpatient hospital services provided within twenty-four hours of a client's inpatient admission that are not related to the admission. Inpatient hospital services provided within twenty-four hours of a client's inpatient admission that are related to the admission are paid according to WAC 388-550-2900(12).~~

(5) ~~For a client enrolled in an MAA contracted managed care plan, the plan is responsible to pay a hospital provider~~

for hospital services that the plan covers. MAA pays for a service not covered by the managed care plan only when:

(a) The service is included in the scope of coverage under the client's medical assistance program;

(b) The service is medically necessary as defined in WAC 388-550-1050; and

(c) The provider has a current core provider agreement with MAA and meets applicable MAA program requirements in other published WACs.

(6) The department does not pay for:

(a) Room and ancillary services charges beyond the twenty-four hour period for outpatient short stays; or

(b) Emergency room, labor room, observation room, and other room charges in combination when billing periods for these charges overlap.

(7) In order to be paid for covered outpatient hospital services listed in the outpatient hospital fee schedule as a paid at acquisition cost or by report, MAA requires the hospital provider to submit an invoice for billed amounts of five hundred or more.

(8) In order to be paid for covered outpatient hospital services, hospitals must bill MAA according to the conditions of payment under WAC 388-502-0100, time limits under WAC 388-502-0150, and other applicable published issuances. In addition, MAA requires hospitals to bill outpatient claims using the line item date of service and the appropriate revenue codes, admit and discharge hour, current procedural terminology (CPT) codes, healthcare common procedural coding system (HCPCS) codes, and modifiers listed in MAA's published outpatient hospital fee schedule. A hospital's bill to the department must show the admitting, principal, and secondary diagnoses and include the attending physician's name and MAA assigned provider number)) hospitals for covered outpatient hospital services provided to eligible clients when the services meet the provisions in WAC 388-550-1700. All professional medical services must be billed according to chapter 388-531 WAC.

(2) To be paid for covered outpatient hospital services, a hospital provider must:

(a) Have a current core provider agreement with MAA;

(b) Bill MAA according to the conditions of payment under WAC 388-502-0100;

(c) Bill MAA according to the time limits under WAC 388-502-0150; and

(d) Meet program requirements in other applicable WAC and MAA published issuances.

(3) MAA does not pay separately for any services:

(a) Included in a hospital's room charges;

(b) Included as covered under MAA's definition of room and board (e.g., nursing services). See WAC 388-550-1050; or

(c) Related to an inpatient hospital admission and provided within one calendar day of a client's inpatient admission.

(4) MAA does not pay:

(a) A hospital for outpatient hospital services when a managed care plan is contracted with MAA to cover these services;

(b) More than the "acquisition cost" ("A.C.") for HCPCS (Healthcare Common Procedure Coding System) codes noted in the outpatient fee schedule as paid "A.C."; or

(c) For cast room, emergency room, labor room, observation room, treatment room, and other room charges in combination when billing periods for these charges overlap.

(5) MAA uses the outpatient departmental weighted costs-to-charges (ODWCC) rate to pay for covered outpatient services provided in a critical access hospital (CAH). See WAC 388-550-2598.

(6) MAA uses the maximum allowable fee schedule to pay non-OPPS hospitals and non-CAH hospitals for the following types of covered outpatient hospital services listed in MAA's current published outpatient hospital fee schedule and billing instructions:

(a) Laboratory services;

(b) Imaging services;

(c) EKG/ECG/EEG and other diagnostics;

(d) Physical therapy;

(e) Speech/language therapy;

(f) Synagis;

(g) Sleep studies; and

(h) Other hospital services identified and published by the department.

(7) MAA uses the hospital outpatient rate as described in WAC 388-550-4500 to pay for covered outpatient hospital services when:

(a) A hospital provider is a non-OPPS or a non-CAH provider; and

(b) The services are not included in subsection (6) of this section.

(8) Hospitals must provide documentation as required and/or requested by MAA.

WSR 04-17-111

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed August 17, 2004, 1:44 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-103.

Title of Rule and Other Identifying Information: Redefining outpatient short stay (part 1 of 3), amending WAC 388-550-1050 Hospital services definitions.

Hearing Location(s): Office Building 2 Auditorium (DSHS headquarters), 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on September 21, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than September 22, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 21, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 17, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is no longer using the twenty-four hours or less criteria in the definition for "outpatient short stay." The definition and related definitions are being deleted or updated with alternative language as applicable. The anticipated effects will be to base hospital admissions on medical criteria rather than on time (twenty-four hours or less criteria) in order to bring the department's policies in line with industry standards and promote administrative simplicity for providers. In addition, the department is amending WAC 388-550-1050 to update current definitions relating to reimbursement for outpatient hospital services in order to be consistent with the filing of a new rule to implement the outpatient prospective payment system (OPPS) program.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.500.

Statute Being Implemented: RCW 74.08.090 and 74.09.500.

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

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

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; **Implementation and Enforcement:** Linda Ayers, P.O. Box 45506, Olympia, WA 98504, (360) 725-1680.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and concludes that they will impose no new costs on small businesses. The preparation of a comprehensive small business economic impact statement is not required.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Linda Ayers, P.O. Box 45506, Olympia, WA 98504, phone (360) 725-1680, fax (360) 586-1471, e-mail ayerslr@dshs.wa.gov.

August 13, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-19-043, filed 9/10/03, effective 10/11/03)

WAC 388-550-1050 Hospital services definitions. The following definitions and abbreviations and those found in WAC 388-500-0005, Medical definitions, apply to this chapter.

"Accommodation costs" means the expenses incurred by a hospital to provide its patients services for which a separate charge is not customarily made. These expenses include, but are not limited to, room and board, medical social services, psychiatric social services, and the use of certain hospital equipment and facilities.

"Acute" means a medical condition of severe intensity with sudden onset.

"Acute care" means care provided for patients who are not medically stable or have not attained a satisfactory level of rehabilitation. These patients require frequent monitoring by a health care professional in order to maintain their health status (see WAC 248-27-015).

"Acute physical medicine and rehabilitation (Acute PM&R)" means a twenty-four hour inpatient comprehensive program of integrated medical and rehabilitative services provided during the acute phase of a client's rehabilitation.

"ADATSA/DASA assessment center" means an agency contracted by the division of alcohol and substance abuse (DASA) to provide chemical dependency assessment for clients and pregnant women in accordance with the alcoholism and drug addiction treatment and support act (ADATSA). Full plans for a continuum of drug and alcohol treatment services for pregnant women are also developed in ADATSA/DASA assessment centers.

"Add-on procedure(s)" means secondary procedure(s) that are performed in addition to another procedure.

"Administrative day" means a day of a hospital stay in which an acute inpatient level of care is no longer necessary, and noninpatient hospital placement is appropriate.

"Admitting diagnosis" means the medical condition before study, which is initially responsible for the client's admission to the hospital, as defined by the ICD-9-CM diagnostic code.

"Advance directive" means a document, such as a living will executed by a client. The advanced directive tells the client's health care providers and others the client's decisions regarding the client's medical care, particularly whether the client or client's representative wishes to accept or refuse extraordinary measures to prolong the client's life.

"Aggregate capital cost" means the total cost or the sum of all capital costs.

"Aggregate cost" means the total cost or the sum of all constituent costs.

"Aggregate operating cost" means the total cost or the sum of all operating costs.

"Alcoholism and drug addiction treatment and support act (ADATSA)" means the law and the state-funded program it established which provides medical services for persons who are incapable of gainful employment due to alcoholism or substance addiction.

"Alcoholism and/or alcohol abuse treatment" means the provision of medical social services to an eligible client designed to mitigate or reverse the effects of alcoholism or alcohol abuse and to reduce or eliminate alcoholism or alcohol abuse behaviors and restore normal social, physical, and psychological functioning. Alcoholism or alcohol abuse treatment is characterized by the provision of a combination of alcohol education sessions, individual therapy, group therapy, and related activities to detoxified alcoholics and their families.

"All-patient grouper (AP-DRG)" means a computer program that determines the DRG assignments.

"Allowed charges" means the maximum amount for any procedure that the department allows as the basis for payment computation.

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"Ambulatory surgery" means a surgical procedure that is not expected to require an inpatient hospital admission.

"Ancillary hospital costs" means the expenses incurred by a hospital to provide additional or supporting services to its patients during their hospital stay. See **"ancillary services."**

"Ancillary services" means additional or supporting services provided by a hospital to a patient during the patient's hospital stay. These services include, but are not limited to, laboratory, radiology, drugs, delivery room, operating room, postoperative recovery rooms, and other special items and services.

"Appropriate level of care" means the level of care required to best manage a client's illness or injury based on the illness presentation and the services received.

"Approved treatment facility" means a treatment facility, either public or private, profit or nonprofit, approved by DSHS.

"Audit" means an assessment, evaluation, examination, or investigation of a health care provider's accounts, books and records, including:

(1) Medical, financial and billing records pertaining to billed services paid by the department through Medicaid or other state programs, by a person not employed or affiliated with the provider, for the purpose of verifying the service was provided as billed and was allowable under program regulations; and

(2) Financial, statistical and medical records, including mathematical computations and special studies conducted supporting Medicare cost reports, HCFA Form 2552, submitted to MAA for the purpose of establishing program rates of reimbursement to hospital providers.

"Audit claims sample" means a subset of the universe of paid claims from which the sample is drawn, whether based upon judgmental factors or random selection. The sample may consist of any number of claims in the population up to one hundred percent. See also **"random claims sample"** and **"stratified random sample."**

"Authorization" - See **"prior authorization"** and **"expedited prior authorization (EPA)."**

"Average hospital rate" means the average of hospital rates for any particular type of rate that MAA uses.

"Bad debt" means an operating expense or loss incurred by a hospital because of uncollectible accounts receivables.

"Beneficiary" means a recipient of Social Security benefits, or a person designated by an insuring organization as eligible to receive benefits.

"Billed charge" means the charge submitted to the department by the provider.

"Blended rate" means a mathematically weighted average rate.

"Border area hospital" means a hospital located outside Washington state and located in one of the ((border areas)) bordering cities listed in WAC 388-501-0175.

"BR" - See **"by report."**

"Bundled services" mean interventions which are integral to the major procedure and are not reimbursable separately.

"Buy-in premium" means a monthly premium the state pays so a client is enrolled in part A and/or part B Medicare.

"By report (BR)" means a method of reimbursement in which MAA determines the amount it will pay for a service when the rate for that service is not included in MAA's published fee schedules. Upon request the provider must submit a "report" which describes the nature, extent, time, effort and/or equipment necessary to deliver the service.

"Callback" means keeping hospital staff members on duty beyond their regularly scheduled hours, or having them return to the facility after hours to provide unscheduled services which are usually associated with hospital emergency room, surgery, laboratory and radiology services.

"Capital-related costs" mean the component of operating costs related to capital assets, including, but not limited to:

- (1) Net adjusted depreciation expenses;
- (2) Lease and rentals for the use of depreciable assets;
- (3) The costs for betterment and improvements;
- (4) The cost of minor equipment;
- (5) Insurance expenses on depreciable assets;
- (6) Interest expense; and
- (7) Capital-related costs of related organizations that provide services to the hospital.

Capital costs due solely to changes in ownership of the provider's capital assets are excluded.

"Case mix complexity" means, from the clinical perspective, the condition of the treated patients and the difficulty associated with providing care. Administratively, it means the resource intensity demands that patients place on an institution.

"Case mix index (CMI)" means the arithmetical index that measures the average relative weight of a case treated in a hospital during a defined period.

"Charity care" means necessary hospital health care rendered to indigent persons, to the extent that these persons are unable to pay for the care or to pay the deductibles or coinsurance amounts required by a third-party payer, as determined by the department.

"Chemical dependency" means an alcohol or drug addiction; or dependence on alcohol and one or more other psychoactive chemicals.

"Children's hospital" means a hospital primarily serving children.

"Client" means a person who receives or is eligible to receive services through department of social and health services (DSHS) programs.

"Comorbidity" means of, relating to, or caused by a disease other than the principal disease.

"Complication" means a disease or condition occurring subsequent to or concurrent with another condition and aggravating it.

"Comprehensive hospital abstract reporting system (CHARS)" means the department of health's hospital data collection, tracking and reporting system.

"Contract hospital" means a licensed hospital located in a selective contracting area, which is awarded a contract to participate in MAA's hospital selective contracting program.

"Contractual adjustment" means the difference between the amount billed at established charges for the services provided and the amount received or due from a third-

party payer under a contract agreement. A contractual adjustment is similar to a trade discount.

"Cost proxy" means an average ratio of costs to charges for ancillary charges or per diem for accommodation cost centers used to determine a hospital's cost for the services where the hospital has Medicaid claim charges for the services, but does not report costs in corresponding centers in its Medicare cost report.

"Cost report" means the HCFA Form 2552, Hospital and Hospital Health Care Complex Cost Report, completed and submitted annually by a provider:

(1) To Medicare intermediaries at the end of a provider's selected fiscal accounting period to establish hospital reimbursable costs for per diem and ancillary services; and

(2) To Medicaid to establish appropriate DRG and RCC reimbursement.

"Costs" mean MAA-approved operating, medical education, and capital-related costs as reported and identified on the HCFA 2552 form.

"Cost-based conversion factor (CBCF)" means a hospital-specific dollar amount that reflects a hospital's average cost of treating Medicaid clients. It is calculated from the hospital's cost report by dividing the hospital's costs for treating Medicaid clients during a base period by the number of Medicaid discharges during that same period and adjusting for the hospital's case mix. See also **"hospital conversion factor"** and **"negotiated conversion factor."**

"County hospital" means a hospital established under the provisions of chapter 36.62 RCW.

"Current procedural terminology (CPT)" means a systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians. CPT is copyrighted and published annually by the American Medical Association (AMA).

"Customary charge payment limit" means the limit placed on aggregate DRG payments to a hospital during a given year to assure that DRG payments do not exceed the hospital's charges to the general public for the same services.

"Day outlier" means a case that requires MAA to make additional payment to the hospital provider but which does not qualify as a high-cost outlier. See **"day outlier payment"** and **"day outlier threshold."**

"Day outlier payment" means the additional amount paid to a disproportionate share hospital for a client five years old or younger who has a prolonged inpatient stay which exceeds the day outlier threshold but whose covered charges for care fall short of the high cost outlier threshold. The amount is determined by multiplying the number of days in excess of the day outlier threshold and the administrative day rate.

"Day outlier threshold" means the average number of days a client stays in the hospital for an applicable DRG before being discharged, plus twenty days.

"Deductible" means the amount a beneficiary is responsible for, before Medicare starts paying; or the initial specific dollar amount for which the applicant or client is responsible.

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

"Detoxification" means treatment provided to persons who are recovering from the effects of acute or chronic intoxication or withdrawal from alcohol or other drugs.

"Diabetic education program" means a comprehensive, multidisciplinary program of instruction offered by an MAA-approved facility to diabetic clients on dealing with diabetes, including instruction on nutrition, foot care, medication and insulin administration, skin care, glucose monitoring, and recognition of signs/symptoms of diabetes with appropriate treatment of problems or complications.

"Diagnosis code" means a set of numeric or alphanumeric characters assigned by the ICD-9-CM, or successor document, as a shorthand symbol to represent the nature of a disease.

"Diagnosis-related group (DRG)" means a classification system which categorizes hospital patients into clinically coherent and homogenous groups with respect to resource use, i.e., similar treatments and statistically similar lengths of stay for patients with related medical conditions. Classification of patients is based on the International Classification of Diseases (ICD-9), the presence of a surgical procedure, patient age, presence or absence of significant comorbidities or complications, and other relevant criteria.

"Direct medical education costs" means the direct costs of providing an approved medical residency program as recognized by Medicare.

"Discharging hospital" means the institution releasing a client from the acute care hospital setting.

"Disproportionate share payment" means additional payment(s) made by the department to a hospital which serves a disproportionate number of Medicaid and other low-income clients and which qualifies for one or more of the disproportionate share hospital programs identified in the state plan.

"Disproportionate share program" means a program that provides additional payments to hospitals which serve a disproportionate number of Medicaid and other low-income clients.

"Dispute conference" - See **"hospital dispute conference."**

"Distinct unit" means a Medicare-certified distinct area for psychiatric or rehabilitation services within an acute care hospital or a department-designated unit in a children's hospital.

"Division of alcohol and substance abuse (DASA)" is the division within DSHS responsible for providing alcohol and drug-related services to help clients recover from alcoholism and drug addiction.

"DRG" - See **"diagnosis-related group."**

"DRG-exempt services" means services which are paid for through other methodologies than those using cost-based conversion factors (CBCF) or negotiated conversion factors (NCF).

"DRG payment" means the payment made by the department for a client's inpatient hospital stay. This payment calculated by multiplying the hospital-specific conversion factor by the DRG relative weight for the client's medical diagnosis.

"DRG relative weight" means the average cost or charge of a certain DRG divided by the average cost or

charge, respectively, for all cases in the entire data base for all DRGs.

"Drug addiction and/or drug abuse treatment" means the provision of medical and rehabilitative social services to an eligible client designed to mitigate or reverse the effects of drug addiction or drug abuse and to reduce or eliminate drug addiction or drug abuse behaviors and restore normal physical and psychological functioning. Drug addiction or drug abuse treatment is characterized by the provision of a combination of drug and alcohol education sessions, individual therapy, group therapy and related activities to detoxified addicts and their families.

"DSHS" means the department of social and health services.

"Elective procedure or surgery" means a nonemergent procedure or surgery that can be scheduled at convenience.

"Emergency room" or "emergency facility" means an organized, distinct hospital-based facility available twenty-four hours a day for the provision of unscheduled episodic services to patients who present for immediate medical attention, and is capable of providing emergency services including trauma care.

"Emergency services" means medical services required by and provided to a patient after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy; serious impairment to bodily functions; or serious dysfunction of any bodily organ or part. For hospital reimbursement purposes, inpatient maternity services are treated as emergency services.

"Equivalency factor (EF)" means a conversion factor used, in conjunction with two other factors (cost-based conversion factor and the ratable factor), to determine the level of state-only program payment.

"Exempt hospital—DRG payment method" means a hospital that for a certain patient category is reimbursed for services to MAA clients through methodologies other than those using cost-based or negotiated conversion factors.

"Exempt hospital—Hospital selective contracting program" means a hospital that is either not located in a selective contracting area or is exempted by the department from the selective contracting program.

"Expedited prior authorization (EPA)" means the MAA-delegated process of creating an authorization number for selected medical/dental procedures and related supplies and services in which providers use a set of numeric codes to indicate which MAA-acceptable indications, conditions, diagnoses, and/or MAA-defined criteria are applicable to a particular request for service.

"Expedited prior authorization (EPA) number" means an authorization number created by the provider that certifies that MAA-published criteria for the medical/dental procedures and related supplies and services have been met.

"Experimental" means a term to describe a procedure, or course of treatment, which lacks scientific evidence of safety and effectiveness. See WAC 388-531-0500. A service is not "experimental" if the service:

(1) Is generally accepted by the medical profession as effective and appropriate; and

(2) Has been approved by the FDA or other requisite government body if such approval is required.

"Facility triage fee" means the amount MAA will pay a hospital for a medical evaluation or medical screening examination, performed in the hospital's emergency department, for a nonemergent condition of a *healthy options* client covered under the primary care case management (PCCM) program. This amount corresponds to the professional care level A or level B service.

"Fee-for-service" means the general payment method the department uses to reimburse providers for covered medical services provided to medical assistance clients when these services are not covered under MAA's *healthy options* program.

"Fiscal intermediary" means Medicare's designated fiscal intermediary for a region and/or category of service.

"Fixed per diem rate" means a daily amount used to determine payment for specific services.

"Global surgery days" means the number of preoperative and follow-up days that are included in the reimbursement to the physician for the major surgical procedure.

"Graduate medical education costs" means the direct and indirect costs of providing medical education in teaching hospitals.

"Grouper" - See "all-patient grouper (AP-DRG)."

"HCFA 2552" - See "cost report."

"Health care team" means a group of health care providers involved in the care of a client.

"High-cost outlier" means a claim paid under the DRG method that did not meet the definition of "administrative day," and has extraordinarily high costs when compared to other claims in the same DRG, in which the allowed charges, before January 1, 2001, exceed three times the applicable DRG payment and exceed twenty-eight thousand dollars. For dates of service January 1, 2001 and after, to qualify as a high-cost outlier, the allowed charges must exceed three times the applicable DRG payment and exceed thirty-three thousand dollars.

"Hospice" means a medically-directed, interdisciplinary program of palliative services for terminally ill clients and the clients' families. Hospice is provided under arrangement with a Title XVIII Washington state-licensed and Title XVIII-certified Washington state hospice.

"Hospital" means an entity which is licensed as an acute care hospital in accordance with applicable state laws and regulations, and which is certified under Title XVIII of the federal Social Security Act.

"Hospital base period" means, for purposes of establishing a provider rate, a specific period or timespan used as a reference point or basis for comparison.

"Hospital base period costs" means costs incurred in or associated with a specified base period.

"Hospital conversion factor" means a hospital-specific dollar amount that reflects the average cost for a DRG paid case of treating Medicaid clients in a given hospital. See cost-based conversion factor (CBCF) and negotiated conversion factor (NCF).

"Hospital covered service" means a service that is provided by a hospital, included in the medical assistance pro-

gram and is within the scope of the eligible client's medical care program.

"Hospital cost report" - See "cost report."

"Hospital dispute resolution conference" means a meeting for deliberation during a provider administrative appeal.

(1) The first dispute resolution conference is usually a meeting between medical assistance administration and hospital staff, to discuss a department action or audit finding(s). The purpose of the meeting is to clarify interpretation of regulations and policies relied on by the department or hospital, provide an opportunity for submission and explanation of additional supporting documentation or information, and/or to verify accuracy of calculations and application of appropriate methodology for findings or administrative actions being appealed. Issues appealed by the provider will be addressed in writing by the department.

(2) At the second level of dispute resolution:

(a) For hospital rates issues, the dispute resolution conference is an informal administrative hearing conducted by an MAA administrator for the purpose of resolving contractor/provider rate disagreements with the department's action at the first level of appeal. The dispute resolution conference in this regard is not a formal adjudicative process held in accordance with the Administrative Procedure Act.

(b) For hospital audit issues, the audit dispute resolution hearing will be held by the office of administrative hearings in accordance with WAC 388-560-1000. This hearing is a formal proceeding and is governed by chapter 34.05 RCW.

"Hospital facility fee" - See "facility triage fee."

"Hospital market basket index" means a measure, expressed as a percentage, of the annual inflationary costs for hospital services, as measured by Data Resources, Inc. (DRI).

"Hospital peer group" means the peer group categories adopted by the former Washington state hospital commission for rate-setting purposes:

(1) Group A - rural hospitals paid under a ratio of costs-to-charges (RCC) methodology (same as peer group 1);

(2) Group B - urban hospitals without medical education programs (same as peer group 2);

(3) Group C - urban hospitals with medical education programs; and

(4) Group D - specialty hospitals and/or hospitals not easily assignable to the other three peer groups.

"Hospital selective contracting program" or **"selective contracting"** means a negotiated bidding program for hospitals within specified geographic areas to provide inpatient hospital services to medical assistance clients.

"Indigent patient" means a patient who has exhausted any third-party sources, including Medicare and Medicaid, and whose income is equal to or below two hundred percent of the federal poverty standards (adjusted for family size), or is otherwise not sufficient to enable the individual to pay for his or her care, or to pay deductibles or coinsurance amounts required by a third-party payor.

"Indirect medical education costs" means the indirect costs of providing an approved medical residency program as recognized by Medicare.

"Inflation adjustment" means, for cost inflation, the hospital inflation adjustment. This adjustment is determined

by using the inflation factor method and guidance indicated by the legislature in the budget notes to the biennium appropriations bill. For charge inflation, it means the inflation factor determined by comparing average discharge charges for the industry from one year to the next, as found in the comprehensive hospital abstract reporting system (CHARS) standard reports three and four.

"Informed consent" means that an individual consents to a procedure after the provider who obtained a properly completed consent form has done all of the following:

(1) Disclosed and discussed the patient's diagnosis;

(2) Offered the patient an opportunity to ask questions about the procedure and to request information in writing;

(3) Given the patient a copy of the consent form;

(4) Communicated effectively using any language interpretation or special communication device necessary per 42 C.F.R. 441.257; and

(5) Given the patient oral information about all of the following:

(a) The patient's right to not obtain the procedure, including potential risks, benefits, and the consequences of not obtaining the procedure;

(b) Alternatives to the procedure including potential risks, benefits, and consequences; and

(c) The procedure itself, including potential risks, benefits, and consequences.

"Inpatient hospital" means a hospital authorized by the department of health to provide inpatient services.

"Inpatient hospital admission" means an admission ((as an inpatient)) to a hospital ((for a stay longer than twenty four hours, or for a stay twenty four hours or less with cases including:

(1) The death of a client;

(2) Obstetrical delivery;

(3) Initial care of a newborn; or

(4) Transfer to another acute care facility.

To qualify for inpatient reimbursement, even when the stay is longer than twenty four hours, the medical care record must evidence the need for inpatient care)) based on an evaluation of the client using objective clinical indicators for the purpose of providing medically necessary inpatient care, including assessment, monitoring, and therapeutic services as required to best manage the client's illness or injury, and that is documented in the client's medical record.

"Inpatient services" means ((aH)) healthcare services provided directly or indirectly ((by the hospital)) to a ((patient)) client subsequent to the client's inpatient hospital admission and prior to discharge((-and includes, but is not limited to, the following services: Bed and board; medical, nursing, surgical, pharmacy and dietary services; maternity services; psychiatric services; all diagnostic and therapeutic services required by the patient; the technical and/or professional components of certain services; use of hospital facilities, medical social services furnished by the hospital, and such drugs, supplies, appliances and equipment as required by the patient; transportation services subsequent to admission and prior to discharge; and services provided by the hospital within twenty four hours of the patient's admission as an inpatient)).

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~~("Inpatient stay" - See "inpatient hospital admission.")~~

"Intermediary" - See **"fiscal intermediary."**

"International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) Edition" means the systematic listing that transforms verbal descriptions of diseases, injuries, conditions and procedures into numerical or alpha numerical designations (coding).

"Length of stay (LOS)" means the number of days of inpatient hospitalization. See also **"PAS length of stay (LOS)."**

"Length of stay extension request" means a request from a hospital provider for the department, or in the case of psychiatric admission, the appropriate regional support network (RSN), to approve a client's hospital stay exceeding the average length of stay for the client's diagnosis and age.

"Lifetime hospitalization reserve" means, under the Medicare Part A benefit, the nonrenewable sixty hospital days that a beneficiary is entitled to use during his or her lifetime for hospital stays extending beyond ninety days per benefit period. See also **"reserve days."**

"Low-cost outlier" means a case with extraordinarily low costs when compared to other cases in the same DRG, in which the allowed charges before January 1, 2001, are less than ten percent of the applicable DRG payment or less than four hundred dollars. For dates of service on and after January 1, 2001, to qualify as a low-cost outlier, the allowed charges must be less than ten percent of the applicable DRG payment or less than four hundred and fifty dollars.

"Low income utilization rate" means a formula represented as $(A/B)+(C/D)$ in which:

(1) The numerator A is the hospital's total patient services revenue under the state plan, plus the amount of cash subsidies for patient services received directly from state and local governments in a period;

(2) The denominator B is the hospital's total patient services revenue (including the amount of such cash subsidies) in the same period as the numerator;

(3) The numerator C is the hospital's total inpatient service charge attributable to charity care in a period, less the portion of cash subsidies described in (1) of this definition in the period reasonably attributable to inpatient hospital services. The amount shall not include contractual allowances and discounts (other than for indigent patients not eligible for medical assistance under the state plan); and

(4) The denominator D is the hospital's total charge for inpatient hospital services in the same period as the numerator.

"Major diagnostic category (MDC)" means one of the twenty-five mutually exclusive groupings of principal diagnosis areas in the DRG system. The diagnoses in each MDC correspond to a single major organ system or etiology and, in general, are associated with a particular medical specialty.

"Market basket index" - See **"hospital market basket index."**

"MDC" - See **"major diagnostic category."**

"Medicaid" is the state and federally funded aid program that covers the categorically needy (CNP) and medically needy (MNP) programs.

"Medicaid cost proxy" means a figure developed to approximate or represent a missing cost figure.

"Medicaid inpatient utilization rate" means a formula represented as X/Y in which:

(1) The numerator X is the hospital's number of inpatient days attributable to patients who (for such days) were eligible for medical assistance under the state plan in a period.

(2) The denominator Y is the hospital's total number of inpatient days in the same period as the numerator's. Inpatient day includes each day in which an individual (including a newborn) is an inpatient in the hospital, whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

"Medical assistance administration (MAA)" is the administration within DSHS authorized by the secretary to administer the acute care portion of the Title XIX Medicaid, Title XXI children's health insurance program (CHIP), and the state-funded medical care programs, with the exception of certain nonmedical services for persons with chronic disabilities.

"Medical assistance program" means both Medicaid and medical care services programs.

"Medical care services" means the limited scope of care financed by state funds and provided to general assistance-unemployable (GAU) and ADATSA clients.

"Medical education costs" means the expenses incurred by a hospital to operate and maintain a formally organized graduate medical education program.

"Medical screening evaluation" means the service(s) provided by a physician or other practitioner to determine whether an emergent medical condition exists. See also **"facility triage fee."**

"Medical stabilization" means a return to a state of constant and steady function. It is commonly used to mean the patient is adequately supported to prevent further deterioration.

"Medically indigent person" means a person certified by the department of social and health services as eligible for the limited casualty program-medically indigent (LCP-MI) program. See also **"indigent patient."**

"Medicare cost report" means the annual cost data reported by a hospital to Medicare on the HCFA form 2552.

"Medicare crossover" means a claim involving a client who is eligible for both Medicare benefits and Medicaid.

"Medicare fee schedule (MFS)" means the official HCFA publication of Medicare policies and relative value units for the resource based relative value scale (RBRVS) reimbursement program.

"Medicare Part A" means that part of the Medicare program that helps pay for inpatient hospital services, which may include, but are not limited to:

- (1) A semi-private room;
- (2) Meals;
- (3) Regular nursing services;
- (4) Operating room;
- (5) Special care units;
- (6) Drugs and medical supplies;
- (7) Laboratory services;
- (8) X-ray and other imaging services; and

(9) Rehabilitation services.

Medicare hospital insurance also helps pay for post-hospital skilled nursing facility care, some specified home health care, and hospice care for certain terminally ill beneficiaries.

"Medicare Part B" means that part of the Medicare program that helps pay for, but is not limited to:

- (1) Physician services;
- (2) Outpatient hospital services;
- (3) Diagnostic tests and imaging services;
- (4) Outpatient physical therapy;
- (5) Speech pathology services;
- (6) Medical equipment and supplies;
- (7) Ambulance;
- (8) Mental health services; and
- (9) Home health services.

"Medicare buy-in premium" - See **"buy-in premium."**

"Medicare payment principles" means the rules published in the federal register regarding reimbursement for services provided to Medicare clients.

"Mentally incompetent" means a person who has been declared mentally incompetent by a federal, state, or local court of competent jurisdiction for any purpose, unless the person has been declared competent for purposes which include the ability to consent to sterilization.

"Multiple occupancy rate" means the rate customarily charged for a hospital room with two to four patient beds.

"Negotiated conversion factor (NCF)" means a negotiated hospital-specific dollar amount which is used in lieu of the cost-based conversion factor as the multiplier for the applicable DRG weight to determine the DRG payment for a selective contracting program hospital. See also **"hospital conversion factor"** and **"cost-based conversion factor."**

"Nonallowed service or charge" means a service or charge that is not recognized for payment by the department, and cannot be billed to the client.

"Noncontract hospital" means a licensed hospital located in a selective contracting area (SCA) but which does not have a contract to participate in the hospital selective contracting program.

"Noncovered service or charge" means a service or charge that is not reimbursed by the department.

"Nonemergent hospital admission" means any inpatient hospitalization of a patient who does not have an emergent condition, as defined in WAC 388-500-0005, Emergency services.

"Nonparticipating hospital" means a noncontract hospital. See **"noncontract hospital."**

"Observation services" means healthcare services furnished by a hospital on the hospital's premises, including use of a bed and periodic monitoring by hospital staff, which are reasonable and necessary to evaluate an outpatient's condition or determine the need for possible admission to the hospital as an inpatient.

"Operating costs" means all expenses incurred in providing accommodation and ancillary services, excluding capital and medical education costs.

"OPPS" - See **"outpatient prospective payment system."**

"OPPS adjustment" means the legislative mandated reduction in the outpatient adjustment factor made to account for the delay of OPPS implementation.

"OPPS outpatient adjustment factor" means the outpatient adjustment factor reduced by the OPPS and adjustment factor as a result of legislative mandate.

"Orthotic device" or "orthotic" means a corrective or supportive device that:

- (1) Prevents or corrects physical deformity or malfunction; or
- (2) Supports a weak or deformed portion of the body.

"Out-of-state hospital" means any hospital located outside the state of Washington and outside the designated border areas in Oregon and Idaho.

"Outlier set-aside factor" means the amount by which a hospital's cost-based conversion factor is reduced for payments of high cost outlier cases.

"Outlier set-aside pool" means the total amount of payments for high cost outliers which are funded annually based on payments for high cost outliers during the year.

"Outliers" means cases with extraordinarily high or low costs when compared to other cases in the same DRG.

"Outpatient" means a patient who is receiving medical services in other than an inpatient hospital setting.

"Outpatient care" means medical care provided other than inpatient services in a hospital setting.

"Outpatient hospital" means a hospital authorized by the department of health to provide outpatient services.

"Outpatient hospital services" means those healthcare services that are within a hospital's licensure and provided to a client who is designated as an outpatient.

"Outpatient observation" - See **"observation services."**

"Outpatient prospective payment system (OPPS)" means ~~((a classification system that groups outpatient visits according to the clinical characteristics, and typical resource use and costs associated with their diagnoses and the procedures performed))~~ the payment system used by MAA to calculate reimbursement to hospitals for the facility component of outpatient services. This system uses ambulatory payment classifications (APCs) as the primary basis of payment.

"Outpatient short stay" ~~((means an acute hospital stay of twenty-four hours or less, with the exception of cases involving:~~

- (1) The death of a client;
- (2) Obstetrical delivery;
- (3) Initial care of a new born; or
- (4) Transfer to another acute care facility.

~~When the department determines that the need for inpatient care is not evidenced in the medical record, even in stays longer than twenty-four hours, the department considers and reimburses the stay as an outpatient short stay.~~

"Outpatient stay" - See **"outpatient short stay."** - See **"observation services"** and **"outpatient hospital services."**

"Outpatient surgery" means a surgical procedure that is not expected to require an inpatient hospital admission.

"Pain treatment facility" means an MAA-approved inpatient facility for pain management, in which a multidisci-

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plinary approach is used to teach clients various techniques to live with chronic pain.

"Participating hospital" means a licensed hospital that accepts MAA clients.

"PAS length of stay (LOS)" means the average length of an inpatient hospital stay for patients based on diagnosis and age, as determined by the Commission of Professional and Hospital Activities and published in a book entitled *Length of Stay by Diagnosis, Western Region*. See also **"professional activity study (PAS)."**

"Patient consent" means the informed consent of the patient and/or the patient's legal guardian, as evidenced by the patient's or ((guardians's)) guardian's signature on a consent form, for the procedure(s) to be performed upon or for the treatment to be provided to the patient.

"Peer group" - See **"hospital peer group."**

"Peer group cap" means the reimbursement limit set for hospital peer groups B and C, established at the seventieth percentile of all hospitals within the same peer group for aggregate operating, capital, and direct medical education costs.

"Per diem charge" means the daily room charge, per client, billed by the facility for room and board services that are covered by the department. This is sometimes referred to as "room rate."

"Personal comfort items" means items and services which do not contribute meaningfully to the treatment of an illness or injury or the functioning of a malformed body member.

"PM&R" - See **"Acute PM&R."**

"Physician standby" means physician attendance without direct face-to-face patient contact and does not involve provision of care or services.

"Physician's current procedural terminology (CPT)" - See **"CPT."**

"Plan of treatment" or **"plan of care"** means the written plan of care for a patient which includes, but is not limited to, the physician's order for treatment and visits by the disciplines involved, the certification period, medications, and rationale indicating need for services.

"Pregnant and postpartum women (PPW)" means eligible female clients who are pregnant or until the end of the month which includes the sixtieth day following the end of the pregnancy.

"Principal diagnosis" means the condition established after study to be chiefly responsible for the admission of the patient to the hospital for care.

"Principal procedure" means a procedure performed for definitive treatment rather than diagnostic or exploratory purposes, or because it was necessary due to a complication.

"Prior authorization" means a process by which clients or providers must request and receive MAA approval for certain medical services, equipment, or supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement. Expedited prior authorization and limitation extension are forms of prior authorization.

"Private room rate" means the rate customarily charged by a hospital for a one-bed room.

"Professional activity study (PAS)" means the compilation of inpatient hospital data by diagnosis and age, conducted by the Commission of Professional and Hospital Activities, which resulted in the determination of an average length of stay for patients. The data are published in a book entitled *Length of Stay by Diagnosis, Western Region*.

"Professional component" means the part of a procedure or service that relies on the physician's professional skill or training, or the part of a reimbursement that recognizes the physician's cognitive skill.

"Prognosis" means the probable outcome of a patient's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the patient's probable life span as a result of the illness.

"Prolonged service" means direct face-to-face patient services provided by a physician, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services.

"Prospective payment system (PPS)" means a system that sets payment rates for a predetermined period for defined services, before the services are provided. The payment rates are based on economic forecasts and the projected cost of services for the predetermined period.

"Prosthetic device" or **"prosthetic"** means a replacement, corrective, or supportive device prescribed by a physician or other licensed practitioner of the healing arts, within the scope of his or her practice as defined by state law, to:

- (1) Artificially replace a missing portion of the body;
- (2) Prevent or correct physical deformity or malfunction;
- (3) Support a weak or deformed portion of the body.

"Psychiatric hospitals" means Medicare-certified distinct part psychiatric units, Medicare-certified psychiatric hospitals, and state-designated pediatric distinct part psychiatric units in acute care hospitals. State-owned psychiatric hospitals are excluded.

"Public hospital district" means a hospital district established under chapter 70.44 RCW.

"Random claims sample" means a sample in which all of the items are selected randomly, using a random number table or computer program, based on a scientific method of assuring that each item has an equal chance of being included in the sample. See also **"audit claims sample"** and **"stratified random sample."**

"Ratable" means a hospital-specific adjustment factor applied to the cost-based conversion factor (CBCF) to determine state-only program payment rates to hospitals.

"Ratio of costs-to-charges (RCC)" means a method used to pay hospitals for services exempt from the DRG payment method. It also refers to the factor applied to a hospital's allowed charges for medically necessary services to determine payment to the hospital for these DRG-exempt services.

"RCC" - See **"ratio of costs-to-charges."**

"Rebasing" means the process of recalculating the hospital cost-based conversion factors or RCC using historical data.

"Recalibration" means the process of recalculating DRG relative weights using historical data.

"Regional support network (RSN)" means a county authority or a group of county authorities recognized and cer-

tified by the department, that contracts with the department per chapters 38.52, 71.05, 71.24, 71.34, and 74.09 RCW and chapters 275-54, 275-55, and 275-57 WAC.

"Rehabilitation units" means specifically identified rehabilitation hospitals and designated rehabilitation units of general hospitals that meet Medicare criteria for distinct part rehabilitation units.

"Relative weights" - See **"DRG relative weights."**

"Remote hospitals" means hospitals that meet the following criteria during the hospital selective contracting (HSC) waiver application period:

- (1) Are located within Washington state;
- (2) Are more than ten miles from the nearest hospital in the HSC competitive area; and
- (3) Have fewer than seventy-five beds; and
- (4) Have fewer than five hundred Medicaid admissions within the previous waiver period.

"Reserve days" means the days beyond the ninetieth day of hospitalization of a Medicare patient for a benefit period or spell of illness. See also **"lifetime hospitalization reserve."**

"Retrospective payment system" means a system that sets payment rates for defined services according to historic costs. The payment rates reflect economic conditions experienced in the past.

"Revenue code" means a nationally-assigned coding system for billing inpatient and outpatient hospital services, home health services, and hospice services.

"Room and board" means the services a hospital facility provides a patient during the patient's hospital stay. These services include, but are not limited to, a routine or special care hospital room and related furnishings, routine supplies, dietary and nursing services, and the use of certain hospital equipment and facilities.

"Rural health clinic" means a clinic that is located in areas designed by the Bureau of Census as rural and by the Secretary of the Department of Health, Education and Welfare (DHEW) as medically underserved.

"Rural hospital" means a rural health care facility capable of providing or assuring availability of health services in a rural area.

"Secondary diagnosis" means a diagnosis other than the principal diagnosis for which an inpatient is admitted to a hospital.

"Selective contracting area (SCA)" means an area in which hospitals participate in negotiated bidding for hospital contracts. The boundaries of an SCA are based on historical patterns of hospital use by Medicaid patients.

"Semi-private room rate" means a rate customarily charged for a hospital room with two to four beds; this charge is generally lower than a private room rate and higher than a ward room. See also **"multiple occupancy rate."**

"Seven-day readmission" means the situation in which a ~~((patient))~~ client who was admitted as an inpatient and discharged from the hospital has returned to inpatient status to the same or a different hospital within seven days ~~((as a result of one or more of the following:~~

- (1) A new spell of illness;
- (2) Complication(s) from the first admission;

~~(3) A therapeutic admission following a diagnostic admission;~~

~~(4) A planned readmission following discharge; or~~

~~(5) A premature hospital discharge)).~~

~~((**"Short stay"** - See **"outpatient short stay."**))~~

"Special care unit" means a department of health (DOH) or Medicare-certified hospital unit where intensive care, coronary care, psychiatric intensive care, burn treatment or other specialized care is provided.

"Specialty hospitals" means children's hospitals, psychiatric hospitals, cancer research centers or other hospitals which specialize in treating a particular group of patients or diseases.

"Spendedown" means the process of assigning excess income for the medically needy program, or excess income and/or resources for the medically indigent program, to the client's cost of medical care. The client must incur medical expenses equal to the excess income (spendedown) before medical care can be authorized.

"Stat laboratory charges" means the charges by a laboratory for performing a test or tests immediately. "Stat." is the abbreviation for the Latin word "statim" meaning immediately.

"State plan" means the plan filed by the department with the Health Care Financing Administration (HCFA), Department of Health and Human Services (DHHS), outlining how the state will administer Medicaid services, including the hospital program.

"Stratified random sample" means a sample consisting of claims drawn randomly, using statistical formulas, from each stratum of a universe of paid claims stratified according to the dollar value of the claims. See also **"audit claims sample"** and **"random claims sample."**

"Subacute care" means care provided to a patient which is less intensive than that given at an acute care hospital. Skilled nursing, nursing care facilities and other facilities provide subacute care services.

"Surgery" means the medical diagnosis and treatment of injury, deformity or disease by manual and instrumental operations. For reimbursement purposes, surgical procedures are those designated in CPT as procedure codes 10000 to 69999.

"Swing-bed day" means a day in which an inpatient is receiving skilled nursing services in a hospital designated swing bed at the hospital's census hour. The hospital swing bed must be certified by the health care financing administration ~~((HCFA))~~ (HCFA) for both acute care and skilled nursing services.

"Teaching hospital" means, for purposes of the teaching hospital assistance program disproportionate share hospital (THAPDSH), the University of Washington Medical Center and Harborview Medical Center.

"Technical component" means the part of a procedure or service that relates to the equipment set-up and technician's time, or the part of a reimbursement that recognizes the equipment cost and technician time.

"Tertiary care hospital" means a specialty care hospital providing highly specialized services to clients with more complex medical needs than acute care services.

"Total patient days" means all patient days in a hospital for a given reporting period, excluding days for skilled nursing, nursing care, and observation days.

"Transfer" means to move a client from one acute care facility or distinct unit to another.

"Transferring hospital" means the hospital or distinct unit that transfers a client to another acute care facility.

"Trauma care facility" means a facility certified by the department of health as a level I, II, III, IV, or V facility. See chapter 246-976 WAC.

"Trauma care service" - See department of health's WAC 246-976-935.

"UB-92" means the uniform billing document intended for use nationally by hospitals, nonhospital-based acute PM&R (Level B) nursing facilities, hospital-based skilled nursing facilities, home health, and hospice agencies in billing third party payers for services provided to patients.

"Unbundled services" means services which are excluded from the DRG payment to a hospital.

"Uncompensated care" - See **"charity care."**

"Uniform cost reporting requirements" means a standard accounting and reporting format as defined by Medicare.

"Uninsured indigent patient" means an individual who has no health insurance coverage or has insufficient health insurance or other resources to cover the cost of provided inpatient and/or outpatient services.

"Usual and customary charge (UCC)" means the charge customarily made to the general public for a procedure or service, or the rate charged other contractors for the service if the general public is not served.

"Vendor rate increase" means an inflation adjustment determined by the legislature, used to periodically increase reimbursement to vendors, including health care providers, that do business with the state.

**WSR 04-17-112
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Medical Assistance Administration)

[Filed August 17, 2004, 1:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-103.

Title of Rule and Other Identifying Information: Redefining outpatient short stay (part 2 of 3), amending WAC 388-550-1700 Hospital services—Prior approval and 388-550-2900 Payment limits—Inpatient hospital services; and repealing WAC 388-550-1750 Services requiring approval and 388-550-5900 Prior authorization—Outpatient services.

Hearing Location(s): Office Building 2 Auditorium (DSHS headquarters), 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on September 21, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than September 22, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 21, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 17, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the amendments is to update rules regarding the department's policy to no longer use the twenty-four hours or less criteria in the definition for "outpatient short stay" and to clarify standards for utilization review. The anticipated effects are to define hospital admissions based on medical criteria rather than on time in order to bring the department's policies in line with industry standards, promote administrative simplicity for providers, and provide a utilization review that is more consistent with industry standards. Also, the department is repealing WAC 388-550-1750 and 388-550-5900 to delete outdated language and place applicable language in other sections.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.500.

Statute Being Implemented: RCW 74.08.090 and 74.09.500.

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

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

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: Linda Ayers, P.O. Box 45506, Olympia, WA 98504, (360) 725-1680.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and concludes that they will impose no new costs on small businesses. The preparation of a comprehensive small business economic impact statement is not required.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Linda Ayers, P.O. Box 45506, Olympia, WA 98504, phone (360) 725-1680, fax (360) 586-1471, e-mail ayerslr@dshs.wa.gov.

August 13, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-02-075, filed 12/29/00, effective 1/29/01)

WAC 388-550-1700 Authorization and utilization review of inpatient and outpatient hospital services (~~—Prior approval~~). (1) (~~Providers of hospital-related services to clients not enrolled with the department's managed care carriers shall obtain prior approval from the medical assistance administration (M.A.A.) for hospital services requiring prior approval. For inpatient psychiatric admissions and inpatient treatment for alcohol and other substance abuse, see chapter 246-318 and 246-326 WAC respectively.~~

~~(2) The department shall require that for medical care clients not enrolled with the department's managed care carriers, providers receive prior approval from the department for the following hospital-related services:~~

~~(a) All nonemergent admissions to or planned inpatient hospital surgeries in nonparticipating hospitals in selective contracting areas;~~

~~(b) Inpatient detoxification, medical stabilization, and drug treatment for a pregnant Medicaid client as described under WAC 388-550-1100(3);~~

~~(c) Cataract surgery that does not meet requirements in WAC 388-544-0550;~~

~~(d) The following surgical procedures, regardless of the diagnosis or place of service:~~

~~(i) Hysterectomies for clients forty four years and younger;~~

~~(ii) Reduction mammoplasty; and~~

~~(iii) Surgical bladder repair.~~

~~(e) All physical medicine and rehabilitation (PM&R) inpatient hospital stays, even when provided by MAA-approved PM&R contract facilities (see WAC 388-550-2300);~~

~~(f) All outpatient magnetic resonance imaging and magnetic resonance angiography procedures;~~

~~(g) All nonemergent inpatient hospital transfers (see WAC 388-550-3600);~~

~~(h) All out-of-state non-emergent hospital stays;~~

~~(i) Hospital-related services as described in WAC 388-550-1800 when not provided in an MAA-approved facility; and~~

~~(j) Services in excess of the department's established limits.~~

~~(3) The department shall inform providers which diagnosis codes from the International Classification of Diseases, 9th Revision, Clinical Modification and procedure codes from physicians' current procedural terminology require prior authorization for nonemergent hospital admissions.~~

~~(4) When a client's hospitalization exceeds the number of days allowed by WAC 388-550-4300(2):~~

~~(a) The hospital shall, within sixty days after discharge, submit to MAA a request for authorization of the extra days with adequate medical justification, to include at a minimum the following:~~

~~(i) History and physical examination;~~

~~(ii) Social history;~~

~~(iii) Progress notes and doctor's orders for the entire length of stay;~~

~~(iv) Treatment plan/critical pathway; and~~

~~(v) Discharge summary.~~

~~(b) The department shall approve or deny a length-of-stay extension request within fifteen working days of receiving the request.~~

~~(5) The department shall require prior approval for out-of-state hospital admissions of clients not enrolled with department's managed care carriers, except for emergent hospitalizations. The department shall inform providers which codes from the current revision of ICD-9CM are designated as emergent diagnosis codes. The nature of the client's emergent medical condition must be fully documented in the client's hospital's records.~~

~~(6) The department shall not reimburse ambulance providers for ambulance transports in cases involving hospital transfers without prior authorization by the department.~~

~~(7) The department shall require that providers receive prior approval from the department for medical transportation to out-of-state treatment programs or services authorized by the department for clients not enrolled with the department's managed care carriers)) This section applies to inpatient and outpatient hospital services provided to medical assistance clients receiving services through the fee-for-service program. For clients receiving services through other programs, see chapter 388-538 WAC (Managed care program), chapters 388-800 and 388-810 WAC (Alcohol and Drug Addiction Treatment and Support Act (ADATSA), and chapter 388-865 WAC (Mental health treatment programs coordinated through the mental health division or its designee). See chapter 388-546 WAC for transportation services.~~

~~(2) The medical assistance administration (MAA) may perform one or more types of utilization reviews described in subsection (3)(b) of this section.~~

~~(3) MAA's utilization review:~~

~~(a) Is a concurrent, prospective and/or retrospective (including post-pay and prepay) formal evaluation of a client's documented medical care to assure that the services provided are proper and necessary and of good quality. The review considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the conditions(s) being treated; and~~

~~(b) Includes one or more of the following:~~

~~(i) "Concurrent utilization review" — an evaluation performed by MAA during a client's course of care;~~

~~(ii) "Prospective utilization review" — an evaluation performed by MAA prior to the provision of healthcare services; and~~

~~(iii) "Retrospective utilization review" — an evaluation performed by MAA following the provision of healthcare services that includes both a post-payment retrospective utilization review (performed by MAA after healthcare services are provided and reimbursed), and a prepayment retrospective utilization review (performed by MAA after healthcare services are provided but prior to reimbursement).~~

~~(4) Covered inpatient and outpatient hospital services must:~~

~~(a) Be medically necessary as defined in WAC 388-500-0005;~~

~~(b) Be provided at the appropriate level of care as defined in WAC 388-550-1050; and~~

~~(c) Meet all authorization and program requirements in WAC and MAA published issuances.~~

~~(5) Authorization for inpatient and outpatient hospital services is valid only if the client is eligible for covered services on the date of service. Authorization does not guarantee payment.~~

PROPOSED

AMENDATORY SECTION (Amending WSR 01-16-142, filed 7/31/01, effective 8/31/01)

WAC 388-550-2900 Payment limits—Inpatient hospital services. (1) To receive reimbursement for covered inpatient hospital services, a hospital must:

(a) Have a core-provider agreement with the department; and

(b) Be an in-state ((~~of~~) border ((area)) city hospital that meets the definition in RCW 70.41.020 and is certified under Title XVIII of the federal Social Security Act; or

(c) Be an out-of-state hospital that meets the conditions in WAC 388-550-6700.

(2) The department does not pay:

(a) A hospital for inpatient care and/or services when ((~~the~~) a managed care plan is contracted to cover those services.

((~~(3) The department does not pay~~))

(b) A hospital for care or services provided to a client enrolled in the hospice program, unless the care or services are completely unrelated to the terminal illness that qualifies the client for the hospice benefit.

((~~(4) The department does not pay~~))

(c) Hospitals for ancillary services in addition to the diagnosis-related group (DRG) payment.

((~~(5) When the hospital is paid by the RCC method, the department and the client are not financially responsible for payment of the~~))

(d) For additional days of hospitalization on a non-DRG claim when:

((~~(a) The additional~~))

(i) Those days exceed the number of days established at the seventy-fifth percentile ((of the professional activities study (PAS) length of stay (LOS) limitations)) as published in the "Length of Stay by Diagnosis and Operations, Western Region"; and

((~~(b)~~)) (ii) The hospital has not requested and/or received approval for an extended length of stay (LOS) from the department as specified in WAC ((388-550-1700; or for psychiatric inpatient stays, the appropriate regional support network (RSN).

(6) ~~LOS extensions are not required for claims reimbursed by the DRG method.~~

(7) ~~The department is not financially responsible for payment of) 388-550-4300(3).~~

(e) For elective or nonemergent inpatient services ((that are included in the department's selective contracting program and for those that a client receives in a nonparticipating hospital in a selective contracting area (SCA) unless the provider meets the department's authorization requirement in WAC 388-550-1700(12). The client may only be held responsible for payment of such services in accordance with WAC 388-502-0160. See WAC 388-550-4600 for selective contracting program requirements.

(8) ~~The department considers hospital stays of twenty-four hours or less outpatient short stays, and does not pay such stays under the DRG or ratio of costs to charges (RCC) methods unless one of the following situations apply:~~

(a) ~~Death of a client;~~

(b) ~~Obstetrical delivery;~~

(c) ~~Initial care of a newborn; or~~

(d) ~~Transfer of a client to another acute care hospital.~~

(9) ~~When the department determines that the need for inpatient care is not evidenced in the medical record, even in stays longer than twenty-four hours, the department considers and reimburses the stay as an outpatient short stay.~~

(10) ~~When the stay does not meet the definition of an inpatient hospital admission, the department limits reimbursement to the first twenty-four hours of allowed services, and uses the outpatient payment method.~~

(11) ~~The department considers all services provided by the hospital within twenty-four hours of admission for a scheduled or elective surgery to be included in the hospital's inpatient payment. These services must not be charged to the client. Clients may only be held financially responsible for services in accordance with WAC 388-502-0160.~~

(12) ~~The department does not count toward the threshold for hospital outlier status:~~

(a) ~~Any charges for extra days of inpatient stay prior to a scheduled or elective surgery; and~~

(b) ~~The associated services provided during those extra days.~~

(13) ~~Accommodation charges: The department reimburses charges related to accommodation costs by multiplying the hospital's appropriate room rate charge by the hospital's RCC rate.~~

(a) ~~Effective January 1, 2001, the department no longer requires a hospital to provide a room rate change form to indicate its usual and customary accommodation charge. Charges must not exceed the hospital's usual and customary charges to the general public as required by 42 C.F.R. §447.271.~~

(b) ~~The department does not pay hospitals for private room accommodations. The department pays a semi-private room rate and requires the hospital to bill using a semi-private room revenue code when the hospital has:~~

(i) ~~Only private rooms; or~~

(ii) ~~Both private and semi-private rooms and provides an MAA client accommodations in a private room.~~

(14) ~~The department determines its actual payment for a hospital admission by deducting from the basic hospital reimbursement the client responsibility amount (referred to as spend-down) and any third-party liability amount.~~

(15) ~~The department reduces reimbursement rates to hospitals for services provided to clients eligible under the state-only medically indigent (MI) and medical care services (MCS) programs according to the hospital specific equivalency factor and/or ratable, as provided in WAC 388-550-4800.~~

(16) ~~The department pays for the hospitalization of a client who is eligible for Medicare and Medicaid only when the client has exhausted the Medicare Part A benefits)) provided in a nonparticipating hospital. A nonparticipating hospital is defined in WAC 388-550-1050. See also WAC 388-550-4600.~~

(f) For inpatient hospital services when the department determines that the medical record fails to support the medical necessity and inpatient level of care for the inpatient admission.

(3) The department limits payment for private room accommodations to the semi-private room rate. Room

charges must not exceed the hospital's usual and customary charges to the general public as required by C.F.R. § 447.271.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-550-1750	Services requiring approval.
WAC 388-550-5900	Prior authorization—Outpatient services.

WSR 04-17-113
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed August 17, 2004, 1:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-103.

Title of Rule and Other Identifying Information: Redefining outpatient short stay (part 3 of 3), amending WAC 388-531-0050 Physician-related definitions.

Hearing Location(s): Office Building 2 Auditorium (DSHS Headquarters), 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on September 21, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than September 22, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 21, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 17, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is no longer using the twenty-four hours or less criteria in the definition for "outpatient short stay" and is amending the definition for "inpatient hospital admission" to reflect this change. The department is also reflecting this change in other WAC amendments. The anticipated effects will be to base hospital admissions on medical criteria rather than on time in order to bring the department's policies in line with industry standards and promote administrative simplicity for providers.

The proposed rule also incorporates amendments filed as emergency rule WSR 04-15-090 on July 16, 2004, concerning the definition of bariatric surgery.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.500.

Statute Being Implemented: RCW 74.08.090 and 74.09.500.

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

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

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: Linda Ayers, P.O. Box 45506, Olympia, WA 98504, (360) 725-1680.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and concludes that they will impose no new costs on small businesses. The preparation of a comprehensive small business economic impact statement is not required.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Linda Ayers, P.O. Box 45506, Olympia, WA 98504, phone (360) 725-1680, fax (360) 586-1471, e-mail ayerslr@dshs.wa.gov.

August 13, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-19-081, filed 9/12/03, effective 10/13/03)

WAC 388-531-0050 Physician-related services definitions. The following definitions and abbreviations and those found in WAC 388-500-0005, apply to this chapter. Defined words and phrases are bolded the first time they are used in the text.

"Acquisition cost" means the cost of an item excluding shipping, handling, and any applicable taxes.

"Acute care" means care provided for clients who are not medically stable. These clients require frequent monitoring by a health care professional in order to maintain their health status. See also WAC 246-335-015.

"Acute physical medicine and rehabilitation (PM&R)" means a comprehensive inpatient and rehabilitative program coordinated by a multidisciplinary team at an MAA-approved rehabilitation facility. The program provides twenty-four hour specialized nursing services and an intense level of specialized therapy (speech, physical, and occupational) for a diagnostic category for which the client shows significant potential for functional improvement (see WAC 388-550-2501).

"Add-on procedure(s)" means secondary procedure(s) that are performed in addition to another procedure.

"Admitting diagnosis" means the medical condition responsible for a hospital admission, as defined by ICD-9-M diagnostic code.

"Advanced registered nurse practitioner (ARNP)" means a registered nurse prepared in a formal educational program to assume an expanded health services provider role in accordance with WAC 246-840-300 and 246-840-305.

"Aging and disability services administration (ADSA)" means the administration that administers directly or contracts for long-term care services, including but not limited to nursing facility care and home and community services. See WAC 388-71-0202.

PROPOSED

"**Allowed charges**" means the maximum amount reimbursed for any procedure that is allowed by MAA.

"**Anesthesia technical advisory group (ATAG)**" means an advisory group representing anesthesiologists who are affected by the implementation of the anesthesiology fee schedule.

"**Bariatric surgery**" means any surgical procedure, whether open or by laparoscope, which reduces the size of the stomach with or without bypassing a portion of the small intestine and whose primary purpose is the reduction of body weight in an obese individual.

"**Base anesthesia units (BAU)**" means a number of anesthesia units assigned to a surgical procedure that includes the usual pre-operative, intra-operative, and post-operative visits. This includes the administration of fluids and/or blood incident to the anesthesia care, and interpretation of noninvasive monitoring by the anesthesiologist.

"**Bundled services**" means services integral to the major procedure that are included in the fee for the major procedure. Bundled services are not reimbursed separately.

"**Bundled supplies**" means supplies which are considered to be included in the practice expense RVU of the medical or surgical service of which they are an integral part.

"**By report (BR)**" means a method of reimbursement in which MAA determines the amount it will pay for a service that is not included in MAA's published fee schedules. MAA may request the provider to submit a "report" describing the nature, extent, time, effort, and/or equipment necessary to deliver the service.

"**Call**" means a face-to-face encounter between the client and the provider resulting in the provision of services to the client.

"**Cast material maximum allowable fee**" means a reimbursement amount based on the average cost among suppliers for one roll of cast material.

"**Centers for Medicare and Medicaid Services (CMS)**" means the agency within the federal Department of Health and Human Services (DHHS) with oversight responsibility for Medicare and Medicaid programs.

"**Certified registered nurse anesthetist (CRNA)**" means an advanced registered nurse practitioner (ARNP) with formal training in anesthesia who meets all state and national criteria for certification. The American Association of Nurse Anesthetists specifies the National Certification and scope of practice.

"**Children's health insurance plan (CHIP)**," see chapter 388-542 WAC.

"**Clinical Laboratory Improvement Amendment (CLIA)**" means regulations from the U.S. Department of Health and Human Services that require all laboratory testing sites to have either a CLIA registration or a CLIA certificate of waiver in order to legally perform testing anywhere in the U.S.

"**Conversion factors**" means dollar amounts MAA uses to calculate the maximum allowable fee for physician-related services.

"**Covered service**" means a service that is within the scope of the eligible client's medical care program, subject to the limitations in this chapter and other published WAC.

"**CPT**," see "current procedural terminology."

"**Critical care services**" means physician services for the care of critically ill or injured clients. A critical illness or injury acutely impairs one or more vital organ systems such that the client's survival is jeopardized. Critical care is given in a critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility.

"**Current procedural terminology (CPT)**" means a systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted and published annually by the American Medical Association (AMA).

"**Diagnosis code**" means a set of numeric or alphanumeric characters assigned by the ICD-9-CM, or successor document, as a shorthand symbol to represent the nature of a disease.

"**Emergency medical condition(s)**" means a medical condition(s) that manifests itself by acute symptoms of sufficient severity so that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

"**Emergency services**" means medical services required by and provided to a patient experiencing an emergency medical condition.

"**Estimated acquisition cost (EAC)**" means the department's best estimate of the price providers generally and currently pay for drugs and supplies.

"**Evaluation and management (E&M) codes**" means procedure codes which categorize physician services by type of service, place of service, and patient status.

"**Expedited prior authorization**" means the process of obtaining authorization that must be used for selected services, in which providers use a set of numeric codes to indicate to MAA which acceptable indications, conditions, diagnoses, and/or criteria are applicable to a particular request for services.

"**Experimental**" means a term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of safety and effectiveness. See WAC 388-531-0550. A service is not "experimental" if the service:

- (1) Is generally accepted by the medical profession as effective and appropriate; and
- (2) Has been approved by the FDA or other requisite government body, if such approval is required.

"**Fee-for-service**" means the general payment method MAA uses to reimburse providers for covered medical services provided to medical assistance clients when those services are not covered under MAA's healthy options program or children's health insurance program (CHIP) programs.

"**Flat fee**" means the maximum allowable fee established by MAA for a service or item that does not have a relative value unit (RVU) or has an RVU that is not appropriate.

"**Geographic practice cost index (GPCI)**" as defined by Medicare, means a Medicare adjustment factor that includes local geographic area estimates of how hard the provider has to work (work effort), what the practice expenses are, and what malpractice costs are. The GPCI reflects one-

fourth the difference between the area average and the national average.

"Global surgery reimbursement," see WAC 388-531-1700.

"HCPCS Level II" means a coding system established by CMS (formerly known as the Health Care Financing Administration) to define services and procedures not included in CPT.

"Health care financing administration common procedure coding system (HCPCS)" means the name used for the Centers for Medicare and Medicaid Services (formerly known as the Health Care Financing Administration) codes made up of CPT and HCPCS level II codes.

"Health care team" means a group of health care providers involved in the care of a client.

"Hospice" means a medically directed, interdisciplinary program of palliative services which is provided under arrangement with a Title XVIII Washington licensed and certified Washington state hospice for terminally ill clients and the clients' families.

"ICD-9-CM," see "International Classification of Diseases, 9th Revision, Clinical Modification."

"Informed consent" means that an individual consents to a procedure after the provider who obtained a properly completed consent form has done all of the following:

- (1) Disclosed and discussed the client's diagnosis; and
- (2) Offered the client an opportunity to ask questions about the procedure and to request information in writing; and
- (3) Given the client a copy of the consent form; and
- (4) Communicated effectively using any language interpretation or special communication device necessary per 42 C.F.R. Chapter IV 441.257; and
- (5) Given the client oral information about all of the following:
 - (a) The client's right to not obtain the procedure, including potential risks, benefits, and the consequences of not obtaining the procedure; and
 - (b) Alternatives to the procedure including potential risks, benefits, and consequences; and
 - (c) The procedure itself, including potential risks, benefits, and consequences.

"Inpatient hospital admission" means an ~~acute hospital stay for longer than twenty-four hours when the medical care record shows the need for inpatient care beyond twenty-four hours. All admissions are considered inpatient hospital admissions, and are paid as such, regardless of the length of stay, in the following circumstances:~~

- ~~(1) The death of a client;~~
- ~~(2) Obstetrical delivery;~~
- ~~(3) Initial care of a newborn; or~~
- ~~(4) Transfer to another acute care facility))~~ admission to a hospital that is limited to medically necessary care based on an evaluation of the client using objective clinical indicators, assessment, monitoring, and therapeutic service required to best manage the client's illness or injury, and that is documented in the client's medical record.

"International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM)" means the systematic listing that transforms verbal descriptions of diseases,

injuries, conditions, and procedures into numerical or alpha-numerical designations (coding).

"Investigational" means a term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of benefit for a particular condition. A service is not "investigational" if the service:

- (1) Is generally accepted by the medical professional as effective and appropriate for the condition in question; or
- (2) Is supported by an overall balance of objective scientific evidence, in which the potential risks and potential benefits are examined, demonstrating the proposed service to be of greater overall benefit to the client in the particular circumstance than another, generally available service.

"Life support" means mechanical systems, such as ventilators or heart-lung respirators, which are used to supplement or take the place of the normal autonomic functions of a living person.

"Limitation extension" means a process for requesting and approving reimbursement for covered services whose proposed quantity, frequency, or intensity exceeds that which MAA routinely reimburses. Limitation extensions require prior authorization.

"Maximum allowable fee" means the maximum dollar amount that MAA will reimburse a provider for specific services, supplies, and equipment.

"Medically necessary," see WAC 388-500-0005.

"Medicare physician fee schedule data base (MPFSDB)" means the official HCFA publication of the Medicare policies and RVUs for the RBRVS reimbursement program.

"Medicare program fee schedule for physician services (MPFSPS)" means the official HCFA publication of the Medicare fees for physician services.

"Medicare clinical diagnostic laboratory fee schedule" means the fee schedule used by Medicare to reimburse for clinical diagnostic laboratory procedures in the state of Washington.

"Mentally incompetent" means a client who has been declared mentally incompetent by a federal, state, or local court.

"Modifier" means a two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. The modifier provides the means by which the reporting physician can describe or indicate that a performed service or procedure has been altered by some specific circumstance but not changed in its definition or code. The modifier can affect payment or be used for information only. Modifiers are listed in fee schedules.

"Outpatient" means a client who is receiving medical services in other than an inpatient hospital setting.

"Peer-reviewed medical literature" means medical literature published in professional journals that submit articles for review by experts who are not part of the editorial staff. It does not include publications or supplements to publications primarily intended as marketing material for pharmaceutical, medical supplies, medical devices, health service providers, or insurance carriers.

"Physician care plan" means a written plan of medically necessary treatment that is established by and periodically reviewed and signed by a physician. The plan describes

the medically necessary services to be provided by a home health agency, a hospice agency, or a nursing facility.

"**Physician standby**" means physician attendance without direct face-to-face client contact and which does not involve provision of care or services.

"**Physician's current procedural terminology**," see "CPT, current procedural terminology."

"**PM&R**," see acute physical medicine and rehabilitation.

"**Podiatric service**" means the diagnosis and medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot and ankle.

"**Pound indicator (#)**" means a symbol (#) indicating a CPT procedure code listed in MAA fee schedules that is not routinely covered.

"**Preventive**" means medical practices that include counseling, anticipatory guidance, risk factor reduction interventions, and the ordering of appropriate laboratory and diagnostic procedures intended to help a client avoid or reduce the risk or incidence of illness or injury.

"**Prior authorization**" means a process by which clients or providers must request and receive MAA approval for certain medical services, equipment, or supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement. Expedited prior authorization and limitation extension are forms of prior authorization.

"**Professional component**" means the part of a procedure or service that relies on the provider's professional skill or training, or the part of that reimbursement that recognizes the provider's cognitive skill.

"**Prognosis**" means the probable outcome of a client's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the client's probable life span as a result of the illness.

"**Prolonged services**" means face-to-face client services furnished by a provider, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services. The time counted toward payment for prolonged E&M services includes only face-to-face contact between the provider and the client, even if the service was not continuous.

"**Provider**," see WAC 388-500-0005.

"**Radioallergosorbent test**" or "**RAST**" means a blood test for specific allergies.

"**RBRVS**," see resource based relative value scale.

"**RVU**," see relative value unit.

"**Reimbursement**" means payment to a provider or other MAA-approved entity who bills according to the provisions in WAC 388-502-0100.

"**Reimbursement steering committee (RSC)**" means an interagency work group that establishes and maintains RBRVS physician fee schedules and other payment and purchasing systems utilized by the health care authority, MAA, and department of labor and industries.

"**Relative value guide (RVG)**" means a system used by the American Society of Anesthesiologists for determining base anesthesia units (BAUs).

"**Relative value unit (RVU)**" means a unit which is based on the resources required to perform an individual service or intervention.

"**Resource based relative value scale (RBRVS)**" means a scale that measures the relative value of a medical service or intervention, based on the amount of physician resources involved.

"**RBRVS RVU**" means a measure of the resources required to perform an individual service or intervention. It is set by Medicare based on three components - physician work, practice cost, and malpractice expense. Practice cost varies depending on the place of service.

"**RSC RVU**" means a unit established by the RSC for a procedure that does not have an established RBRVS RVU or has an RBRVS RVU deemed by the RSC as not appropriate for the service.

"**Stat laboratory charges**" means charges by a laboratory for performing tests immediately. "Stat" is an abbreviation for the Latin word "statim," meaning immediately.

"**Sterile tray**" means a tray containing instruments and supplies needed for certain surgical procedures normally done in an office setting. For reimbursement purposes, tray components are considered by HCFA to be nonroutine and reimbursed separately.

"**Technical advisory group (TAG)**" means an advisory group with representatives from professional organizations whose members are affected by implementation of RBRVS physician fee schedules and other payment and purchasing systems utilized by the health care authority, MAA, and department of labor and industries.

"**Technical component**" means the part of a procedure or service that relates to the equipment set-up and technician's time, or the part of the procedure and service reimbursement that recognizes the equipment cost and technician time.

WSR 04-17-114
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed August 17, 2004, 1:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-105.

Title of Rule and Other Identifying Information: Amending WAC 388-550-3800 Rebasing and recalibration.

Hearing Location(s): Office Building 2 Auditorium (DSHS Headquarters), 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on September 21, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than September 22, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 21, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 17, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule will allow MAA to recalibrate the relative weights used in its diagnostic-related group (DRG) reimbursement system without creating unintended cost increases to MAA. Recalibration is done as part of a periodic rebasing of MAA's DRG reimbursement system. Recalibrating relative weights at this time serves the purpose of recognizing and adjusting for changes in hospital cost experience. Also, periodically, relative weights are recalibrated separately from a rebasing effort in order to adopt and implement a more recent version of the All Patient DRG (AP DRG) grouper software.

Reasons Supporting Proposal: This intent is to allow redistribution of reimbursement according to updated diagnosis groups. The anticipated effect of the rule is to allow MAA to recalibrate while maintaining budget neutrality within the system, and to allow MAA to adopt current versions of the AP DRG grouper without exceeding its budget appropriation.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.500.

Statute Being Implemented: RCW 74.08.090 and 74.09.500.

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

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

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; **Implementation and Enforcement:** John Hanson, P.O. Box 45510, Olympia, WA 98504, (360) 725-1856.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and concludes that they will impose no new costs on small businesses. The preparation of a comprehensive small business economic impact statement is not required.

A cost-benefit analysis is not required under RCW 34.05.328. Since the proposed amendments do not "make significant amendments to a policy or regulatory program" (see RCW 34.05.328 (5)(c)(iii)), MAA has determined that the proposed rule is not "significant" as defined by the legislature. This rule has been rewritten to allow MAA to redistribute reimbursement to hospitals according to updated diagnosis groupings, and to allow MAA to be able to recalibrate while maintaining budget neutrality within the diagnostic-related group system.

August 13, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-16-142, filed 7/31/01, effective 8/31/01)

WAC 388-550-3800 Rebasing and recalibration. (1) The medical assistance administration (MAA) rebases the Medicaid payment system periodically using each hospital's

cost report for its fiscal year that ends during the calendar year designated by MAA to be used for each update.

(2) MAA recalibrates diagnosis-related group (DRG) relative weights periodically, as described in WAC 388-550-3100, but no less frequently than each time rebasing is conducted. The department makes recalibrated relative weights effective on the rate implementation date, which can change with each rebasing.

(3) When recalibrating DRG relative weights without rebasing, MAA may apply a budget neutrality factor (BNF) to hospitals' cost based conversion factors to ensure that total DRG payments to hospitals do not exceed total DRG payments that would have been made to hospitals if the relative weights had not been recalibrated. For the purposes of this section, BNF equals the percentage change from total reimbursement calculated under a new payment system to total reimbursement calculated under the prior payment system.

WSR 04-17-115
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed August 17, 2004, 1:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-19-032.

Title of Rule and Other Identifying Information: WAC 388-408-0025 When can I choose who is in my TANF or SFA assistance unit?

Hearing Location(s): Office Building 2 Auditorium (DSHS Headquarters), 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on September 21, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 22, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 21, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 17, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The amended rule is to clarify that the child's caretaker relative may choose to include the child only in the grant when the caretaker relative is not the child's parent and does not live with the child's parents.

Reasons Supporting Proposal: This change will clarify the WAC for the public, clients, and DSHS staff.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.057.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.08.090.

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

PROPOSED

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patti Clark, 1009 College S.E., Lacey, WA 98504, (360) 725-4613.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

August 9, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-03-121, filed 1/22/01, effective 3/1/01)

WAC 388-408-0025 When can I choose who is in my TANF or SFA assistance unit? If you are a child's parent or other caretaker relative (a relative who cares for the child's basic needs as defined in WAC 388-454-0010), use the table below to find who you may choose to include or exclude in your TANF or SFA AU. If you include a child in your AU, it could cause you to get more or less benefits. If someone is not allowed in the AU under WAC 388-408-0020, you cannot choose to include them in your TANF or SFA AU.

(1) If you are the parent of the child, you may choose whether or not to include:	(a) Yourself in the AU if the child gets SSI; and (b) The child in the AU if: (i) You already receive TANF or SFA; (ii) You are not married to the child's other parent; and (iii) The child lives with both parents.
(2) If you are not the child's parent, and do not live with the parents of the child, you may choose to ((include either)) :	(a) <u>Include</u> yourself if you are a relative defined in WAC 388-454-0010; ((or)) (b) <u>Include</u> someone else that cares for the child and is a relative defined in WAC 388-454-0010; <u>or</u> (c) <u>Receive a grant for the child only.</u>
(3) <u>If you are the child's parent or caretaker relative</u> , you may choose whether or not to include any of the following children:	(a) Brothers or sisters of a child who gets SSI; (b) Stepsisters and stepbrothers of a child; and (c) Other children that are not the child's brother or sister.

DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 17, 2004, 1:49 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-100.

Title of Rule and Other Identifying Information: WAC 388-412-0005 General information about your cash benefits.

Hearing Location(s): Office Building 2 Auditorium (DSHS Headquarters), 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on September 21, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 22, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaa@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 21, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 17, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The amended rule is to clarify the rule regarding receiving duplicate assistance in two assistance units or two states in the same month for cash assistance.

Reasons Supporting Proposal: This change will clarify the WAC for the public, clients, and DSHS staff.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.057.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.08.090.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patti Clark, 1009 College S.E., Lacey, WA 98504, (360) 725-4613.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

August 11, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

PROPOSED

AMENDATORY SECTION (Amending WSR 01-18-054, filed 8/30/01, effective 9/30/01)

WAC 388-412-0005 General information about your cash benefits. (1) Each separate cash assistance unit (AU) gets a separate benefit amount. If several AUs live in the same house, each AU gets a separate benefit amount.

(2) You cannot receive the same type of benefits in:

(a) Two states in the same month;

(b) Two AUs in the same month; unless

(c) You left the AU to live in a shelter for battered women and children. See WAC 388-408-0045.

(3) If you are married and both you and your spouse get general assistance, you and your spouse are one AU.

((4)) (4) Your grant is rounded down to the next whole dollar amount unless:

(a) You get a clothing and personal incidental (CPI) allowance; or

(b) Your benefits are reduced to pay an overpayment.

((5)) (5) We do not issue any cash benefits if you are eligible for less than ten dollars unless:

(a) You get a CPI allowance;

(b) Your benefits are reduced to pay an overpayment; or

(c) You get Supplemental Social Security (SSI) interim assistance payments.

WSR 04-17-117

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 17, 2004, 1:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-085.

Title of Rule and Other Identifying Information: WAC 388-400-0040 Am I eligible for benefits through the Washington Basic Food program? and 388-416-0015 Certification periods for categorically needy (CN) medical and children's health insurance program (CHIP).

Hearing Location(s): Office Building 2 Auditorium (DSHS Headquarters), 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on September 21, 2003 [2004], at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 22, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 21, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 17, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal amends department rules that provide an overview of requirements related to the Washington Basic Food program and explain certification periods for categorically needy medical

programs. The amendments are necessary to support the department's simplified reporting initiative. Simplified reporting reduces the changes clients must report to the department while requiring some clients to complete a six-month report to determine ongoing eligibility for benefits.

Reasons Supporting Proposal: These rules are necessary to implement the department's simplified reporting initiative for cash assistance, medical assistance, and the Washington Basic Food program.

The Farm Security and Rural Investment Act of 2002 provides states the option to implement simplified reporting for the food stamp program. ESB 6411 (chapter 54, Laws of 2004) requires the department to implement simplified reporting for food stamps by October 31, 2004. The department plans to implement simplified reporting for cash, medical, and the Basic Food program beginning in October 2004.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, ESB 6411 (chapter 54, Laws of 2004).

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.510, ESB 6411 (chapter 54, Laws of 2004).

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, Policy Analyst, 1009 College S.E., Lacey, WA 98504, (360) 725-4616.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses, it only affects DSHS clients by outlining the rules clients must meet in order to be eligible for the department's cash assistance or food benefit programs.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which state in-part, "[t]his section does not apply to....rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These rules adopt federal requirements and implement program options under Title 7 of the Code of Federal Regulations Part 273 regarding eligibility for food stamp benefits.

August 11, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-14-040 [04-15-057], filed 6/29/04 [7/13/04], effective 7/30/04 [8/13/04])

WAC 388-400-0040 Am I eligible for benefits through the Washington Basic Food program? The Washington Basic Food program (Basic Food) is a nutrition program to help low-income individuals and families buy food. This rule is a summary of the rules for Basic Food.

(1) When you apply for Basic Food, we decide who is in your assistance unit (AU) based on the requirements under WAC 388-408-0035.

(2) To be eligible for Basic Food benefits, your AU must meet the eligibility requirements of the most current version of the Food Stamp Act of 1977.

(3) To be eligible for **federal** Basic Food benefits, each AU member must:

(a) Be a U.S. citizen or national as described under WAC 388-424-0005; or

(b) Meet the alien status requirements for federal benefits described under WAC 388-424-0020.

(4) An AU member who is not eligible for federal benefits may be eligible for **state-funded** Basic Food benefits if they meet the requirements described under WAC 388-400-0045.

(5) To be eligible for **federal** or **state** Basic Food benefits, each AU member must:

(a) Be a resident of the state of Washington as required under WAC 388-468-0005;

(b) Meet the citizenship or alien status requirements of either WAC 388-424-0020 or 388-424-0025;

(c) Provide their Social Security number as required under WAC 388-476-0005;

(d) Provide proof of identity as required under WAC 388-490-0005;

(e) Participate in the food stamp employment and training program (FSE&T) as required under chapter 388-444 WAC; and

(f) Meet the eligibility criteria for strikers as described under WAC 388-480-0001.

(6) To be eligible for Basic Food, your AU must:

(a) Have countable income at or below gross and net income standards as described under WAC 388-478-0060; ~~((and))~~

(b) Have countable resources at or below your AU's resource limit under WAC 388-470-0005 unless your AU is categorically eligible under WAC 388-414-0001;

(c) Report changes of circumstances as required under WAC 388-418-0005; and

(d) Complete a six-month report and provide proof of any changes if required under WAC 388-4148-0010.

(7) If your AU has income under the gross income standard, we deduct certain expenses from your income under WAC 388-450-0200 before we calculate your Basic Food benefits.

(8) If an eligible person in your AU is elderly or disabled, some rules may help your AU to be eligible for Basic Food or to get more Basic Food benefits. These include:

(a) Resources limits and excluding certain resources under chapter 388-470 WAC;

(b) An excess shelter deduction over the limit set for AUs without an elderly or disabled individual under WAC 388-450-0190;

(c) A deduction for out-of-pocket medical expenses for the elderly or disabled individual if they are over thirty-five dollars a month under WAC 388-450-0200; and

(d) Being exempt from the gross income standard under WAC 388-478-0060.

(9) For Basic Food, **elderly** means a person who is age sixty or older;

(10) For Basic Food, **disabled** means a person who:

(a) Gets SSI;

(b) Gets disability payments or blindness payments under Title I, II, XIV, or XVI of the Social Security Act;

(c) Gets disability retirement benefits from a state, local or federal government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(d) Gets disability benefits from the Railroad Retirement Act under sections 2 (a)(1)(iv) and (v) and:

(i) Meets Title XIX disability requirements; or

(ii) Is eligible for Medicare.

(e) Receives disability-related medical assistance under Title XIX of the Social Security Act;

(f) Is a veteran and receives disability payments based on one hundred percent disability;

(g) Is a spouse of a veteran and:

(i) Either needs an attendant or is permanently housebound; or

(ii) Has a disability under section 221(i) of the Social Security Act and is eligible for death or pension payments under Title 38 of the USC.

(11) If a person in your AU attends an institution of higher education and does not meet the requirements to be an eligible student under WAC 388-482-0005, we do not consider this person as a member of your AU.

(12) If your AU lives on or near an Indian reservation and participates in a tribal food distribution program approved by Food and Nutrition Service (FNS), your AU is not eligible for Basic Food benefits.

(13) If an AU member is ineligible for any of the following reasons, we count the ineligible person's income as described under WAC 388-450-0140:

(a) Able-bodied adults without dependents who are no longer eligible under WAC 388-444-0030;

(b) Persons fleeing a felony prosecution, conviction, or confinement under WAC 388-442-0010;

(c) Persons who do not attest to citizenship or alien status under WAC 388-424-0005;

(d) Persons who are ineligible aliens under WAC 388-424-0020;

(e) Persons disqualified for an intentional program violation under WAC 388-446-0015;

(f) Persons who do not provide a Social Security number when required under WAC 388-476-0005; or

(g) Persons who failed to meet work requirements under chapter 388-444 WAC.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

AMENDATORY SECTION (Amending WSR 04-03-019, filed 1/12/04, effective 2/12/04)

WAC 388-416-0015 Certification periods for categorically needy (CN) medical and children's health insurance program (CHIP). (1) A certification period is the period of time a person is determined eligible for a categorically needy (CN) medical program. Unless otherwise stated in this section, the certification period begins on the first day

WSR 04-17-120
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed August 17, 2004, 1:53 p.m.]

of the month of application and continues to the last day of the last month of the certification period.

(2) For a child eligible for the newborn medical program, the certification period begins on the child's date of birth and continues through the end of the month of the child's first birthday.

(3) For a woman eligible for a medical program based on pregnancy, the certification period ends the last day of the month that includes the sixtieth day from the day the pregnancy ends.

(4) For families and children the certification period is ~~((six))~~ twelve months with a six-month report required as a condition of eligibility as described in WAC 388-418-0010. When the medical assistance unit is also receiving benefits under a cash or food assistance program, the medical certification period is updated to begin anew at each:

- (a) Approved application for cash or food assistance; or
- (b) Completed eligibility review.

(5) For an SSI-related person the certification period is twelve months.

(6) When the child turns nineteen the certification period ends even if the ~~((six))~~ twelve-month period is not over. The certification period may be extended past the end of the month the child turns nineteen when:

- (a) The child is receiving inpatient services on the last day of the month the child turns nineteen;
- (b) The inpatient stay continues into the following month or months; and
- (c) The child remains eligible except for exceeding age nineteen.

(7) A retroactive certification period can begin up to three months immediately before the month of application when:

- (a) The client would have been eligible for medical assistance if the client had applied; and
- (b) The client received covered medical services as described in WAC 388-529-0100.

(8) If the client is eligible only during the three-month retroactive period, that period is the only period of certification.

(9) Any months of a retroactive certification period are added to the designated certification periods described in this section.

(10) For a child determined eligible for CHIP medical benefits as described in chapter 388-542 WAC:

- (a) The certification periods are described in subsections (1), (4), and (6) of this section;
- (b) There is not a retroactive eligibility period as described in subsections (7), (8), and (9); and

(c) For a child who has creditable coverage at the time of application, the certification period begins on the first of the month after the child's creditable coverage is no longer in effect, if:

- (i) All other CHIP eligibility factors are met; and
- (ii) An eligibility decision is made per WAC 388-406-0035.

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-073.

Title of Rule and Other Identifying Information: Amendment of chapter 51-11 WAC, Washington State Energy Code.

Hearing Location(s): Renton Holiday Inn Select, One South Grady Way, Renton, WA 98055-2500, on October 15, 2004, at 10:00 a.m.

Date of Intended Adoption: November 12, 2004.

Submit Written Comments to: Stan Price, Chair, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 90504-2525 [98504-2525], e-mail sbcc@cted.wa.gov, fax (360) 586-9383, by October 15, 2004.

Assistance for Persons with Disabilities: Contact Sue Mathers by October 1, 2004, TTY (360) 753-7427 or (360) 725-2967.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed amendments is to amend the Washington State Energy Code to update mechanical efficiency requirements to the most recent national standards, to provide for new technology and building science in wall assemblies, to update wall and window thermal efficiency for energy savings and better consistency with national standards, to revise lighting allowances and controls for better consistency with national standards, to make additional allowances for use of isothermal humidification systems, to add efficiency requirements for small fan motors in series fan boxes, and to make editorial changes to the economizer section. These changes are proposed to increase energy efficiency, provide consistency with national standards, and provide clarification and flexibility.

1. Section 502.1.4.6, Wall Insulation:

Revises the section to add an exception for wall cavity to remain unfilled or partially filled in wall assemblies where insulation is provided on the outer surface of the assembly and full envelope calculations are performed.

- Technical improvement.
- Improves flexibility.

2. Table 10-6, Default U-Factors for Windows:

Revises Table 10-6 to correspond with new envelope requirements in Tables 13-1 and 13-2 in proposal #5. **This proposal is linked to Proposal #5.**

- Clarification.
- Technical improvement.
- Improves flexibility.

3. Section 1322, Slab Penetrations:

Amends the exception to allow exposed elevated slab edges to remain uninsulated. **This proposal is linked to Proposal #5.**

- Energy savings potential: High.
- Equivalent to national standard: ASHRAE/IESNA Standard 90.1-2001, Sections B-14 and D-17.

4. Section 1330, Component Performance Option:

Eliminates the use of the 1989 version of EnvStd. **This proposal is linked to Proposal #5.**

- Energy savings potential: High.
- Equivalent to national standard: ASHRAE/IESNA Standard 90.1-2001, Sections B-14 and D-17.

5. Tables 13-1 and 13-2, Building Envelope Requirements:

Increases the thermal requirements for walls and glazing. Some of the proposed values are consistent with the national energy standard, ASHRAE/IESNA Standard 90.1-2001. **Proposals 2, 3, and 4 are linked to this proposal.**

- Energy savings potential: High.
- Equivalent to national standard: ASHRAE/IESNA Standard 90.1-2001, Sections B-14 and D-17.

6. Section 1413.4, Humidification:

Revises this section to allow the use of isothermal systems in certain situations where there is no energy savings with the use of adiabatic systems, and for small systems where an adiabatic system would be cost prohibitive.

- Technical improvement.
- Improves flexibility.

7. Sections 1423 and 1413.3, Economizers:

Provides alternate compliance options and clarifications.

1423: Expands simple system option to apply to all small cooling units.

1413.3: Corrects an error in the code section.

- Clarification.
- Improves enforcement.
- Improves flexibility.

8. Section 1433, Economizers:**Option 1:**

The term "individual fan-cooling units" was used in previous versions of the code and was inadvertently left out during all the editing of the previous economizer changes.

Option 2:

Increases the allowed capacity for units without economizer provided there is an increase in equipment efficiency.

- Clarification.
- Technical improvement.
- Improves flexibility.

9. Section 1437, Electric Motor Efficiency:

Adds efficiency requirements for small fan motors in series fan boxes.

- Energy savings potential: Medium.

10. Tables 14-1A, 14-1B, and 14-1D, Mechanical Equipment Efficiencies:

Revise minimum efficiencies for consistency with ASHRAE/IESNA Standard 90.1 Addendum I (Tables 14-1A, 1B) and addendum D (Table 14-1D).

- Equivalent to national standard: ASHRAE/IESNA Standard 90.1-2001, Addendums I and D.

11. Sections 1513.6 and 1132.3, Automatic Lighting Controls:

Expands automatic shut-off control requirements to all nonresidential buildings over 5,000 square feet. Requires occupancy sensors for office areas less than 300 square feet.

- Energy savings potential: Medium.
- Equivalent to national standard: ASHRAE/IESNA Standard 90.1-2001, Section 9.2.1.1.

12. Section 1521 and Table 15-1, Prescriptive Lighting Requirements:

Table 15-1: Revises lighting power allowances for offices, schools and laboratories consistent with the national energy standard, ASHRAE/IESNA Standard 90.1-2001, Addendum G, Table 9.3.1.1.

Section 1521: Companion changes for consistency with changes to Table 15-1.

- Energy savings potential: Medium.
- Equivalent to national standard: ASHRAE/IESNA Standard 90.1-2001, Addendum G, Table 9.3.1.1.

Reasons Supporting Proposal: RCW 19.27A.025 and 19.27A.045.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Statute Being Implemented: Chapters 19.27, 19.27A, and 34.05 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

Name of Proponent: State Building Code Council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2964; and Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendments have been reviewed by the Energy Code Technical Advisory Group and some were identified as having a cost impact on businesses required to comply with the rule. These costs were felt to be low to moderate increases in first cost on businesses required to comply. However, the increases do not represent a disproportionate cost to small business and if any additional first cost of construction is passed on to consumers, it will be completely offset by the consumer's energy savings. They are also offset by other cost saving proposals.

A cost-benefit analysis is not required under RCW 34.05.328. The State Building Code Council is not listed in this section as one of the agencies required to comply with this statute.

August 13, 2004

Tim Nogler
for Stan Price
Council Chair

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

WAC 51-11-0502 Building envelope requirements.

502.1 General:

502.1.1: The stated U- or F-factor of any component assembly, listed in Table 5-1 or 5-2, such as roof/ceiling, opaque wall or opaque floor may be increased and the U-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-factors specified in this section.

The U-factors for typical construction assemblies are included in Chapter 10. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 10, values shall be calculated in accordance with Chapters 23-30 in Standard RS-1 listed in Chapter 7, using the framing factors listed in Chapter 10 where applicable.

For envelope assemblies containing metal framing, the U-factor shall be determined by one of the following methods:

1. Results of laboratory or field measurements.
2. Standard RS-1, listed in Chapter 7, where the metal framing is bonded on one or both sides to a metal skin or covering.
3. The zone method as provided in Chapter 25 of Standard RS-1, listed in Chapter 7.
4. Results of parallel path correction factors effective framing/cavity R-values as provided in Table 10-5A - EFFECTIVE R-VALUES FOR METAL FRAMING AND CAVITY ONLY for metal stud walls and roof/ceilings.

502.1.2: For consideration of thermal mass effects, see section 402.4.

502.1.3: When return air ceiling plenums are employed, the roof/ceiling assembly shall:

- a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and
- b. For gross area purposes, be based upon the interior face of the upper plenum surface.

502.1.4 Insulation:

502.1.4.1 General: All insulating materials shall comply with sections 2603 and/or 719 of the International Building Code. Substantial contact of the insulation with the surface being insulated is required. All insulation materials shall be installed according to the manufacturer's instructions to achieve proper densities and maintain uniform R-values and shall be installed in a manner which will permit inspection of the manufacturer's R-value identification mark. To the maximum extent possible, insulation shall extend over the full component area to the intended R-value.

Alternatively, the thickness of roof/ceiling and wall insulation that is either blown in or spray-applied shall be identified by inches of thickness, density and R-value markers installed at least one for every 300 square feet (28 m²) through the attic, ceiling and/or wall space. In attics, the markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness and minimum settled thickness with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the attic access. The thickness of installed attic insulation shall meet or exceed the minimum initial installed thickness shown by the marker. In cathedral ceilings and walls, the markers shall be affixed to the rafter and wall frame at alternating high and low intervals and marked with the minimum installed density and R-value with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the conditioned room area.

502.1.4.2 Insulation Materials: All insulation materials including facings such as vapor barriers or breather papers installed within floor/ceiling assemblies, roof/ceiling assemblies, walls, crawl spaces, or attics shall have a flame spread rating of less than 25 and a smoke density not to exceed 450 when tested in accordance with ASTM E84-01.

EXCEPTIONS:

1. Foam plastic insulation shall comply with section 2603 of the International Building Code.
2. When such materials are installed in concealed spaces of Types III, IV and V construction, the flame spread and smoke developed limitations do not apply to facing, provided that the facing is installed in substantial contact with the unexposed surface of the ceiling, floor or wall finish.
3. Cellulose insulation shall comply with section 719 of the International Building Code.

502.1.4.3 Clearances: Where required, insulation shall be installed with clearances according to manufacturer's specifications. Insulation shall be installed so that required ventilation is unobstructed. For blown or poured loose fill insulation, clearances shall be maintained through installation of a permanent retainer.

502.1.4.4 Access Hatches and Doors: Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer must be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed R-value of the loose fill insulation.

502.1.4.5 Roof/Ceiling Insulation: Open-blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation. Baffles shall be, rigid material, resistant to wind driven mois-

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ture. Requirements for baffles for ceiling insulation shall meet the International Building Code section 1203.2 for minimum ventilation requirements. When feasible, the baffles shall be installed from the top of the outside of the exterior wall, extending inward, to a point 6 inches vertically above the height of noncompressed insulation, and 12 inches vertically above loose fill insulation.

502.1.4.6 Wall Insulation: Insulation installed in exterior walls shall comply with the provisions of this section. All wall insulation shall fill the entire framed cavity. Exterior wall cavities isolated during framing shall be fully insulated to the levels of the surrounding walls. All faced insulation shall be face stapled to avoid compression.

EXCEPTION: Framed cavity can be empty or partially filled provided:

1. The wall assembly calculations are performed along with a completed performance calculation for the whole building; and
2. Insulation installed in partially filled cavities is not included in the performance calculation.

502.1.4.7 Floor Insulation: Floor insulation shall be installed in a permanent manner in substantial contact with the surface being insulated. Insulation supports shall be installed so spacing is no more than 24 inches on center. Foundation vents shall be placed so that the top of the vent is below the lower surface of the floor insulation.

EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages or underfloor areas used as HVAC supply plenums. When foundation walls are insulated, the insulation shall be attached in a permanent manner. The insulation shall not block the airflow through foundation vents when installed. When foundation vents are not placed so that the top of the vent is below the lower surface of the floor insulation, a permanently attached baffle shall be installed at an angle of 30° from horizontal, to divert air flow below the lower surface of the floor insulation.

502.1.4.8 Slab-On-Grade: Slab-on-grade insulation, installed inside the foundation wall, shall extend downward from the top of the slab for a minimum distance of 24 inches or downward and then horizontally beneath the slab for a minimum combined distance of 24 inches. Insulation installed outside the foundation shall extend downward to a minimum of 24 inches or to the frostline. Above grade insulation shall be protected.

EXCEPTION: For monolithic slabs, the insulation shall extend downward from the top of the slab to the bottom of the footing.

502.1.4.9 Radiant Slabs: The entire area of a radiant slab shall be thermally isolated from the soil, with a minimum of R-10 insulation. The insulation shall be an approved product for its intended use. If a soil gas control system is present below the radiant slab, which results in increased convective flow below the radiant slab, the radiant slab shall be thermally isolated from the sub-slab gravel layer.

502.1.4.10 Below Grade Walls: Below grade exterior wall insulation used on the exterior (cold) side of the wall shall extend from the top of the below grade wall to the top of the footing and shall be approved for below grade use. Above grade insulation shall be protected.

Insulation used on the interior (warm) side of the wall shall extend from the top of the below grade wall to the below grade floor level.

502.1.5 Glazing and Door U-factors: Glazing and door U-factors shall be determined in accordance with sections 502.1.5.1 and 502.1.5.2. All products shall be labeled with the NFRC certified or default U-factor. The labeled U-factor shall be used in all calculations to determine compliance with this Code. Sealed insulating glass shall conform to, or be in test for, ASTM E-774-81 class A.

EXCEPTIONS:

1. For glazed wall systems, assemblies with all of the following features are deemed to satisfy the vertical glazing U-factor requirement in Table 6-1 or 6-2 options with vertical glazing U-0.40 and greater:

a. Double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with $e = 0.10$ maximum, with 90% minimum argon gas fill, and a non-aluminum spacer (as defined in footnote 1 to Table 10-6B), and

b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl. The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 vertical glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

2. For overhead glazing, assemblies with all of the following features are deemed to satisfy the overhead glazing U-factor requirement in Table 6-1 or 6-2 options **except** the unlimited glazing area options (Options IV and V in Table 6-1 and Options V and VI in Table 6-2):

a. Either, double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with $e = 0.20$ maximum, with 90% minimum argon gas fill, or, triple glazed plastic domes, and

b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl. The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 overhead glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

3. For solariums with a floor area which does not exceed 300 square feet, assemblies which comply with the features listed in exception 2 are deemed to satisfy the vertical glazing and overhead glazing U-factor requirement in Table 6-1 or 6-2 options with vertical glazing U-0.40 and greater.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 vertical glazing and overhead glazing U-factor requirements using the exception to Section 502.1.5 in the Washington State Energy Code."

502.1.5.1 Standard Procedure for Determination of Glazing U-factors: U-factors for glazing shall be determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC. Compliance shall be based on the Residential Model Size. Product samples used for U-factor determinations shall be production line units or representative of units as purchased by the consumer

or contractor. Products that are listed in the NFRC Certified Products Directory or certified to the NFRC standard shall not use default values.

- EXCEPTIONS:**
1. Glazing products without NFRC ratings may be assigned default U-factors from Table 10-6A for vertical glazing and from Table 10-6E for overhead glazing.
 2. Units without NFRC ratings produced by a small business may be assigned default U-factors from Table 10-6A for garden windows, from Table 10-6B for other vertical glazing, and from Table 10-6E for overhead glazing.

502.1.5.2 Standard Procedure for Determination of Door U-factors: All doors, including fire doors, shall be assigned default U-factors from Table 10-6C.

- EXCEPTIONS:**
1. U-factors determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC.
 2. The default values for the opaque portions of doors shall be those listed in Table 10-6C, provided that the U-factor listed for a door with a thermal break shall only be allowed if both the door and the frame have a thermal break.
 3. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed for ornamental, security or architectural purposes. Products using this exception shall not be included in the U-factor calculation requirements, however glazing area shall be included in glazing area calculations.

502.1.6 Moisture Control:

502.1.6.1 Vapor Retarders: Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases.

- EXCEPTION:** Vapor retarder installed with not more than 1/3 of the nominal R-value between it and the conditioned space.

502.1.6.2 Floors: Floors separating conditioned space from unconditioned space shall have a vapor retarder installed. The vapor retarder shall have a one perm dry cup rating or less (i.e., four mil [0.004 inch thick] polyethylene or kraft faced material).

502.1.6.3 Roof/Ceilings: Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of 12 inches shall be provided with a vapor retarder. Faced batt insulation where used as a vapor retarder shall be face stapled. Single rafter joist vaulted ceiling cavities shall be of sufficient depth to allow a minimum one inch vented air space above the insulation.

502.1.6.4: Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages 12 inches or greater.

502.1.6.5: Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.

502.1.6.6 Walls: Walls separating conditioned space from unconditioned space shall have a vapor retarder installed. Faced batt insulation shall be face stapled.

502.1.6.7 Ground Cover: A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped 12 inches minimum at the joints and shall extend to the foundation wall.

- EXCEPTION:** The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches.

502.2 Thermal Criteria for Group R Occupancy:

502.2.1 UA Calculations: The proposed UA as calculated using Equations 2 and 3 shall not exceed the target UA as calculated using Equation 1. For the purpose of determining equivalent thermal performance, the glazing area for the target UA shall be calculated using values in Table 5-1. The opaque door area shall be the same in the target UA and the proposed UA.

- EXCEPTION:** Log and solid timber walls that have a minimum average thickness of 3.5" and with space heat type other than electric resistance, are exempt from wall target UA and proposed UA calculations.

502.2.2 Space Heat Type: The following two categories comprise all space heating types:

1. **Electric Resistance:** Space heating systems which include baseboard units, radiant units and forced air units as either the primary or secondary heating system.

- EXCEPTION:** Electric resistance systems for which the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) One thousand watts (1000 w) per dwelling unit, or; 2) One watt per square foot (1 w/ft²) of the gross floor area.

2. **Other:** All gas, wood, oil and propane space heating systems, unless electric resistance is used as a secondary heating system, and all heat pump space heating systems. (See EXCEPTIONS, Electric Resistance, section 502.2.2 above.)

502.3 Reserved.

502.4 Air Leakage:

502.4.1 General: The requirements of this section shall apply to all buildings and structures, or portions thereof, and only to those locations separating outdoor ambient conditions from interior spaces that are heated or mechanically cooled.

502.4.2 Doors and Windows, General: Exterior doors and windows shall be designed to limit air leakage into or from the building envelope. Site-constructed doors and windows shall be sealed in accordance with Section 502.4.3.

502.4.3 Seals and Weatherstripping:

a. Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other openings in the building envelope for all occupancies and all other openings in between units in R-1 and R-2 Occupancy shall be sealed, caulked, gasketed or weatherstripped to limit air leakage. Other exterior joints and seams shall be similarly treated,

or taped, or covered with moisture vapor permeable house-wrap.

b. All exterior doors or doors serving as access to an enclosed unheated area shall be weatherstripped to limit leakage around their perimeter when in a closed position.

c. Site built windows are exempt from testing but shall be made tight fitting. Fixed lights shall have glass retained by stops with sealant or caulking all around. Operating sash shall have weatherstripping working against overlapping trim and a closer/latch which will hold the sash closed. The window frame to framing crack shall be made tight with caulking, overlapping membrane or other approved technique.

d. Openings that are required to be fire resistive are exempt from this section.

502.4.4 Recessed Lighting Fixtures: When installed in the building envelope, recessed lighting fixtures shall meet one of the following requirements:

1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity and sealed or gasketed to prevent air leakage into the unconditioned space.

2. Type IC rated, installed inside a sealed box constructed from a minimum 1/2 inch thick gypsum wall board, or constructed from a preformed polymeric vapor barrier, or other air tight assembly manufactured for this purpose.

3. Type IC rated, certified under ASTM E283 to have no more than 2.0 cfm air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 75 Pascals or 1.57 lbs/ft² pressure difference and have a label attached, showing compliance.

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.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1006 Section 1006 Default U-factors for glazing and doors.

1006.1 Glazing and Doors without NFRC Certification: Glazing and doors that do not have NFRC certification shall be assigned the following U-factors:

TABLE 10-6

Other than Group R Occupancy: DEFAULT U-FACTORS FOR VERTICAL GLAZING, OVERHEAD GLAZING AND OPAQUE DOORS

Vertical Glazing			
	U-Factor		
	Any Frame	Aluminum W/Thermal Break	Vinyl/Wood Frame
Single	1.45	1.45	1.45
Double	0.90	0.85	0.75

Vertical Glazing			
	U-Factor		
	Any Frame	Aluminum W/Thermal Break	Vinyl/Wood Frame
1/2 Inch Air, Fixed	0.75	0.70	0.60
1/2 Inch Air, Low-e ^(0.40) , Fixed	0.60	0.55	0.50
1/2 Inch Air, Low-e ^(0.10) , Fixed	0.55	0.50	0.45
1/2 Inch Argon, Low-e ^(0.10) , Fixed	0.50	0.45	0.40

The category for aluminum frame with a thermal break is as defined in footnote 7 to Table 10-6A.

((Overhead Glazing		
	U-Factor	
	Any Frame	Vinyl/Wood Frame
Single	2.15	2.15
Double	1.45	1.00
Low-e ^(0.40) or Argon	1.40	0.95
Low-e ^(0.40) + Argon	1.30	0.85
Low-e ^(0.20) Air	1.30	0.90
Low-e ^(0.20) + Argon	1.25	0.80
Triple	1.25	0.80))

Overhead Glazing: Sloped Glazing (Including Frame)			
	U-Factor		
	Any Frame	Aluminum W/Thermal Break	Vinyl/Wood Frame
Single	1.74	1.74	1.74
Double	1.08	1.02	0.90
1/2 Inch Air, Fixed	0.90	0.84	0.72
1/2 Inch Air, Low-e ^(0.40) , Fixed	0.72	0.66	0.60
1/2 Inch Air, Low-e ^(0.10) , Fixed	0.66	0.60	0.54
1/2 Inch Argon, Low-e ^(0.10) , Fixed	0.60	0.54	0.48

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This default table is applicable to sloped glazing only. (Sloped glazing is a multiple-lite glazed system (similar to a curtain wall) that is mounted at a slope greater than 15° from the vertical plane.) Other overhead glazing shall use the defaults in Table 10-6E.

Notes:

- Where a gap width is listed (i.e.: 1/2 inch), that is the minimum allowed.
- Where a low-emissivity emittance is listed (i.e.: 0.40, 0.20, 0.10), that is the maximum allowed.
- Where a gas other than air is listed (i.e.: Argon), the gas fill shall be a minimum of 90%.
- Where an operator type is listed (i.e.: Fixed), the default is only allowed for that operator type.
- Where a frame type is listed (i.e.: Wood/vinyl), the default is only allowed for that frame type. Wood/vinyl frame includes reinforced vinyl and aluminum-clad wood.

Opaque Doors	U-Factor
Uninsulated Metal	1.20
Insulated Metal (Including Fire Door and Smoke Vent)	0.60
Wood	0.50

TABLE 10-6A
Group R Occupancy: DEFAULT U-FACTORS FOR VERTICAL GLAZING

Description ^{1,2,3,4}		Frame Type ^{5,6}			
		Aluminum	Aluminum Thermal Break ⁷	Wood/Vinyl	
Windows	Single	1.20	1.20	1.20	
	Double, < 1/2"	Clear	0.92	0.75	0.63
		Clear + Argon	0.87	0.71	0.60
		Low-e	0.85	0.69	0.58
		Low-e + Argon	0.79	0.62	0.53
	Double, ≥ 1/2"	Clear	0.86	0.69	0.58
		Clear + Argon	0.83	0.67	0.55
		Low-e	0.78	0.61	0.51
		Low-e + Argon	0.75	0.58	0.48
	Triple,	Clear	0.70	0.53	0.43
		Clear + Argon	0.69	0.52	0.41
		Low-e	0.67	0.49	0.40
		Low-e + Argon	0.63	0.47	0.37
Garden Windows	Single	2.60	n.a.	2.31	
	Double	Clear	1.81	n.a.	1.61
		Clear + Argon	1.76	n.a.	1.56
		Low-e	1.73	n.a.	1.54
		Low-e + Argon	1.64	n.a.	1.47

- 1 <1/2" = a minimum dead air space of less than 0.5 inches between the panes of glass.
≥ 1/2" = a minimum dead air space of 0.5 inches or greater between the panes of glass.
Where no gap width is listed, the minimum gap width is 1/4".
- 2 Any low-e (emissivity) coating.(0.1, 0.2 or 0.4).
- 3 U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, CO2, SF6, argon/SF6 mixtures and Krypton.
- 4 "Glass block" assemblies may use a U-factor of 0.51.
- 5 Insulated fiberglass framed products shall use wood/vinyl U-factors.
- 6 Aluminum clad wood windows shall use the U-factors listed for wood/vinyl windows.
- 7 Aluminum Thermal Break = An aluminum thermal break framed window shall incorporate the following minimum design characteristics:
 - a) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft²/°F;
 - b) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,
 - c) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.

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TABLE 10-6B¹

Group R Occupancy: SMALL BUSINESS COMPLIANCE TABLE FOR VERTICAL GLAZING

DESCRIPTION ^{2,3,4,6}	FRAME TYPE ^{7,8}			
	ALUMINUM	ALUM. THERMAL BREAK ⁹	WOOD/VINYL	ALUM. CLAD WOOD/REINFORCED VINYL ¹⁰
Double, Clear 1/4"	0.82	0.66	0.56	0.59
Double, Clear 1/4" + argon	0.77	0.63	0.53	0.56
Double, Low-e4 1/4"	0.76	0.61	0.52	0.54
Double, Low-e2 1/4"	0.73	0.58	0.49	0.51
Double, Low-e1 1/4"	0.70	0.55	0.47	0.49
Double, Low-e4 1/4" + argon	0.70	0.55	0.47	0.49
Double, Low-e2 1/4" + argon	0.66	0.52	0.43	0.46
Double, Low-e1 1/4" + argon	0.64	0.50	0.41	0.43
Double, Clear 3/8"	0.78	0.63	0.54	0.57
Double, Clear 3/8" + argon	0.75	0.60	0.51	0.54
Double, Low-e4 3/8"	0.72	0.57	0.48	0.51
Double, Low-e2 3/8"	0.69	0.54	0.45	0.48
Double, Low-e1 3/8"	0.66	0.51	0.43	0.46
Double, Low-e4 3/8" + argon	0.68	0.53	0.44	0.47
Double, Low-e2 3/8" + argon	0.63	0.49	0.41	0.44
Double, Low-e1 3/8" + argon	0.61	0.47	0.39	0.41
Double, Clear 1/2"	0.75	0.60	0.50	0.54
Double, Clear 1/2" + argon	0.72	0.58	0.48	0.51
Double, Low-e4 1/2"	0.68	0.53	0.44	0.47
Double, Low-e2 1/2"	0.64	0.50	0.40	0.44
Double, Low-e1 1/2"	0.61	0.47	0.35	0.42
Double, Low-e4 1/2" + argon	0.65	0.50	0.42	0.44
Double, Low-e2 1/2" + argon	0.60	0.46	0.37	0.40
Double, Low-e1 1/2" + argon	0.58	0.43	0.35	0.38
Triple, Clear 1/4"	0.66	0.52	0.42	0.44
Triple, Clear 1/4" + argon	0.63	0.49	0.39	0.42
Triple, Low-e4 1/4"	0.64	0.50	0.40	0.40
Triple, Low-e2 1/4"	0.62	0.48	0.39	0.41
Triple, Low-e1 1/4"	0.61	0.47	0.38	0.40
Triple, Low-e4 1/4" + argon	0.60	0.46	0.37	0.39
Triple, Low-e2 1/4" + argon	0.58	0.43	0.34	0.37
Triple, Low-e1 1/4" + argon	0.57	0.42	0.34	0.36
Triple, Clear 1/2"	0.61	0.46	0.37	0.40
Triple, Clear 1/2" + argon	0.59	0.45	0.36	0.38
Triple, Low-e4 1/2"	0.58	0.43	0.35	0.37
Triple, Low-e2 1/2"	0.55	0.41	0.32	0.35
Triple, Low-e1 1/2"	0.54	0.39	0.31	0.33
Triple, Low-e4 1/2" + argon	0.55	0.41	0.32	0.35
Triple, Low-e2 1/2" + argon	0.52	0.38	0.30	0.32
Triple, Low-e1 1/2" + argon	0.51	0.37	0.29	0.31

Footnotes to Table 10-6B

- 1 Subtract 0.02 from the listed default U-factor for nonaluminum spacer. Acceptable spacer materials may include but is not limited to fiberglass, wood and butyl or other material with an equivalent thermal performance.
- 2 1/4" = a minimum dead air space of 0.25 inches between the panes of glass.
 3/8" = a minimum dead air space of 0.375 inches between the panes of glass.
 1/2" = a minimum dead air space of 0.5 inches between the panes of glass.
 Product with air spaces different than those listed above shall use the value for the next smaller air space; i.e. 3/4 inch = 1/2 inch U-factors, 7/16 inch = 3/8 inch U-factors, 5/16 inch = 1/4 inch U-factors.
- 3 Low-e4 (emissivity) shall be 0.4 or less.
 Low-e2 (emissivity) shall be 0.2 or less.
 Low-e1 (emissivity) shall be 0.1 or less.
- 4 U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, CO2, SF6, and argon/SF6 mixtures. The following conversion factor shall apply to Krypton gas-filled units: 1/4" or greater with krypton is equivalent to 1/2" argon.
- 5 Reserved.
- 6 "Glass block" assemblies may use a U-factor of 0.51.
- 7 Insulated fiberglass framed products shall use wood/vinyl U-factors.
- 8 Subtract 0.02 from the listed default values for solariums.
- 9 Aluminum Thermal Break = An aluminum thermal break framed window shall incorporate the following minimum design characteristics:
 - a) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft²/F°;
 - b) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,
 - c) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.
- 10 Aluminum clad wood windows shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl windows. Vinyl clad wood window shall use the U-factors listed for Wood/Vinyl windows. Any vinyl frame window with metal reinforcement in more than one rail shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl window.

TABLE 10-6C
Group R Occupancy: DEFAULT U-FACTORS FOR DOORS

Door Type	No Glazing	Single Glazing	Double Glazing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e = 0.10, 1/2 in. Argon
SWINGING DOORS (Rough opening - 38 in. x 82 in.)					
<i>Slab Doors</i>					
Wood slab in wood frame ^a	0.46				
6% glazing (22 in. x 8 in. lite)	-	0.48	0.47	0.46	0.44
25% glazing (22 in. x 36 in. lite)	-	0.58	0.48	0.46	0.42
45% glazing (22 in. x 64 in. lite)	-	0.69	0.49	0.46	0.39
More than 50% glazing		Use Table 10-6A			
Insulated steel slab with wood edge in wood frame ^a	0.16				
6% glazing (22 in. x 8 in. lite)	-	0.21	0.20	0.19	0.18
25% glazing (22 in. x 36 in. lite)	-	0.39	0.28	0.26	0.23
45% glazing (22 in. x 64 in. lite)	-	0.58	0.38	0.35	0.26
More than 50% glazing		Use Table 10-6A			
Foam insulated steel slab with metal edge in steel frame ^b	0.37				

PROPOSED

PROPOSED

Door Type	No Glazing	Single Glazing	Double Glazing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e = 0.10, 1/2 in. Argon
6% glazing (22 in. x 8 in. lite)	-	0.44	0.42	0.41	0.39
25% glazing (22 in. x 36 in. lite)	-	0.55	0.50	0.48	0.44
45% glazing (22 in. x 64 in. lite)	-	0.71	0.59	0.56	0.48
More than 50% glazing	Use Table 10-6A				
Cardboard honeycomb slab with metal edge in steel frame ^b	0.61				
<i>Style and Rail Doors</i>					
Sliding glass doors/French doors	Use Table 10-6A				
<i>Site-Assembled Style and Rail Doors</i>					
Aluminum in aluminum frame	-	1.32	0.99	0.93	0.79
Aluminum in aluminum frame with thermal break	-	1.13	0.80	0.74	0.63
REVOLVING DOORS (Rough opening - 82 in. x 84 in.)					
Aluminum in aluminum frame					
Open	-	1.32	-	-	-
Closed	-	0.65	-	-	-
SECTIONAL OVERHEAD DOORS (Nominal - 10 ft x 10 ft)					
Uninsulated steel (nominal U = 1.15) ^c	1.15	-	-	-	-
Insulated steel (nominal U = 0.11) ^c	0.24	-	-	-	-
Insulated steel with thermal break (nominal U = 0.08) ^c	0.13	-	-	-	-

- a. Thermally broken sill (add 0.03 for nonthermally broken sill)
- b. Nonthermally broken sill
- c. Nominal U-factors are through the center of the insulated panel before consideration of thermal bridges around the edges of the door sections and due to the frame.

TABLE 10-6D
Group R Occupancy: DEFAULT U-FACTORS FOR GLAZED DOORS
 See Table 10-6C

TABLE 10-6E
Group R Occupancy: DEFAULT U-FACTORS FOR OVERHEAD GLAZING

Glazing Type	Frame Type			
	Aluminum without Thermal Break	Aluminum with Thermal Break	Reinforced Vinyl/ Aluminum-Clad Wood or Vinyl	Wood or Vinyl-Clad Wood/ Vinyl without Reinforcing
Single Glazing glass acrylic/polycarb	U-1.58	U-1.51	U-1.40	U-1.18
	U-1.52	U-1.45	U-1.34	U-1.11
Double Glazing air argon	U-1.05	U-0.89	U-0.84	U-0.67
	U-1.02	U-0.86	U-0.80	U-0.64
Double Glazing, e = 0.20 air argon	U-0.96	U-0.80	U-0.75	U-0.59
	U-0.91	U-0.75	U-0.70	U-0.54

TABLE 10-6E
Group R Occupancy: DEFAULT U-FACTORS FOR OVERHEAD GLAZING

Glazing Type	Frame Type			
	Aluminum without Thermal Break	Aluminum with Thermal Break	Reinforced Vinyl/ Aluminum-Clad Wood or Vinyl	Wood or Vinyl- Clad Wood/ Vinyl without Reinforcing
Double Glazing, $e = 0.10$				
air	U-0.94	U-0.79	U-0.74	U-0.58
argon	U-0.89	U-0.73	U-0.68	U-0.52
Double Glazing, $e = 0.05$				
air	U-0.93	U-0.78	U-0.73	U-0.56
argon	U-0.87	U-0.71	U-0.66	U-0.50
Triple Glazing				
air	U-0.90	U-0.70	U-0.67	U-0.51
argon	U-0.87	U-0.69	U-0.64	U-0.48
Triple Glazing, $e = 0.20$				
air	U-0.86	U-0.68	U-0.63	U-0.47
argon	U-0.82	U-0.63	U-0.59	U-0.43
Triple Glazing, $e = 0.20$ on 2 surfaces				
air	U-0.82	U-0.64	U-0.60	U-0.44
argon	U-0.79	U-0.60	U-0.56	U-0.40
Triple Glazing, $e = 0.10$ on 2 surfaces				
air	U-0.81	U-0.62	U-0.58	U-0.42
argon	U-0.77	U-0.58	U-0.54	U-0.38
Quadruple Glazing, $e = 0.10$ on 2 surfaces				
air	U-0.78	U-0.59	U-0.55	U-0.39
argon	U-0.74	U-0.56	U-0.52	U-0.36
krypton	U-0.70	U-0.52	U-0.48	U-0.32

- U-factors are applicable to both glass and plastic, flat and domed units, all spacers and gaps.
- Emissivities shall be less than or equal to the value specified.
- Gap fill shall be assumed to be air unless there is a minimum of 90% argon or krypton.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1132 Alterations and repairs. Alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this Code shall conform to the provisions of this Code without the use of the exception in Section 1130. Other alterations and repairs may be made to existing buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

1132.1 Building Envelope: Alterations or repairs shall comply with nominal R-values and glazing requirements in Table 13-1 or 13-2.

EXCEPTIONS:

- Storm windows installed over existing glazing.
- Glass replaced in existing sash and frame provided that glazing is of equal or lower U-factor.

3. For solar heat gain coefficient compliance, glazing with a solar heat gain coefficient equal to or lower than that of the other existing glazing.

4. Existing roof/ceiling, wall or floor cavities exposed during construction provided that these cavities are insulated to full depth with insulation having a minimum nominal value of R-3.0 per inch installed per Sections 1311 and 1313.

5. Existing walls and floors without framing cavities, provided that any new cavities added to existing walls and floors comply with Exception 4.

6. Existing roofs where the roof membrane is being replaced and

- The roof sheathing or roof insulation is not exposed; or
- If there is existing roof insulation below the deck. In no case shall the energy efficiency of the building be decreased.

1132.2 Building Mechanical Systems: Those parts of systems which are altered or replaced shall comply with Chapter 14 of this Code.

1132.3 Lighting and Motors: Where the use in a space changes from one use in Table 15-1 to another use in Table 15-1, the installed lighting wattage shall comply with Section 1521 or 1531.

Other tenant improvements, alterations or repairs where 60 percent or more of the fixtures ((in a use)) in a space enclosed by walls or ceiling-height partitions (as defined in Table 15-1) within a tenant space or in an entire floor ((which ever is smaller)) are new shall comply with Sections 1531 and 1532. Where less than 60 percent of the fixtures in a space enclosed by walls or ceiling-height partitions are new, the installed lighting wattage shall be maintained or reduced. Where 60 percent or more of the lighting fixtures in a suspended ceiling are new, and the existing insulation is on the suspended ceiling, the roof/ceiling assembly shall be insulated according to the provisions of Chapter 13 Section 1311.2.

Where new wiring is being installed to serve added fixtures and/or fixtures are being relocated to a new circuit, controls shall comply with Sections 1513.1 through 1513.5 and, as applicable, 1513.7. In addition, office areas less than 300 ft² enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms, shall be equipped with occupancy sensors that comply with Sections 1513.6 and 1513.7. Where a new lighting panel (or a moved lighting panel) with all new raceway and conductor wiring from the panel to the fixtures is being installed, controls ((shall comply with)) also comply with the other requirements in Sections 1513.6 and 1513.7.

Where new walls or ceiling-height partitions are added to an existing space and create a new enclosed space, but the lighting fixtures are not being changed, other than being relocated, the new enclosed space shall have controls that comply with Sections 1513.1 through 1513.2, 1513.4, and 1513.6 through 1513.7.

Those motors which are altered or replaced shall comply with Section 1511.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1322 Opaque envelope. Roof/ceilings, opaque exterior walls, opaque doors, floors over unconditioned space, below grade walls, slab on grade floors, and radiant floors enclosing conditioned spaces shall be insulated according to Section 1311 and Tables 13-1 or 13-2. Compliance with nominal R-values shall be demonstrated for the thermal resistance of the added insulation in framing cavities and/or insulated sheathing only. Nominal R-values shall not include the thermal transmittance of other building materials or air films.

For metal frame assemblies used in spaces with electric resistance space heat, compliance shall be demonstrated with the component U-factor for the overall assembly based on the assemblies in Chapter 10.

EXCEPTIONS:

1. Opaque smoke vents are not required to meet insulation requirements.
2. ((The perimeter edge of an above-grade floor slab which penetrates the exterior wall may be left uninsu-

lated provided that the wall insulation is increased by R-2 above)) For prescriptive compliance only.

a. For glazing areas that are 30% and less of the gross wall area, the insulation of the perimeter edge of an above grade floor slab which penetrates the exterior wall may be reduced to R-5 provided the glazing U-factor is reduced by U-0.05 below that required in Tables 13-1 and 13-2.

b. For glazing areas that exceed 30% of the gross wall area, the perimeter edge of an above grade floor slab which penetrates the exterior wall may be left uninsulated provided that the glazing U-factor is reduced by U-0.10 below that required in Tables 13-1 and 13-2.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1331 General. Buildings or structures whose design heat loss rate (UA_p) and solar heat gain coefficient rate ($SHGC \cdot A_p$) are less than or equal to the target heat loss rate (UA_t) and solar heat gain coefficient rate ($SHGC \cdot A_t$) shall be considered in compliance with this section. The stated U-factor, F-factor or allowable area of any component assembly, listed in Tables 13-1 or 13-2, such as roof/ceiling, opaque wall, opaque door, glazing, floor over conditioned space, slab on grade floor, radiant floor or opaque floor may be increased and the U-factor or F-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-factors, F-factors or allowable areas specified in this section.

((EXCEPTION: For buildings or structures utilizing the other space heat type (including heat pumps and VAV) compliance path, for the gross opaque wall, opaque door and glazing (vertical and overhead) area only, compliance may also be shown using the ENVSTD diskette version 2.1 of ASHRAE/IESNA Standard 90.1-1989, or an approved alternative, with the following additional requirements:

1. Only the Exterior Wall Requirements portion of the ENVSTD computer program may be used under this exception.

2. Overhead glazing shall be added to vertical glazing, and shall be input as 1/4 north, 1/4 east, 1/4 south and 1/4 west facing.

3. Lighting loads shall be determined according to Table 15-1.

4. Equipment loads shall be determined from Table 3-1 of Standard RS-29.)

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1334 Solar heat gain coefficient rate calculations. Solar heat gain coefficient shall comply with Section 1323.3. The target SHGCA, and the proposed SHGCA, shall be calculated using Equation 13-3 and 13-4 and the corresponding areas and SHGCs from Table 13-1 or 13-2.

**Equation 13-1:
Target UA_(t)**

$UA_t = U_{rat}A_{rat} + U_{ograt}A_{ograt} + U_{ort}A_{ort} + U_{ogort}A_{ogort} + U_{wt}A_{wt} + U_{vgt}A_{vgt} + U_{dt}A_{dt} + U_{ft}A_{ft} + F_{st}P_{st} + U_{bgwt}A_{bgwt}$
 $UA_t =$ The target combined specific heat transfer of the gross roof/ceiling assembly, exterior wall and floor area.

- Where:
- U_{rat} = The thermal transmittance value for roofs over attics found in Table 13-1 or 13-2.
 - U_{ograt} = The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
 - U_{ort} = The thermal transmittance value for other roofs found in Table 13-1 or 13-2.
 - U_{ogort} = The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
 - U_{wt} = The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.
 - U_{vgt} = The thermal transmittance value for vertical glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
 - U_{dt} = The thermal transmittance value for opaque doors found in Table 13-1 or 13-2.
 - U_{ft} = The thermal transmittance value for floors over unconditioned space found in Table 13-1 or 13-2.
 - F_{st} = The F-factor for slab-on-grade and radiant slab floors found in Table 13-1 or 13-2.
 - U_{bgwt} = The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.
 - A_{dt} = The proposed opaque door area, A_d .
 - A_{ft} = The proposed floor over unconditioned space area, A_f .
 - P_{st} = The proposed lineal feet of slab-on-grade and radiant slab floor perimeter, P_s .
 - A_{bgwt} = The proposed below grade wall area, A_{bgw} .

and;
 if the total amount of glazing area as a percent of gross exterior wall area does not exceed the maximum allowed in Table 13-1 or 13-2:

- A_{rat} = The proposed roof over attic area, A_{ra} .
- A_{ograt} = The proposed overhead glazing area in roofs over attics, A_{ogra} .
- A_{ort} = The proposed other roof area, A_{or} .
- A_{ogort} = The proposed overhead glazing area in other roofs, A_{ogor} .
- A_{wt} = The proposed opaque above grade wall area, A_w .
- A_{vgt} = The proposed vertical glazing area, A_{vg} .

or;
 if the total amount of glazing area as a percent of gross exterior wall area exceeds the maximum allowed in Table 13-1 or 13-2:

- A_{rat} = The greater of:
 the proposed roof over attic area, and
 the gross roof over attic area minus A_{ograt} .
- A_{ograt} = The lesser of:
 proposed overhead glazing area in roofs over attics, and
 the maximum allowed glazing area from Table 13-1 or 13-2.
- A_{ort} = The greater of:
 the proposed other roof area, and
 the gross other roof area minus A_{ogort} .
- A_{ogort} = The lesser of:
 the proposed overhead glazing area in other roofs, and
 the maximum allowed glazing area from Table 13-1 or 13-2 minus A_{ograt} .
- A_{wt} = The greater of:
 proposed opaque above grade wall area, and
 the gross exterior above grade wall area minus A_{dt} minus A_{vgt} .

PROPOSED

A_{vgt} = The lesser of:
 the proposed vertical glazing area, and
 the maximum allowed glazing area from Table 13-1 or 13-2 minus A_{ograt} minus A_{ogort} .

EQUATION 13-2

Proposed UA_p

$UA_p = U_n A_{rn} + U_{or} A_{or} + U_{og} A_{og} + U_w A_w + U_d A_d + U_{vg} A_{vg} + U_f A_f + F_s P_s + U_{bgw} A_{bgw}$

Where:

- UA_p = The combined proposed specific heat transfer of the gross exterior wall, floor and roof/ceiling assembly area.
- U_n = The thermal transmittance of the roof over attic area.
- A_{rn} = Opaque roof over attic area.
- U_{or} = The thermal transmittance of the other roof area.
- A_{or} = Opaque other roof area.
- U_{og} = The thermal transmittance for the overhead glazing
- A_{og} = Overhead glazing area.
- U_w = The thermal transmittance of the opaque wall area.
- A_w = Opaque above grade wall area (not including opaque doors).
- U_{vg} = The thermal transmittance of the vertical glazing area.
- A_{vg} = Vertical glazing area.
- U_d = The thermal transmittance value of the opaque door area.
- A_d = Opaque door area.
- U_f = The thermal transmittance of the floor over unconditioned space area.
- A_f = Floor area over unconditioned space.
- F_s = Slab-on-grade or radiant floor component F-factor.
- P_s = Lineal feet of slab-on-grade or radiant floor perimeter.
- U_{bgw} = The thermal transmittance value of the below grade wall area.
- A_{bgw} = Below grade wall area as defined in Tables 13-1 or 13-2.

NOTE: Where more than one type of wall, window, roof/ceiling, door and skylight is used, the U and A terms for those items shall be expanded into sub-elements as:

$$U_{w1}A_{w1} + U_{w2}A_{w2} + U_{w3}A_{w3} + \dots \text{etc.}$$

EQUATION 13-3

Target $SHGCA_t$

$SHGCA_t = SHGC_t (A_{ograt} + A_{ogort} + A_{vgt})$

Where:

- $SHGCA_t$ = The target combined specific heat gain of the target glazing area.
 - $SHGC_t$ = The solar heat gain coefficient for glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area, and
- A_{ograt} , A_{ogort} , and A_{vgt} are defined under Equation 13-1.

EQUATION 13-4

Proposed $SHGCA_p$

$SHGCA_p = SHGC_{og} A_{og} + SHGC_{vg} A_{vg}$

Where

- $SHGCA_p$ = The combined proposed specific heat gain of the proposed glazing area.
- $SHGC_{og}$ = The solar heat gain coefficient of the overhead glazing.

PROPOSED

- A_{og} = The overhead glazing area.
- $SHGC_{vg}$ = The solar heat gain coefficient of the vertical glazing.
- A_{vg} = The vertical glazing area.

**TABLE 13-1
BUILDING ENVELOPE REQUIREMENTS FOR CLIMATE ZONE 1**

**MINIMUM INSULATION R-VALUES OR
MAXIMUM COMPONENT U-FACTORS FOR ZONE 1**

Building Components

Space Heat Type	Components					
	Roofs Over Attic	All Other Roofs	Opaque Walls ^{1,2}	Opaque Doors	Floor Over Uncond Space	Slab On Grade ³
1. Electric resistance heat**	R-38 or U = 0.031	R-30 or U = 0.034	R-19 or U = 0.062	U = 0.60	R-30 or U = 0.029	R-10 or F = 0.54
2. All others including Heat pumps and VAV	R-30 or U = 0.036	R-21 or ((U = 0.050)) U = 0.046	((R-11 or U = 0.14)) (a) Metal framing: R-19 or U = 0.109 (b) Wood framing and framing other than metal: R-19 or U = 0.062	U = 0.60	R-19 or U = 0.056	R-10 or F = 0.54

** Compliance with nominal prescriptive R-values requires wood framing.

**MAXIMUM GLAZING AREAS AND U-FACTORS AND
MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS
FOR ZONE 1**

Glazing

((Maximum Glazing Area as % of Wall	0% to 15%			>15% to 20%			>20% to 30%			>30% to 40%		
	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	PRESCRIPTIVE PATH NOT ALLOWED					
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.60	1.30	0.65	0.50	1.25	0.45))

Maximum Glazing Area as % of Wall	0% to 30%			≥30% to 45%		
	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴
	VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.60	0.40	PRESCRIPTIVE PATH NOT ALLOWED		
2. All others including heat pumps and VAV	0.55	0.70	0.45	0.45	0.60	0.40

PROPOSED

PROPOSED

Footnotes

1. Below Grade Walls:

When complying by the prescriptive approach, Section 1322:

- a) Walls insulated on the interior shall use opaque wall values,
- b) Walls insulated on the exterior shall use a minimum of R-10 insulation,
- c) Walls shall be insulated for the first 10 feet below grade. (There shall be no credit for those portions of below grade walls and footings that are more than 10 feet below grade, and ((not)) those portions below 10 feet shall not be included in the gross exterior wall area((-may be left uninsulated)).

When complying by the component performance approach, Section 1331:

- a) Walls insulated on the interior shall use the opaque wall values when determining U_{bgw} ,
- b) Walls insulated on the exterior shall use a target U-factor of $U = 0.070$ for U_{bgw} ,
- c) The calculations shall include the first 10 feet of walls below grade. (Those portions of below grade walls and footings that are more than 10 feet below grade((-and not)) shall not be included in the gross exterior wall area((-need)) and shall not be included when determining A_{bgw1} and A_{bgw2} .

- 2. **Concrete Masonry Walls:** If the area weighted heat capacity of the total opaque above grade wall is a minimum of 9.0 Btu/ft²°F, then ~~((the U-factor may be increased to 0.19 for interior insulation and 0.25 for integral and exterior insulation for insulation position as defined in Chapter 2. Individual walls with heat capacities less than 9.0 Btu/ft²°F and below grade walls shall meet opaque wall requirements listed above. Glazing shall comply with the following)):~~

a. The area weighted average U-factor may be increased to U-0.15 maximum, or minimum additional R-5.7 continuous insulation uninterrupted by framing, or

b. The wall may be ASTM C90 concrete block walls, ungrouted or partially grouted at 32 in. or less on center vertically and 48 in. or less on center horizontally, with ungrouted cores filled with material having a maximum thermal conductivity of 0.44 Btu/ft²°F.

Individual walls with heat capacities less than 9.0 Btu/ft²°F and below grade walls shall meet opaque wall requirements listed above. Glazing shall comply with the glazing requirements listed above.

((Maximum Glazing Area as % of Wall	0 to 10 %			>10 to 15 %			>15% to 20 %			>20% to 25 %		
	Maximum U-Factor		Max-SHGC4									
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	0.40	0.80	1.0	NOT ALLOWED		
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.65	1.30	0.80	0.60	1.30	0.65))

- 3. ((Reserved.)) Roof Types: A roof over attic is where the roof structure has at least 30 inches clear distance from the top of the bottom chord of a truss or ceiling joist to the underside of the sheathing at the roof ridge, and the ceiling is attached to the ceiling joist or the bottom of the truss or ceiling joist. Anything else is considered all other roofs.
- 4. **SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC (See Chapter 2 for definition of Shading Coefficient).
- 5. **Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or F= 0.55 maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or F= 0.78 maximum.

**TABLE 13-2
BUILDING ENVELOPE REQUIREMENTS
FOR CLIMATE ZONE 2
MINIMUM INSULATION R-VALUES OR
MAXIMUM COMPONENT U-FACTORS FOR ZONE 2**

Building Components Space Heat Type	Components					
	Roofs Over Attic	All Other Roofs	Opaque Walls ^{1,2}	Opaque Doors	Floor Over Uncond Space	Slab On Grade
1. Electric resistance heat**	R-38 or U = 0.031	R-30 or U = 0.034	R-24 or U = 0.044	U = 0.60	R-30 or U = 0.029	R-10 or F = 0.54

PROPOSED

Space Heat Type	Components					
	Roofs Over Attic	All Other Roofs	Opaque Walls ^{1,2}	Opaque Doors	Floor Over Uncond Space	Slab On Grade
2. All others including Heat pumps and VAV	R-38 or U = 0.031	R-25 or ((U=0.040)) U = 0.039	((R-19 or U=0.11)) (a) Metal framing: R-13 cavity insul. +R-3.8 continuous insul. or U = 0.084 (b) Wood framing and framing other than metal: R-19 or U = 0.062	U = 0.60	R-21 or U = 0.047	R-10 or F = 0.54

** Compliance with nominal prescriptive R-values requires wood framing.

**MAXIMUM GLAZING AREAS AND U-FACTORS AND
MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS
FOR ZONE 2**

Glazing

((Maximum Glazing Area as % of Wall	0% to 15%			>15% to 30%			>30% to 35%			>35% to 40%		
	Maximum U-Factor		Max-SHGC ⁴	Maximum U-Factor		Max-SHGC ⁴	Maximum U-Factor		Max-SHGC ⁴	Maximum U-Factor		Max-SHGC ⁴
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	PRESCRIPTIVE PATH NOT ALLOWED					
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.60	1.30	0.60	0.50	1.25	0.50))

Maximum Glazing Area as % of Wall	0% to 30%			>30% to 45%		
	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴
	VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.60	0.40	PRESCRIPTIVE PATH NOT ALLOWED		
2. All others including heat pumps and VAV	0.55	0.70	0.45	0.45	0.60	0.40

Footnotes

1. Below Grade Walls:

When complying by the prescriptive approach, Section 1322:

- a) Walls insulated on the interior shall use opaque wall values,
- b) Walls insulated on the exterior shall use a minimum of R-12 insulation,
- c) Walls shall be insulated for the first 10 feet below grade. (There shall be no credit for insulating those portions of below grade walls and footings that are more than 10 feet below grade, and ((not)) those portions below 10 feet shall not be included in the gross exterior wall area((=may be left uninsulated)).

When complying by the component performance approach, Section 1331:

- a) Walls insulated on the interior shall use the opaque wall values when determining U_{bgw}.

- b) Walls insulated on the exterior shall use a target U-factor of U = 0.061 for U_{bgw}.

- c) The calculations shall include the first 10 feet of walls below grade. (Those portions of below grade walls and footings that are more than 10 feet below grade((=and not)) shall not be included in the gross exterior wall area((=need)) and shall not be included when determining A_{bgw} and A_{bgw}).

2.

Concrete Masonry Walls: If the area weighted heat capacity of the total opaque above grade wall is a minimum of 9.0 Btu/ft²·°F, then the U-factor may be increased to ((0.19 for interior insulation and 0.25 for integral and exterior insulation for insulation position as defined in Chapter 2)) 0.123 maximum, or minimum additional R-7.6 continuous insulation uninterrupted by framing. Individual walls with heat capacities less than 9.0 Btu/ft²·°F and below grade walls

shall meet opaque wall requirements listed above. Glazing shall comply with the ~~((following:))~~ glazing requirements above.

PROPOSED

((Maximum Glazing Area as % of Wall	0 to 5 %			>5 to 7 %			>7% to 10 %			>10% to 15 %		
	Maximum U-Factor		Max-SHGC4									
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	0.40	0.80	1.0	NOT ALLOWED		
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.60	1.30	0.70	0.50	1.25	0.50	0.40	0.80	0.40))

3. ~~((Reserved:))~~ **Roof Types:** A roof over attic is where the roof structure has at least 30 inches clear distance from the top of the bottom chord of a truss or ceiling joist to the underside of the sheathing at the roof ridge, and the ceiling is attached to the ceiling joist or the bottom of the truss or ceiling joist. Anything else is considered all other roofs.
4. **SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC (See Chapter 2 for definition of Shading Coefficient):
5. **Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or F= 0.55 maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or F= 0.78 maximum.

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.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1413 Economizers.

1413.1 **Operation:** Air economizers shall be capable of automatically modulating outside and return air dampers to provide 100 percent of the design supply air as outside air to reduce or eliminate the need for mechanical cooling. Air economizers shall be used for RS-29 analysis base case for all systems without exceptions in Sections 1413, 1423, or 1433. Water economizers shall be capable of providing the total concurrent cooling load served by the connected terminal equipment lacking airside economizer, at outside air temperatures of 45°F dry-bulb/40°F wet-bulb and below. For this calculation, all factors including solar and internal load shall be the same as those used for peak load calculations, except for the outside temperatures.

EXCEPTION: Water economizers using air-cooled heat rejection equipment may use a 35°F dry-bulb outside air temperature for this calculation. This exception is limited to a maximum of 20 tons per building.

1413.2 **Documentation:** Water economizer plans submitted for approval shall include the following information:

1. Maximum outside air conditions for which economizer is sized to provide full cooling.
2. Design cooling load to be provided by economizer at this outside air condition.
3. Heat rejection and terminal equipment performance data including model number, flow rate, capacity, entering and leaving temperature in full economizer cooling mode.

1413.3 **Integrated Operation:** The HVAC system and its controls shall allow economizer operation when mechanical

cooling is required simultaneously. Air and water economizers shall be capable of providing partial cooling even when additional mechanical cooling is required to meet the remainder of the cooling load.

- EXCEPTIONS:**
1. Individual, direct expansion units that have a rated capacity less than 65,000 Btu/h and use nonintegrated economizer controls that preclude simultaneous operation of the economizer and mechanical cooling.
 2. Water-cooled water chillers with waterside economizer.

1413.4 **Humidification:** If an air economizer is required on a cooling system for which humidification equipment is to be provided to maintain minimum indoor humidity levels, then the humidifier shall be of the adiabatic type (direct evaporative media or fog atomization type) that cools return air while humidifying outside air while in economizer. If a water economizer or no economizer is provided, the isothermal type of humidifier may be used (steam injection, gas, electric resistance or infrared generator type that uses new energy to boil moisture to be added).

EXCEPTION: Health care facilities where WAC 246-320-525 allows only steam injection humidifiers in ductwork downstream of final filters.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1423 Economizers. Economizers meeting the requirements of Section 1413 shall be installed on ~~((single package unitary fan))~~:

a. Cooling units installed outdoors or in a mechanical room adjacent to outdoors having a ~~((supply capacity of greater than 1,900 cfm or a total))~~ cooling capacity greater than ~~((54,000))~~ 20,000 Btu/h including those serving computer server rooms, electronic equipment, radio equipment, telephone switchgear; and

b. Other cooling units with a total cooling capacity greater than 54,000 Btu/h, including those serving computer server rooms, electronic equipment, radio equipment, and telephone switchgear.

The total capacity of all units without economizers (i.e., those units with a total cooling capacity less than a. and b. above) shall not exceed 240,000 Btu/h per building, or 10% of its aggregate cooling (economizer) capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building.

OPTION 1

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1433 Economizers. Air economizers meeting the requirements of Section 1413 shall be provided on all new systems including those serving computer server rooms, electronic equipment, radio equipment, telephone switchgear.

EXCEPTIONS:

1. ~~((Single package unitary fan cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h. Other single package unitary fan cooling units with a total cooling capacity less than 54,000 Btu/h. The total capacity of all such systems without economizers shall not exceed 240,000 Btu/h per building, or 10% of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building.)) High-efficiency cooling units with EER values more than 10% higher than minimum efficiencies listed in Tables 14-1A, 14-1B and 14-1D, in the appropriate size category, using the same test procedures. The total capacity of all systems without economizers shall not exceed 480,000 Btu/h per building, or 20% of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building. This exception shall not be used for RS-29 analysis nor include unitary cooling equipment installed outdoors nor in a mechanical room adjacent to outdoors.~~
2. Water-cooled refrigeration equipment provided with a water economizer meeting the requirements of Section 1413. Water economizer capacity per building shall not exceed 500 tons. This exception shall not be used for RS-29 analysis.
3. Systems for which at least 75% of the annual energy used for mechanical cooling is provided from site-recovery or site-solar energy source.
4. Systems where special outside air filtration and treatment, for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible.
5. Systems that affect other systems (such as dehumidification and supermarket refrigeration systems) so as to increase the overall building energy consumption. New humidification equipment shall comply with Section 1413.4.
6. Systems complying with all of the following criteria:
 - a. Consist of multiple water source heat pumps connected to a common water loop;
 - b. Have a minimum of 60% air economizer;
 - c. Have water source heat pumps with an EER at least 15% higher for cooling and a COP at least 15% higher for heating than that specified in Section 1411;
 - d. Where provided, have a central boiler or furnace efficiency of:
 - i. 90% minimum for units up to 199,000 Btu/h; and
 - ii. 85% minimum for units above 199,000 Btu/h input; and
 - e. Provide heat recovery with a minimum 50% heat recovery effectiveness as defined in Section 1436 to preheat the outside air supply.
7. For Group R Occupancy, cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h and other cooling units with a total cooling capacity less than 54,000 Btu/h.

OPTION 2

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1433 Economizers. Air economizers meeting the requirements of Section 1413 shall be provided on all new systems including those serving computer server rooms, electronic equipment, radio equipment, telephone switchgear.

EXCEPTIONS:

1. ~~((Single package unitary fan--))~~ Cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h. Other ~~((single package unitary fan--))~~ cooling units with a total cooling capacity less than 54,000 Btu/h. The total capacity of all such systems without economizers shall not exceed 240,000 Btu/h per building, or 10% of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building.
2. Water-cooled refrigeration equipment provided with a water economizer meeting the requirements of Section 1413. Water economizer capacity per building shall not exceed 500 tons. This exception shall not be used for RS-29 analysis.
3. Systems for which at least 75% of the annual energy used for mechanical cooling is provided from site-recovery or site-solar energy source.
4. Systems where special outside air filtration and treatment, for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible.
5. Systems that affect other systems (such as dehumidification and supermarket refrigeration systems) so as to increase the overall building energy consumption. New humidification equipment shall comply with Section 1413.4.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1437 Electric motor efficiency. Design A & B squirrel-cage, T-frame induction permanently wired polyphase motors of 1 hp or more having synchronous speeds of 3,600, 1,800 and 1,200 rpm shall have a nominal full-load motor efficiency no less than the corresponding values for energy efficient motors provided in Table 14-4.

EXCEPTIONS:

1. Motors used in systems designed to use more than one speed of a multispeed motor.
2. Motors used as a component of the equipment meeting the minimum equipment efficiency requirements of Section 1411 and Tables 14-1A through 14-1G provided that the motor input is included when determining the equipment efficiency.
3. Motors that are an integral part of specialized process equipment.
4. Where the motor is integral to a listed piece of equipment for which no complying motor has been approved.

Fan motors less than 1 hp in series terminal units shall:

- a. Be electronically-commutated motors; or
- b. Have a minimum motor efficiency of 65% when rated in accordance with NEMA Standard MG-1 at full load rating conditions.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1454 Pool covers. Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90 degrees F shall have a pool cover with a minimum insulation value of R-12.

Table 14-1A
Unitary Air Conditioners and Condensing Units, Electrically Operated, Minimum Efficiency Requirements

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Air Conditioners, Air Cooled	< 65,000 Btu/h ^d	Split System <u>Before January 23, 2006</u>	10.0 SEER	ARI 210/240
		<u>After January 23, 2006</u>	<u>12.0 SEER</u>	
		Single Package <u>Before January 23, 2006</u>	9.7 SEER	
		<u>After January 23, 2006</u>	<u>12.0 SEER</u>	
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package	10.3 EER ^c	
	≥ 135,000 Btu/h and < 240,000 Btu/h	Split System and Single Package	9.7 EER ^c	
≥ 240,000 Btu/h and < 760,000 Btu/h	Split System and Single Package	9.5 EER ^c 9.7 IPLV ^c		
	≥ 760,000 Btu/h	Split System and Single Package	9.2 EER ^c 9.4 IPLV ^c	
<u>Through-the-Wall, Air Cooled</u>	< 30,000 Btu/h ^d	Split System <u>Before January 23, 2006</u>	10.0 SEER	<u>ARI 210/240</u>
		<u>After January 23, 2006</u>	<u>10.9 SEER</u>	
	Single Package <u>Before January 23, 2006</u>	9.7 SEER		
	<u>After January 23, 2006</u>	<u>10.6 SEER</u>		
<u>Small-Duct High-Velocity, Air Cooled</u>	< 65,000 Btu/h ^d	Split System	<u>10.0 SEER</u>	<u>ARI 210/240</u>
Air Conditioners, Water and Evaporatively Cooled	< 65,000 Btu/h	Split System and Single Package	12.1 EER	ARI 210/240
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package	11.5 EER ^c	
	≥ 135,000 Btu/h and ≤ 240,000 Btu/h	Split System and Single Package	11.0 EER ^c	ARI 340/360
	> 240,000 Btu/h	Split System and Single Package	11.0 EER ^c 10.3 IPLV ^c	
Condensing Units, Air Cooled	≥ 135,000 Btu/h		10.1 EER 11.2 IPLV	ARI 365
Condensing Units, Water or Evaporatively Cooled	≥ 135,000 Btu/h		13.1 EER 13.1 IPLV	

PROPOSED

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
^a Reserved. ^b IPLVs are only applicable to equipment with capacity modulation. ^c Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat. ^d Single-phase air-cooled air-conditioners < 65,000 Btu/h are regulated by NAECA. SEER values are those set by NAECA.				

Table 14-1B
Unitary and Applied Heat Pumps, Electrically Operated, Minimum Efficiency Requirements

PROPOSED

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Air Cooled, (Cooling Mode)	< 65,000 Btu/h ^d	Split System		ARI 210/240
		Before January 23, 2006	10.0 SEER	
	After January 23, 2006	12.0 SEER		
	Single Package			
	Before January 23, 2006	9.7 SEER		
After January 23, 2006	12.0 SEER			
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package	10.1 EER ^c	
	≥ 135,000 Btu/h and < 240,000 Btu/h	Split System and Single Package	9.3 EER ^c	ARI 340/360
	≥ 240,000 Btu/h	Split System and Single Package	9.0 EER ^c 9.2 IPLV ^c	
Through-the-Wall (Air Cooled, Cooling Mode)	< 30,000 Btu/h ^d	Split System		ARI 210/240
		Before January 23, 2006	10.0 SEER	
		After January 23, 2006	10.9 SEER	
		Single Package		
		Before January 23, 2006	9.7 SEER	
		After January 23, 2006	10.6 SEER	
Small-Duct High-Velocity (Air Cooled, Cooling Mode)	< 65,000 Btu/h ^d	Split System	10.0 SEER	ARI 210/240
Water-Source (Cooling Mode)	< 17,000 Btu/h	86°F Entering Water	11.2 EER	ARI/ISO-13256-1
	≥ 17,000 Btu/h and < 65,000 Btu/h	86°F Entering Water	12.0 EER	ARI/ISO-13256-1
	≥ 65,000 Btu/h and < 135,000 Btu/h	86°F Entering Water	12.0 EER	ARI/ISO-13256-1
Groundwater-Source (Cooling Mode)	< 135,000 Btu/h	59°F Entering Water	16.2 EER	ARI/ISO-13256-1
Ground Source (Cooling Mode)	< 135,000 Btu/h	77°F Entering Water	13.4 EER	ARI/ISO-13256-1
Air Cooled (Heating Mode)	< 65,000 Btu/h ^d (Cooling Capacity)	Split System		ARI 210/240
		Before January 23, 2006	6.8 HSPF	
		After January 23, 2006	7.4 HSPF	
		Single Package		
		Before January 23, 2006	6.6 HSPF	
		After January 23, 2006	7.4 HSPF	

PROPOSED

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
	≥ 65,000 Btu/h and < 135,000 Btu/h (Cooling Capacity)	47°F db/43°F wb Outdoor Air 17°F db/15°F wb Outdoor Air	3.2 COP 2.2 COP	
	≥ 135,000 Btu/h (Cooling Capacity)	47°F db/43°F wb Outdoor Air 17°F db/15°F wb Outdoor Air	3.1 COP 2.0 COP	ARI 340/360
<u>Through-the-Wall (Air Cooled, Heating Mode)</u>	< 30,000 Btu/h ^d	<u>Split System</u>		<u>ARI 210/240</u>
		<u>Before January 23, 2006</u>	<u>6.8 HSPF</u>	
		<u>After January 23, 2006</u>	<u>7.1 HSPF</u>	
		<u>Single Package</u>		
		<u>Before January 23, 2006</u>	<u>6.6 HSPF</u>	
		<u>After January 23, 2006</u>	<u>7.0 HSPF</u>	
<u>Small-Duct High-Velocity (Air Cooled, Heating Mode)</u>	< 65,000 Btu/h ^d	<u>Split System</u>	<u>6.8 HSPF</u>	<u>ARI 210/240</u>
Water-Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	68°F Entering Water	4.2 COP	ARI/ISO-13256-1
Groundwater-Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	50°F Entering Water	3.6 COP	ARI/ISO-13256-1
Ground Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	32°F Entering Water	3.1 COP	ARI/ISO-13256-1

^a Reserved.
^b IPLVs and part load rating conditions are only applicable to equipment with capacity modulation.
^c Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat.
^d Single-phase air-cooled heat pumps < 65,000 Btu/h are regulated by NAECA. SEER and HSPF values are those set by NAECA.

**Table 14-1C
Water Chilling Packages, Minimum Efficiency Requirements**

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Air Cooled, With Condenser, Electrically Operated	All Capacities		2.80 COP 3.05 IPLV	ARI 550/590
Air Cooled, Without Condenser, Electrically Operated	All Capacities		3.10 COP 3.45 IPLV	
Water Cooled, Electrically Operated, Positive Displacement (Reciprocating)	All Capacities		4.20 COP 5.05 IPLV	ARI 550/590
Water Cooled, Electrically Operated, Positive Displacement (Rotary Screw and Scroll)	< 150 Tons		4.45 COP 5.20 IPLV	ARI 550/590
	≥ 150 Tons and < 300 Tons		4.90 COP 5.60 IPLV	
	≥ 300 Tons		5.50 COP 6.15 IPLV	

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Water Cooled, Electrically Operated, Centrifugal	< 150 Tons		5.00 COP 5.25 IPLV	ARI 550/590
	≥ 150 Tons and < 300 Tons		5.55 COP 5.90 IPLV	
	≥ 300 Tons		6.10 COP 6.40 IPLV	
Air Cooled Absorption Single Effect	All Capacities		0.60 COP	ARI 560
Water Cooled Absorption Single Effect	All Capacities		0.70 COP	
Absorption Double Effect, Indirect-Fired	All Capacities		1.00 COP 1.05 IPLV	
Absorption Double Effect, Direct-Fired	All Capacities		1.00 COP 1.00 IPLV	
^a Reserved. ^b The chiller equipment requirements do not apply for chillers used in low temperature applications where the design leaving fluid temperature is less than or equal to 40°F.				

PROPOSED

Table 14-1D

Packaged Terminal Air Conditioners, Packaged Terminal Heat Pumps, Room Air Conditioners, and Room Air Conditioner Heat Pumps, Electrically Operated, Minimum Efficiency Requirements

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
PTAC (Cooling Mode) New Construction	All Capacities	95°F db Outdoor Air	12.5 - (0.213 x Cap/1000) ^b EER	ARI 310/380
PTAC (Cooling Mode) Replacements ^c	All Capacities	95°F db Outdoor Air	10.9 - (0.213 x Cap/1000) ^b EER	
PTHP (Cooling Mode) New Construction	All Capacities	95°F db Outdoor Air	12.3 - (0.213 x Cap/1000) ^b EER	
PTHP (Cooling Mode) Replacements ^c	All Capacities	95°F db Outdoor Air	10.8 - (0.213 x Cap/1000) ^b EER	
PTHP (Heating Mode) New Construction	All Capacities		3.2 - (0.026 x Cap/1000) ^b COP	
PTHP (Heating Mode) Replacements ^c	All Capacities		2.9 - (0.026 x Cap/1000) ^b COP	
<u>SPVAC (Cooling Mode)</u>	<u>All Capacities</u>	<u>95°F db/75°F wb Outdoor Air</u>	<u>8.6 EER</u>	<u>ARI-390</u>
<u>SPVHP (Cooling Mode)</u>	<u>All Capacities</u>	<u>95°F db/75°F wb Outdoor Air</u>	<u>8.6 EER</u>	
<u>SPVAC (Heating Mode)</u>	<u>All Capacities</u>	<u>47°F db/43°F wb Outdoor Air</u>	<u>2.7 COP</u>	
Room Air Conditioners, with Louvered Sides	< 6,000 Btu/h		9.7 EER	ANSI/AHAM RAC-1
	≥ 6,000 Btu/h and < 8,000 Btu/h		9.7 EER	
	≥ 8,000 Btu/h and < 14,000 Btu/h		9.8 EER	

PROPOSED

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Room Air Conditioners, without Louvered Sides	≥ 14,000 Btu/h and < 20,000 Btu/h		9.7 EER	
	≥ 20,000 Btu/h		8.5 EER	
	< 8,000 Btu/h		9.0 EER	
	≥ 8,000 Btu/h and < 20,000 Btu/h		8.5 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioner Heat Pumps with Louvered Sides	< 20,000 Btu/h		9.0 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioner Heat Pumps without Louvered Sides	< 14,000 Btu/h		8.5 EER	
	≥ 14,000 Btu/h		8.0 EER	
Room Air Conditioner, Casement Only	All Capacities		8.7 EER	
Room Air Conditioner, Casement – Slider	All Capacities		9.5 EER	

^a Reserved.

^b Cap means the rated cooling capacity of the product in Btu/h. If the unit's capacity is less than 7000 Btu/h, use 7000 Btu/h in the calculation. If the unit's capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculation.

^c Replacement units must be factory labeled as follows: "MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY; NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS." Replacement efficiencies apply only to units with existing sleeves less than 16-in. high and less than 42-in. wide.

^d Casement room air conditioners are not separate product classes under current minimum efficiency column.

^e New room air conditioner standards, covered by NAECA became effective October 1, 2000.

Table 14-1E
Warm Air Furnaces and Combination Warm Air Furnaces/Air-Conditioning Units, Warm Air Duct Furnaces and Unit Heaters, Minimum Efficiency Requirements

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Warm Air Furnace, Gas-Fired	< 225,000 Btu/h (66 kW)		78% AFUE or 80% E _t ^c	DOE 10 CFR Part 430 or ANSI Z21.47
	≥ 225,000 Btu/h (66 kW)	Maximum Capacity ^c Minimum Capacity ^c	80% E _t ^f	ANSI Z21.47
Warm Air Furnace, Oil-Fired	< 225,000 Btu/h (66 kW)		78% AFUE or 80% E _t ^c	DOE 10 CFR Part 430 or UL 727
	≥ 225,000 Btu/h (66 kW)	Maximum Capacity ^b Minimum Capacity ^b	81% E _t ^g —	UL 727
Warm Air Duct Furnaces, Gas-Fired	All Capacities	Maximum Capacity ^b Minimum Capacity ^b	80% E _t ^c —	ANSI Z83.9
Warm Air Unit Heaters, Gas-Fired	All Capacities	Maximum Capacity ^b Minimum Capacity ^b	80% E _t ^c —	ANSI Z83.8

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Warm Air Unit Heaters, Oil-Fired	All Capacities	Maximum Capacity ^b Minimum Capacity ^b	80% E _c ^c —	UL 731

- ^a Reserved.
- ^b Minimum and maximum ratings as provided for and allowed by the unit's controls.
- ^c Combination units not covered by NAECA (3-phase power or cooling capacity greater than or equal to 65,000 Btu/h [19 kW]) may comply with either rating.
- ^d E_t = Thermal efficiency. See test procedure for detailed discussion.
- ^e E_c = Combustion efficiency (100% less flue losses). See test procedure for detailed discussion.
- ^f E_c = Combustion efficiency. Units must also include an IID, have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.
- ^g E_t = Thermal efficiency. Units must also include an IID, have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

**Table 14-1F
Boilers, Gas- and Oil-Fired, Minimum Efficiency Requirements**

Equipment Type ^f	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure
Boilers, Gas-Fired	< 300,000 Btu/h	Hot Water	80% AFUE	DOE 10 CFR Part 430
		Steam	75% AFUE	
	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Maximum Capacity ^b	75% E _t	H.I. Htg Boiler Std
		> 2,500,000 Btu/h ^f	Hot Water	
Boilers, Oil-Fired	< 300,000 Btu/h		80% AFUE	DOE 10 CFR Part 430
		Maximum Capacity ^b	78% E _t	
	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Hot Water	83% E _c	H.I. Htg Boiler Std
		> 2,500,000 Btu/h ^f	Steam	
Oil-Fired (Residual)	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Maximum Capacity ^b	78% E _t	H.I. Htg Boiler Std
	> 2,500,000 Btu/h ^f	Hot Water	83% E _c	
	> 2,500,000 Btu/h ^f	Steam	83% E _c	

- ^a Reserved.
- ^b Minimum and maximum ratings as provided for and allowed by the unit's controls.
- ^c E_c = Combustion efficiency (100% less flue losses). See reference document for detailed information.
- ^d E_t = Thermal efficiency. See reference document for detailed information.
- ^e Alternate test procedures used at the manufacturer's option are ASME PTC-4.1 for units over 5,000,000 Btu/h input, or ANSI Z21.13 for units greater than or equal to 300,000 Btu/h and less than or equal to 2,500,000 Btu/h input.
- ^f These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers, and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.

PROPOSED

Table 14-1G
Performance Requirements for Heat Rejection Equipment

Equipment Type	Total System Heat Rejection Capacity at Rated Conditions	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^c
Propeller or Axial Fan Cooling Towers	All	95°F (35°C) Entering Water 85°F (29°C) Leaving Water 75°F (24°C) wb Outdoor Air	≥38.2 gpm/hp	CTI ATC-105 and CTI STD-201
Centrifugal Fan Cooling Towers	All	95°F (35°C) Entering Water 85°F (29°C) Leaving Water 75°F (24°C) wb Outdoor Air	≥ 20.0 gpm/hp	CTI ATC-105 and CTI STD-201
Air Cooled Condensers	All	125°F (52°C) Condensing Temperature R22 Test Fluid 190°F (88°C) Entering Gas Temperature 15°F (8°C) Subcooling 95°F (35°C) Entering Drybulb	≥176,000 Btu/h•hp	ARI 460

^a For purposes of this table, cooling tower performance is defined as the maximum flow rating of the tower divided by the fan nameplate rated motor power.

^b For purposes of this table air-cooled condenser performance is defined as the heat rejected from the refrigerant divided by the fan nameplate rated motor power.

^c Reserved.

TABLE 14-2 RESERVED

TABLE 14-3 RESERVED

TABLE 14-4
Energy Efficient Electric Motors
Minimum Nominal Full-Load Efficiency

Synchronous Speed (RPM)	Open Motors			Closed Motors		
	3,600	1,800	1,200	3,600	1,800	1,200
HP	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency
1.0	-	82.5	80.0	75.5	82.5	80.0
1.5	82.5	84.0	84.0	82.5	84.0	85.5
2.0	84.0	84.0	85.5	84.0	84.0	86.5
3.0	84.0	86.5	86.5	85.5	87.5	87.5
5.0	85.5	87.5	87.5	87.5	87.5	87.5
7.5	87.5	88.5	88.5	88.5	89.5	89.5
10.0	88.5	89.5	90.2	89.5	89.5	89.5
15.0	89.5	91.0	90.2	90.2	91.0	90.2
20.0	90.2	91.0	91.0	90.2	91.0	90.2
25.0	91.0	91.7	91.7	91.0	92.4	91.7
30.0	91.0	92.4	92.4	91.0	92.4	91.7
40.0	91.7	93.0	93.0	91.7	93.0	93.0
50.0	92.4	93.0	93.0	92.4	93.0	93.0
60.0	93.0	93.6	93.6	93.0	93.6	93.6

PROPOSED

Synchronous Speed (RPM)	Open Motors			Closed Motors		
	3,600	1,800	1,200	3,600	1,800	1,200
HP	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency
75.0	93.0	94.1	93.6	93.0	94.1	93.6
100.0	93.0	94.1	94.1	93.6	94.5	94.1
125.0	93.6	94.5	94.1	94.5	94.5	94.1
150.0	93.6	95.0	94.5	94.5	95.0	95.0
200.0	94.5	95.0	94.5	95.0	95.0	95.0

TABLE 14-5
Duct Insulation

Duct Type	Duct Location	Insulation R-Value	Other Requirements
Supply, Return	Not within conditioned space: On exterior of building, on roof, in attic, in enclosed ceiling space, in walls, in garage, in crawl spaces	R-7	Approved weather proof barrier
Outside air intake	Within conditioned space	R-7	See Section 1414.2
Supply, Return, Outside air intake	Not within conditioned space: in concrete, in ground	R-5.3	
Supply with supply air temperature < 55°F or > 105°F	Within conditioned space	R-3.3	

Note: Requirements apply to the duct type listed, whether heated or mechanically cooled. Mechanically cooled ducts requiring insulation shall have a vapor retarder, with a perm rating not greater than 0.5 and all joints sealed.

TABLE 14-6
Minimum Pipe Insulation (inches)¹

Fluid Design Operating Temp. Range, °F	Insulation Conductivity		Nominal Pipe Diameter (in.)					
	Conductivity Range Btu•in. / (h•ft ² •°F)	Mean Rating Temp. °F	Runouts ² up to 2	1 and less	> 1 to 2	> 2 to 4	> 4 to 6	> 6
Heating systems (Steam, Steam Condensate[,] and Hot water)			Nominal Insulation Thickness					
Above 350	0.32-0.34	250	1.5	2.5	2.5	3.0	3.5	3.5
251-350	0.29-0.31	200	1.5	2.0	2.5	2.5	3.5	3.5
201-250	0.27-0.30	150	1.0	1.5	1.5	2.0	2.0	3.5
141-200	0.25-0.29	125	0.5	1.5	1.5	1.5	1.5	1.5
105-140	0.24-0.28	100	0.5	1.0	1.0	1.0	1.5	1.5
Domestic and Service Hot Water Systems								
105 and Greater	0.24-0.28	100	0.5	1.0	1.0	1.5	1.5	1.5
Cooling Systems (Chilled Water, Brine[,] and Refrigerant)								
40-55	0.23-0.27	75	0.5	0.5	0.75	1.0	1.0	1.0
Below 40	0.23-0.27	75	1.0	1.0	1.5	1.5	1.5	1.5

1. Alternative Insulation Types. Insulation thicknesses in Table 14-6 are based on insulation with thermal conductivities within the range listed in Table 14-6 for each fluid operating temperature range, rated in accordance with ASTM C 335-84 at the mean temperature listed in the table. For insulation that has a conductivity outside the range shown in Table 14-6 for the applicable fluid operating temperature range at the mean rating temperature shown (when rounded to the nearest 0.01 Btu•in./(h•ft²•°F)), the minimum thickness shall be determined in accordance with the following equation:

$$T = PR \left[\left(\frac{1}{PR} + t/PR \right)^{k/k} - 1 \right]$$

Where

T = Minimum insulation thickness for material with conductivity K, inches.

PR = Pipe actual outside radius, inches[.]

t = Insulation thickness from Table 14-6, inches

K = conductivity of alternate material at the mean rating temperature indicated in Table 14-6 for the applicable fluid temperature range, $\text{Btu}\cdot\text{in}[\cdot]/(\text{h}\cdot\text{ft}^2\cdot^\circ\text{F})$

k = the lower value of the conductivity range listed in Table 14-6 for the applicable fluid temperature range, $\text{Btu}\cdot\text{in}[\cdot]/(\text{h}\cdot\text{ft}^2\cdot^\circ\text{F})$

2. Runouts to individual terminal units not exceeding 12 ft. in length.

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.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1513 Lighting controls. Lighting, including exempt lighting in Section 1512, shall comply with this section. Where occupancy sensors are cited, they shall have the features listed in Section 1513.6.1. Where automatic time switches are cited, they shall have the features listed in Section 1513.6.2.

1513.1 Local Control and Accessibility: Each space, enclosed by walls or ceiling-height partitions, shall be provided with lighting controls located within that space. The lighting controls, whether one or more, shall be capable of turning off all lights within the space. The controls shall be readily accessible, at the point of entry/exit, to personnel occupying or using the space.

EXCEPTIONS: The following lighting controls may be centralized in remote locations:

1. Lighting controls for spaces which must be used as a whole.
2. Automatic controls.
3. Controls requiring trained operators.
4. Controls for safety hazards and security.

1513.2 Area Controls: The maximum lighting power that may be controlled from a single switch or automatic control shall not exceed that which is provided by a twenty ampere circuit loaded to not more than eighty percent. A master control may be installed provided the individual switches retain their capability to function independently. Circuit breakers may not be used as the sole means of switching.

EXCEPTIONS:

1. Industrial or manufacturing process areas, as may be required for production.
2. Areas less than five percent of footprint for footprints over 100,000 square feet.

1513.3 Daylight Zone Control: All daylighted zones, as defined in Chapter 2, both under overhead glazing and adjacent to vertical glazing, shall be provided with individual controls, or daylight-or occupant-sensing automatic controls, which control the lights independent of general area lighting.

Contiguous daylight zones adjacent to vertical glazing are allowed to be controlled by a single controlling device provided that they do not include zones facing more than two adjacent cardinal orientations (i.e. north, east, south, west). Daylight zones under overhead glazing more than 15 feet from the perimeter shall be controlled separately from daylight zones adjacent to vertical glazing.

EXCEPTION: Daylight spaces enclosed by walls or ceiling height partitions and containing 2 or fewer light fixtures are not required to have a separate switch for general area lighting.

1513.4 Display, Exhibition, and Specialty Lighting Controls: All display, exhibition, or specialty lighting shall be controlled independently of general area lighting.

1513.5 Automatic Shut-Off Controls, Exterior: Exterior lighting not intended for 24-hour continuous use shall be automatically switched by timer, photocell, or a combination of timer and photocell. Automatic time switches must also have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.

1513.6 Automatic Shut-Off Controls, Interior: ((Office)) Buildings greater than 5,000 sq. ft. and all school classrooms shall be equipped with separate automatic controls to shut off the lighting during unoccupied hours. Within these buildings, all office areas less than 300 ft² enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms, shall be equipped with occupancy sensors that comply with Section 1513.6.1. For other spaces, automatic controls may be an occupancy sensor, time switch, or other device capable of automatically shutting off lighting.

EXCEPTIONS:

1. Areas that must be continuously illuminated (e.g., 24-hour convenience stores), or illuminated in a manner requiring manual operation of the lighting.
2. Emergency lighting systems.
3. Switching for industrial or manufacturing process facilities as may be required for production.
4. Hospitals and laboratory spaces.
5. Areas in which medical or dental tasks are performed are exempt from the occupancy sensor requirement.

1513.6.1 Occupancy Sensors: Occupancy sensors shall be capable of automatically turning off all the lights in an area, no more than 30 minutes after the area has been vacated. Light fixtures controlled by occupancy sensors shall have a wall-mounted, manual switch capable of turning off lights when the space is occupied.

1513.6.2 Automatic Time Switches: Automatic time switches shall have a minimum 7 day clock and be capable of being set for 7 different day types per week and incorporate an automatic holiday "shut-off" feature, which turns off all loads for at least 24 hours and then resumes normally scheduled operations. Automatic time switches shall also have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.

Automatic time switches shall incorporate an over-ride switching device which:

- a. Is readily accessible;
- b. Is located so that a person using the device can see the lights or the areas controlled by the switch, or so that the area being illuminated is annunciated; and
- c. Is manually operated;
- d. Allows the lighting to remain on for no more than two hours when an over-ride is initiated; and
- e. Controls an area not exceeding 5,000 square feet or 5 percent of footprint for footprints over 100,000 square feet, whichever is greater.

- i. Luminaires or lamps which have a reflector or louver assembly to direct the light;
- ii. Fixtures are fitted with ceramic metal halide lamps not exceeding 150 watts; and
- iii. Electronic ballasts.

1513.7 Commissioning Requirements: For lighting controls which include daylight or occupant sensing automatic controls, automatic shut-off controls, occupancy sensors, or automatic time switches, the lighting controls shall be tested to ensure that control devices, components, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications. A complete report of test procedures and results shall be prepared and filed with the owner. Drawing notes shall require commissioning in accordance with this paragraph.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1521 Prescriptive interior lighting requirements. Spaces for which the Unit Lighting Power Allowance in Table 15-1 is 0.8 watts per square foot or greater may use unlimited numbers of lighting fixtures and lighting energy, provided that the installed lighting fixtures comply with all four of the following criteria:

- a. One- or two-lamp (but not three- or more lamp);
- b. ~~((Nonlensed, fluorescent fixtures;))~~ Luminaires have a reflector or louver assembly to direct the light (bare lamp strip or industrial fixtures do not comply with this section);
- c. Fitted with type T-1, T-2, T-4, T-5, ~~((T-6;))~~ T-8 or compact fluorescent lamps from 5 to ~~((50))~~ 60 watts (but not T-10 or T-12 lamps); and
- d. Hard-wired fluorescent electronic dimming ballasts ~~(())~~ with photocell or programmable dimming control for all lamps in all zones (nondimming electronic ballasts and electronic ballasts that screw into medium base sockets do not comply with this section(())).

Track lighting is not allowed under this path.

- EXCEPTIONS:
- 1. Up to a total of 5 percent of installed lighting fixtures ~~((need not be ballasted and))~~ may use any type of ~~((lamp))~~ ballasted lamp and do not require dimming controls.
 - 2. Clear safety lenses are allowed in food prep and serving areas and patient care areas in otherwise compliant fixtures.
 - 3. Exit lights are not included in the count of fixtures provided that they do not exceed 5 watts per fixture and are light emitting diode (LED) type or T-1 fluorescent type only. (See the Uniform Fire Code for face illumination footcandle requirements and other requirements.)
 - 4. LED lights other than exit lights addressed by exception 3.
 - 5. Metal halide lighting which complies with all three of the following criteria:

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

WAC 51-11-1532 Exterior lighting power allowance.

The exterior lighting power allowance shall be the sum of the calculated allowances for parking, outdoor areas and building exteriors. The lighting allowance for covered parking, open parking and outdoor areas that are illuminated shall be 0.20 watts per square foot. The lighting allowance for building exteriors shall be calculated either by multiplying the building facade area by 0.25 watts per square foot or multiplying the building perimeter in feet by 7.5 watts per linear foot.

- EXCEPTIONS:
- 1. Group U Occupancy accessory to Group R-3 or R-4 Occupancy.
 - 2. For covered parking, 0.30 w/sf may be used for the lighting provided that the ceilings and walls are painted or stained with a reflectance value of 0.70 or higher.

TABLE 15-1
Unit Lighting Power Allowance (LPA)

Use ¹	LPA ² (watts/sq. ft.)
Painting, welding, carpentry, machine shops	2.3
Barber shops, beauty shops	2.0
Hotel banquet/conference/exhibition hall ^{3,4}	2.0
Laboratories (See also office and other appropriate categories)	((2.0)) 1.8
Aircraft repair hangars	1.5
Cafeterias, fast food establishments ⁵	1.5
Factories, workshops, handling areas	1.5
Gas stations, auto repair shops ⁶	1.5
Institutions	1.5
Libraries ⁵	1.5
Nursing homes and hotel/motel guest rooms	1.5
Retail ¹⁰ , retail banking	1.5
Wholesale stores (pallet rack shelving)	1.5
Mall concourses	1.4
Schools buildings (Group E Occupancy only), school classrooms, day care centers	((1.35)) 1.20
Laundries	((1.3)) 1.20
Medical offices, clinics ¹²	1.20
Office buildings, office/administrative areas in facilities of other use types (including but not limited to schools, hospitals, institutions, museums, banks, churches) ^{5,7,11}	((1.2)) 1.00
Police and fire stations ⁸	((1.2)) 1.00
Atria (atriums)	1.0

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Use ¹	LPA ² (watts/sq. ft.)
Assembly spaces ⁹ , auditoriums, gymnasia ⁹ , theaters	1.0
Group R-1 and R-2 common areas	1.0
Process plants	1.0
Restaurants/bars ⁵	1.0
Locker and/or shower facilities	0.8
Warehouses ¹¹ , storage areas	0.5
Aircraft storage hangars	0.4
Parking garages	See Section 1532
Plans Submitted for Common Areas Only⁷	
Main floor building lobbies ³ (except mall concourses)	1.2
Common areas, corridors, toilet facilities and wash-rooms, elevator lobbies	0.8

Footnotes for Table 15-1

- In cases in which a general use and a specific use are listed, the specific use shall apply. In cases in which a use is not mentioned specifically, the *Unit Power Allowance* shall be determined by the building official. This determination shall be based upon the most comparable use specified in the table. See Section 1512 for exempt areas.
- The watts per square foot may be increased, by two percent per foot of ceiling height above twenty feet, unless specifically directed otherwise by subsequent footnotes.
- Watts per square foot of room may be increased by two percent per foot of ceiling height above twelve feet.
- For all other spaces, such as seating and common areas, use the *Unit Light Power Allowance* for assembly.
- Watts per square foot of room may be increased by two percent per foot of ceiling height above nine feet.
- ~~((Includes pump area under canopy.))~~ See Section 1532 for exterior lighting.
- ~~((In cases in which a lighting plan is submitted for only a portion of a floor, a Unit Lighting Power Allowance of 1.35 may be used for usable office floor area and 0.80 watts per square foot shall be used for the common areas, which may include elevator space, lobby area and rest rooms. Common areas, as herein defined do not include mall concourses.))~~ For conference rooms and offices less than 150 ft² with full-height partitions, a *Unit Lighting Power Allowance* of 1.20 W/ft² may be used.
- For the fire engine room, the *Unit Lighting Power Allowance* is 1.0 watts per square foot.
- For indoor sport tournament courts with adjacent spectator seating, the *Unit Lighting Power Allowance* for the court area is 2.6 watts per square foot.
- Display window illumination installed within 2 feet of the window, provided that the display window is separated from the retail space by walls or at least three-quarter-height partitions (transparent or opaque) and lighting for free-standing display where the lighting moves with

the display ~~((and building showcase illumination where the lighting is enclosed within the showcase))~~ are exempt.

An additional 1.5 w/ft² of merchandise display luminaires are exempt provided that they comply with all three of the following:

- Located on ceiling-mounted track or directly on or recessed into the ceiling itself (not on the wall).
- Adjustable in both the horizontal and vertical axes (vertical axis only is acceptable for fluorescent and other fixtures with two points of track attachment).
- Fitted with LED, tungsten halogen, fluorescent, or high intensity discharge lamps.

This additional lighting power is allowed only if the lighting is actually installed.

- Provided that a floor plan, indicating rack location and height, is submitted, the square footage for a warehouse may be defined, for computing the interior *Unit Lighting Power Allowance*, as the floor area not covered by racks plus the vertical face area (access side only) of the racks. The height allowance defined in footnote 2 applies only to the floor area not covered by racks.
- Medical and clinical offices include those facilities which, although not providing overnight patient care, do provide medical, dental, or psychological examination and treatment. These spaces include, but are not limited to, laboratories and treatment centers.

WSR 04-17-121
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed August 17, 2004, 2:06 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Renewal of driver's license or identicaid by electronic commerce—Eligibility—Vision test waiver.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA (check in at counter on first floor), on September 22, 2004, at 3:00 p.m.

Date of Intended Adoption: September 23, 2004.

Submit Written Comments to: Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, e-mail cholloway@dol.wa.gov, fax (360) 586-8351, by September 21, 2004.

Assistance for Persons with Disabilities: Contact Clark J. Holloway by September 21, 2004, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Adds a new section to chapter 308-104 WAC to establish eligibility requirements for applicants to renew driver's licenses or identicards by electronic commerce. Makes a conforming amendment to

PROPOSED

WAC 308-104-010 to permit a waiver of the vision test for applicants renewing driver's licenses by mail or electronic commerce.

Reasons Supporting Proposal: RCW 46.20.117 (3)(b), 46.20.120 (3)(b), and 46.20.120 (4)(b) permit applicants for identicard and driver's license renewal to renew by mail or electronic commerce "if permitted by rule of the department." The proposed rule and the conforming amendment to WAC 308-104-010 establish the eligibility requirements to renew by electronic commerce.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: RCW 46.20.117, 46.20-120.

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

Name of Proponent: Department of Licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Clark J. Holloway, Highways-Licenses Building, Olympia, Washington, (360) 902-3846; Implementation and Enforcement: Denise Movius, Highways-Licenses Building, Olympia, Washington, (360) 902-3850.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.025(3).

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this proposed rule under the provisions of RCW 34.05.328 (5)(a)(i).

August 17, 2004

Denise M. Movius
Assistant Director

AMENDATORY SECTION (Amending Order 2, filed 6/26/68)

WAC 308-104-010 Vision test. ~~((All applicants))~~ **(1) A person making application** for a driver's license or renewal shall be required to take a vision test administered by the department.

(a) Any person having less than a 20/40 Snellen vision acuity with both eyes combined either corrected or uncorrected, or having some apparent significant visual limitation, must have an eye examination by an ophthalmologist or optometrist.

(b) If an applicant's vision cannot be corrected so that it will be within the 20/40 Snellen range for visual acuity or other vision problems cannot be corrected, then he or she must submit to a special examination in order to determine if a license ~~((or renewal))~~ shall be issued and ~~((if so what))~~ **whether** limitations or restrictions should be ~~((placed on the driving privilege))~~ **imposed**.

(2) The department may waive the requirement for a vision test for any person applying for the renewal of a driver's license by mail or electronic commerce if the person certifies on the application that his or her vision acuity is no less than 20/40 as measured on the Snellen test for visual acuity, either corrected or uncorrected, and that there are no other vision problems.

NEW SECTION

WAC 308-104-019 Renewal of driver's license or identicard by electronic commerce—Eligibility. An applicant for a driver's license renewal or identicard renewal may make application by electronic commerce if he or she has received an authorization notice from the department.

(1) The department may send an authorization notice to a person whose valid driver's license is about to expire if the person:

(a) Is eligible to renew his or her driver's license by electronic commerce under the provisions of RCW 46.20.120 (3)(b) or (4)(b);

(b) Has previously been issued a digital driver's license;

(c) Is at least twenty-four and not more than sixty-five years of age;

(d) Has a valid social security number on file with the department;

(e) Has a valid mailing address on his or her driving record as maintained by the department;

(f) Does not have a commercial driver's license, instruction permit, or agricultural permit;

(g) Has not paid a fee owed to the department with a check that has been dishonored;

(h) Has not failed to appear, respond, or comply with the terms of or in response to a traffic citation or notice of traffic infraction; and

(i) Does not have any actions pending against his or her driver's license or driving privileges.

(2) A person applying for driver's license renewal by electronic commerce must:

(a) Certify that within the last six months he or she has not had a loss of consciousness or control that could impair his or her ability to operate a motor vehicle safely;

(b) Make the necessary certification under WAC 308-104-010(2); and

(c) Complete the required application and pay all applicable fees.

(3) The department may send an authorization notice to a person whose valid identicard is about to expire if the person:

(a) Is eligible to renew his or her identicard by electronic commerce under the provisions of RCW 46.20.117 (3)(b);

(b) Is at least twenty-four years of age; and

(c) Has previously been issued a digital identicard.

(4) A person applying for identicard renewal by electronic commerce must complete the required application and pay all applicable fees.

(5) The department may specify the means and establish procedures by which a person may make an application under this section.

WSR 04-17-122

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 17, 2004, 2:07 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Request for hearing conducted under RCW 46.20.308.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA (check in at counter on first floor), on September 22, 2004, at 3:00 p.m.

Date of Intended Adoption: September 23, 2004.

Submit Written Comments to: Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, e-mail cholloway@dol.wa.gov, fax (360) 586-8351, by September 21, 2004.

Assistance for Persons with Disabilities: Contact Clark J. Holloway by September 21, 2004, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amends WAC 308-103-040 to clarify the time period in which a driver may request a hearing when the department proposes to suspend or revoke the person's driving privileges following an arrest for an alcohol-related traffic offense.

Reasons Supporting Proposal: Current rule provides that a person may request a hearing within thirty days of arrest in certain alcohol-related traffic cases. RCW 46.20.308, however, provides that the person may request a hearing within thirty days of the date notice is given by a law enforcement officer of the department's intent to suspend, revoke, or deny the driver's license. While these dates are usually identical, circumstances occasionally occur where the processing of the arrest delays the service of notice of the intent to suspend, revoke, or deny until the day following arrest. This amendment is necessary in order to assure that the driver is given adequate time to file a request for a hearing as provided by RCW 46.20.308.

Statutory Authority for Adoption: RCW 46.01.110, 46.20.308.

Statute Being Implemented: RCW 46.20.308.

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

Name of Proponent: Department of Licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Clark J. Holloway, Highways-Licenses Building, Olympia, Washington, (360) 902-3846; Implementation and Enforcement: Denise Movius, Highways-Licenses Building, Olympia, Washington, (360) 902-3850.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.025(3).

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this proposed rule under the provisions of RCW 34.05.328 (5)(a)(i).

August 17, 2004

Denise M. Movius
Assistant Director

AMENDATORY SECTION (Amending WSR 02-11-011, filed 5/3/02)

WAC 308-103-040 Requests for hearings. The request for a hearing shall be in compliance with the following requirements:

(1) The petitioner must file his or her formal request for hearing:

(a) Within thirty days of ((arrest)) the date notice is given under RCW 46.20.308(6) if the petitioner submitted to a breath test;

(b) Within thirty days of ((arrest)) the date notice is given under RCW 46.20.308(6) if the petitioner is alleged to have refused the breath or blood test; or

(c) Within thirty days of the date notice of the department's intention to suspend, revoke, or deny the petitioner's license, permit, or privilege to drive is given in the event notice is given by the department following a blood test;

(2) If a request for hearing is mailed, it must be received by the department within seven days of the date the request was postmarked in order to be considered timely under this section. This provision may be waived if the request is received by the department within thirty days of the date of arrest, or within thirty days of the date notice is given in the event notice is given by the department following a blood test, or if the petitioner and the department agree to a waiver of the sixty-day hearing requirement;

(3) The request for a hearing shall be in writing. The petitioner may use the form provided by the department for this purpose or any other writing;

(4) The hearing request form provided by the department shall include a statement that if the parties or witness(es) are hearing or speech impaired and/or non-English speaking, a qualified interpreter will be appointed at no cost to the parties or witnesses. The form shall include a section where the petitioner may request an interpreter and where he or she may identify the language and/or nature of the interpretive services needed;

(5) The request for hearing shall include the following information with respect to the petitioner:

(a) Full name;

(b) Mailing address;

(c) Daytime telephone number, including area code;

(d) Date of birth; and

(e) Driver's license number;

(6) If petitioner will have legal representation at the administrative hearing, the request shall also include the legal representative's name, mailing address, and daytime telephone number, including area code;

(7) The request for hearing shall be submitted to the Department of Licensing, Driver Services Division, Hearings & Interviews, P.O. Box 9031, Olympia, Washington 98507-9031;

(8) The written request for hearing shall be accompanied by a filing fee of one hundred dollars, unless the petitioner is entitled to a waiver of the filing fee because of indigence, in which case a request and justification for the fee waiver shall accompany the hearing request;

(9) A petitioner who has been denied a court-appointed attorney on the underlying related criminal charge because he

or she is deemed "not indigent" is not eligible for a fee waiver;

(10) Indigence may be established as follows:

(a) Written verification of court-appointed legal counsel on the associated underlying criminal charge;

(b) Written verification of current involuntary commitment to a public mental health facility;

(c) Verification of current receipt of general assistance, temporary assistance for needy families, refugee resettlement benefits, food stamps, supplemental security income, or Medicaid; or

(d) Submission and approval of the department's "Application for Waiver of Hearing Fee" form;

(11) Failure to timely submit a hearing request and/or failure to include the filing fee or application for waiver with the hearing request shall be deemed a waiver of the petitioner's right to a hearing; and

(12) If a request for hearing is denied, the department shall notify the petitioner and the petitioner's legal representative, if any, stating the reason(s) for denial.

WSR 04-17-124
PROPOSED RULES
GAMBLING COMMISSION
 [Filed August 17, 2004, 3:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-11-032.

Title of Rule and Other Identifying Information: New section WAC 230-04-208 Problem gambling fee.

Hearing Location(s): Best Western Icicle Inn, 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on October 15, 2004, at 9:30 a.m.

Date of Intended Adoption: October 15, 2004.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504, e-mail Susana@wsgc.wa.gov, fax (360) 486-3625, by October 1, 2004.

Assistance for Persons with Disabilities: Contact Shirley Corbett by October 1, 2004, TTY (360) 486-3637 or (360) 486-3447.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: ESHB 2459, supplemental budget fund transfer, passed during the 2004 legislative session. The bill was to remove \$3 million from the commission's budget, with \$500,000 of that amount directed to problem gambling treatment programs, if another bill passed (HB 2776). The commission sent a letter to the governor supporting problem gambling, but opposing the fund transfer. In the end, \$2.5 million was transferred from the gambling revolving fund; however, the governor vetoed the transfer of \$500,000 for problem gambling and requested the commission consider its contributions to problem gambling.

Reasons Supporting Proposal: The proposed rule would provide a stable funding source and raise approximately \$232,000 for use toward problem gambling training, awareness services and a helpline. The fee would be assessed on

charitable/nonprofit and commercial organizations, not individual licenses.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Nonapplicable.

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

Name of Proponent: Washington State Gambling Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Neal Nunamaker, Deputy Director, Lacey, (360) 486-3452.

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

A cost-benefit analysis is not required under RCW 34.05.328.

August 17, 2004

Susan Arland

Rules Coordinator

NEW SECTION

WAC 230-04-208 Problem gambling fee. The legislature amended RCW 9.46.071 in 2003, to allow the gambling commission to contract with qualified entities to provide public awareness training and other services for problem gambling. To provide a funding source for such a contract, each organization applying for a gambling license or permit must pay a fee. The fee is nonrefundable. The fee will be paid with the original application and each subsequent renewal application. The license application will be deemed incomplete and will not be processed without this fee. The fee is imposed on applications received on or after June 30, 2005. The problem gambling fee is a percentage of each license fee as follows:

License Fee	Percentage
Less than \$2,000	2%
\$2,000, but less than \$5,000	2.5%
\$5,000, but less than \$7,000	3%
\$7,000, but less than \$9,500	3.5%
\$9,500 or greater	4%

WSR 04-17-127

PROPOSED RULES

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2004-01—Filed August 18, 2004, 8:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-11-108.

Title of Rule and Other Identifying Information: Clarification to insurance scoring rules.

PROPOSED

Hearing Location(s): John L. O'Brien Building, House Hearing Room C, 504 15th Avenue S.W., Olympia, WA 98504, on September 30, 2004, at 10:00 a.m.

Date of Intended Adoption: October 14, 2004.

Submit Written Comments to: Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109 by September 29, 2004.

Assistance for Persons with Disabilities: Contact Lori Villaflores by September 27, 2004, TDD (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The existing credit scoring rules, chapter 284-24A WAC, were reviewed and rewritten to provide more information. Data requirements for multivariate analysis were clarified to be more consistent with how insurers collect data. Data requirements for demographic factors were revised to allow insurers to group rural and urban territories when they provide data relative to consumers who have no available insurance score. A definition of "eligibility rules or guidelines" is added to help insurers understand what data are confidential. A new section is added to explain the process insurers must use to identify and file eligibility rules and guidelines. Finally, the types of information that insurers must provide to consumers when an adverse action is taken is clarified so that consumers will be sent information they can understand.

These proposed rules will reduce the Office of Insurance Commissioner (OIC) staff time in reviewing rate filings. These proposed rules will also reduce consumer complaints because consumers will have better information about adverse actions taken by insurers based on insurance scores.

Reasons Supporting Proposal: First, HB 2727 was enacted in the 2004 session to clarify the filing requirements for insurers who use insurance scoring to set rates. These proposed rules will help the implementation of this law. Second the OIC has received many consumer complaints relating to the adverse actions notices required by RCW 48.18.545(2). Consumers have found notices confusing, and the complaints have suggested the chapter 284-24A WAC needs further amendments so insurers provide better information to consumers about their insurance scores.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.545, 48.19.035, and 48.30.010.

Statute Being Implemented: RCW 48.18.545 and 48.19.035.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These proposed rules will reduce OIC staff time in reviewing rate filings. These proposed rules will also reduce consumer complaints because consumers will have a better understanding of their credit score.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Lisa Smego, Tumwater, Washington, (360) 725-7134; Implementation: Beth Berendt, Tumwater, Washington, (360) 725-7117; and Enforcement: Carol Sureau, Tumwater, Washington, (360) 725-7050.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules should have no negative economic impact on small businesses regulated by the OIC.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal is not a significant legislative rule for the purposes of RCW 34.05.328.

August 17, 2004

Mike Kreidler

Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2001-11, filed 9/6/02, effective 10/7/02)

WAC 284-24A-005 What definitions are important to these rules? "Demographic factors" means the factors listed below if they are used in an insurer's rates, rating tiers, rating factors, rating rules or risk classification plan:

- Age of the insured;
- Sex of the insured;
- The rating territory assigned to the insured's primary home address(, and
- ~~• The zip code assigned to the insured's primary home address)).~~

"Eligibility rules or guidelines" mean rules that determine whether a consumer is eligible for insurance from a single insurer or a group of affiliated companies. Eligibility rules or guidelines do not include rules that determine which company within an affiliated group of companies a consumer will be placed based on their insurance score or other underwriting criteria.

"Premium" means the same as RCW 48.18.170.

"Rate" means the cost of insurance per exposure unit.

"Rating factor" means a number used to calculate premium.

"Risk classification plan" means a plan to formulate different premiums for the same coverage based on group characteristics.

"Significant factor" means an important element of a consumer's credit history or insurance score. Examples of significant factors include:

- Bankruptcies, judgments, and liens;
- Delinquent accounts;
- Accounts in collection;
- Payment history;
- Outstanding debt;
- Length of credit history; and
- Number of credit accounts.

"Substantive underwriting factor" means a factor that is very important to an underwriting decision. Examples of substantive underwriting factors include:

- History of filing claims;
 - History of moving violations or accidents;
 - History of driving uninsured;
 - Type of performance for which a vehicle is designed; and
 - Maintenance of a structure to be insured.
- "Vehicle"** means any motorized vehicle that can be insured under a private passenger auto insurance policy.

AMENDATORY SECTION (Amending Matter No. R 2001-11, filed 9/6/02, effective 10/7/02)

WAC 284-24A-010 What must an insurer tell a consumer when it takes an adverse action? (1) An insurer must tell a consumer about significant factors that adversely affect the consumer's credit history or insurance score. As many as four factors may be needed to explain the adverse action.

(2) An insurer must explain what significant factors led to an adverse action in clear and simple language. The explanation must provide enough detail so that the consumer has enough information to understand why their credit history has adversely affected their:

- Eligibility for insurance; or
- Ability to buy insurance at the lowest premium or rate.

(3) ~~((An insurer may choose to tell consumers which factors positively affect a consumer's credit history or insurance score.))~~ The insurer is responsible to make sure the reason(s) an adverse action occurred can be understood by a consumer, even if the reason(s) are provided to the insurer by a vendor.

NEW SECTION

WAC 284-24A-033 How will an insurer or a group of affiliated insurers know its eligibility guidelines will be withheld from public inspection? Eligibility guidelines will be kept as confidential records if they:

- (1) Conform to the definition in WAC 284-24A-005; and
- (2) Are clearly identified in the filing.

To ensure confidentiality, insurers should submit eligibility guidelines in a separate and distinct part of the filing so they may be separated from other documents in the filing that are public records under RCW 48.19.040(5).

AMENDATORY SECTION (Amending Matter No. R 2001-11, filed 9/6/02, effective 10/7/02)

WAC 284-24A-045 If an insurer uses credit history or insurance scores to segment personal insurance business for rating purposes, how can the insurer show that its rating plan results in premium rates that are not excessive, inadequate, or unfairly discriminatory? If an insurer uses credit history or insurance scores to segment personal insurance business for rating purposes, the insurer must:

- (1) Submit a multi variate analysis with the first rate and rule filing the insurer makes to comply with this law.
- (2) Submit a multivariate analysis any time the insurer uses credit history or an insurance score to revise a risk classification plan, rating factor, rating plan, rating tier, or base rates.

AMENDATORY SECTION (Amending Matter No. R 2001-11, filed 9/6/02, effective 10/7/02)

WAC 284-24A-050 What types of information must an insurer include in a multivariate analysis? (1) A multivariate statistical analysis must evaluate the rating factors listed below (if applicable to the rating plan, and to the extent that data are credible):

- (a) For homeowners, dwelling property, earthquake, and personal inland marine insurance:

- (i) ~~((Credit history;))~~ Insurance score;
 - (ii) Territory and/or ~~((location))~~ geographic area;
 - (iii) Protection class;
 - (iv) Amount of insurance;
 - (v) Surcharges or discounts based on loss history;
 - (vi) Number of family units; and
 - (vii) Policy form relativity.
- (b) For private passenger automobile, personal liability and theft, and mechanical breakdown insurance:
- (i) ~~((Credit history;))~~ Insurance score;
 - (ii) Driver class;
 - (iii) Multicar discount;
 - (iv) Territory and/or geographic area;
 - (v) Vehicle use;
 - (vi) Rating factors related to driving record; and
 - (vii) Surcharges or discounts based on loss history.
- (2) An insurer must provide a general description of the model used to perform the multivariate analysis, including the:
- (a) Formulas the model uses;
 - (b) Rating factors that are included in the modeling process; and
 - (c) Output from the model, such as indicated rates or rating factors.
- (3) An insurer must show how the proposed rates or rating factors are related to the multivariate analysis.

AMENDATORY SECTION (Amending Matter No. R 2001-11, filed 9/6/02, effective 10/7/02)

WAC 284-24A-055 Should an insurer submit actuarial data based on demographic factors with an insurance scoring model or with a rate filing? (1) Insurers should not submit actuarial data based on demographic factors with their insurance scoring model.

(2) Insurers must submit actuarial data based on demographic factors to support any difference in rates or premiums based on:

- (a) "No hit," which means the absence of credit history;
- or
- (b) "No score," which means the inability to determine the consumer's credit history.

(3) The actuarial data must include:

- (a) Loss history for an experience period acceptable to the commissioner. The length of the experience period will be determined by the amount of data available to the insurer.
- (b) Earned exposures.
- (c) Earned premiums.
- (d) An analysis of the credibility of the data.

(4) The actuarial data must be segmented by:

- (a) Demographic factors, which may be grouped in broader categories in a manner acceptable to the commissioner;

- (b) "No hit"; and

- (c) "No score."

(5) The actuarial data must show that the proposed rates, rating factors, rating rules, or risk classification plans relating to "no hit" and "no score" comply with RCW 48.19.020.

(6) These filings are subject to prior approval by the commissioner under the provisions of RCW 48.19.040.

AMENDATORY SECTION (Amending Matter No. R 2001-11, filed 9/6/02, effective 10/7/02)

WAC 284-24A-065 Questions and answers. (1) **Our insurance company uses insurance scoring bands (a range of scores) to determine what to charge a consumer based on their personal insurance score. Does an insurer have to file its insurance scoring bands?** Yes. If an insurer uses insurance scoring bands for rating purposes, the insurer must file them (and any future changes to those bands). The bands are part of the rating plan and must be supported by actuarial analysis.

(2) **What types of data can an insurer use to support a credit-based rating plan?** A credit-based rating plan must be based on the experience of the insurer, an affiliated insurer under the same management, or a licensed rating organization. The commissioner will accept data from other states where comparable credit-based rating plans are in effect.

(3) **The law says an insurer cannot use the number of credit inquiries to set rates or to deny insurance. Can an insurer consider the amount of time since the most recent inquiry?** Yes. The law prohibits an insurer from considering the number of credit-seeking or promotional inquiries. It does not prohibit ~~((yøu))~~ an insurer from considering the length of time since the most recent inquiry about a consumer's credit rating.

(4) **The law says an insurer cannot use collections identified with a medical industry code to set rates or to deny insurance. Not all credit vendors provide industry codes for collection accounts. If a vendor searches for medical references in a text field, would that action comply with the law?** Yes. Collections identified with a medical industry code cannot be used. If medical history is not coded or identified, insurers and vendors are not required to perform additional research.

(5) **The law says an insurer cannot use the initial purchase or finance of a vehicle or house that adds a new loan to the consumer's existing credit history to set rates or to deny insurance. Can my company use the number of such loans and/or the outstanding balance of such loans?**

- An insurer may not use the initial purchase of a home or vehicle to affect eligibility for insurance or insurance premiums. The initial purchase is the first loan taken out to buy a home or vehicle.

- An insurer may evaluate any subsequent borrowing by a consumer.

- A method an insurer or vendor can use to comply with the law is to eliminate vehicle and home loans from the consumer's debt load calculation.

(6) **The law says an insurer cannot use the total available line of credit to set rates or to deny insurance. Can my company use number of credit lines with limits over a set amount?**

- The law prohibits use of data related to the consumer's total available line of credit. Any attribute that evaluates the total amount of credit available to a consumer is prohibited.

- ~~((Yøu))~~ Your insurer may use the debt/credit ratio or other ratios that consider the actual debt load. The law does not restrict use of ratios that determine whether an insured is over-extended due to actual debt.

(7) What types of reasons can an insurer provide that include enough detail to adequately explain an adverse action? An insurer must explain any adverse action in clear and simple language. Insurers must not use cryptic phrases that do not explain why the consumer was charged a higher premium or determined to be ineligible for coverage by the insurer. Examples of adverse actions notices that do not meet this standard include, but are not limited to:

- Unfavorable length of credit history. This information is not clear because the consumer must do additional research to determine what a favorable length of credit history means. The insurer may overcome this problem by providing examples of how long a consumer must have credit history to be considered "favorable" to the insurer.

- Absence of revolving credit account. The information is not clear because the consumer must often do additional research to determine what the insurer considers "revolving credit" and why this is important to their insurance score. The insurer may overcome these problems by providing examples of revolving credit and explain why this is more important than other types of loans to the insurer.

- Age of oldest account or revolving credit account. The information is not clear because the consumer must do additional research to determine what a favorable account age means. The insurer may overcome this problem by providing examples of how long a consumer must have an account to be considered "favorable" to the insurer.

- Age that consumer first opened a credit account. The information is not clear because the consumer must often do additional research to determine what age they should have opened up a credit account to avoid an adverse action and why this is important to their insurance score. The insurer may overcome this problem by telling the consumer which age groups get the best insurance prices.

- Unfavorable number of bank or revolving accounts. This information is not clear because the consumer must do additional research to determine what a favorable number of bank or revolving accounts means. The insurer may overcome this problem by providing examples of the number of accounts the consumer must have to be considered "favorable" to the insurer.

- Unfavorable debt ratio. This information is not clear because the consumer must often do additional research to determine what a "debt ratio" is and why it is important to their insurance score. The insurer may overcome these problems by explaining what a debt ratio means and how much debt a consumer can have to achieve a favorable debt ratio.

- Unfavorable number of accounts opened in past year. This information is not clear because the consumer must do additional research to determine how many accounts they can open before their insurance score is affected. The insurer may overcome this problem by providing examples of how many new accounts are considered "favorable" to the insurer.

WSR 04-17-128
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2003-08—Filed August 18, 2004,
8:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-22-009.

Title of Rule and Other Identifying Information: Standards for coverage of chemical dependency.

Hearing Location(s): Insurance Commissioner's Office, Room TR 120, 5000 Capitol Boulevard, Tumwater, WA 98501, on September 22, 2004, at 2:00 p.m.

Date of Intended Adoption: September 30, 2004.

Submit Written Comments to: Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, by September 21, 2004.

Assistance for Persons with Disabilities: Contact Lori Villaflores by September 17, 2004, TTY (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The current regulations include a minimum benefit "floor" with an escalating amount of benefits every twelve months. The benefit adjustment must correspond with the change in the medical care component of the consumer price index (CPI) for all urban consumers for the *Seattle Standard Metropolitan Statistical Area*. The new total is calculated each year and posted on the Office of Insurance Commissioner (OIC) website. While carriers are advised of the new benefit amount in July and have until January to implement it, it is a component of the contract that continues to change each year in an unpredictable manner. The unpredictability of the benefit is administratively burdensome for carriers.

The proposed regulatory change eliminates the need to recalculate a new minimum benefit amount each year based upon the CPI. It establishes a set minimum benefit amount for 2005 and set escalating benefit amounts through 2009.

Reasons Supporting Proposal: Predictable and set benefits are less administratively burdensome.

Statutory Authority for Adoption: RCW 48.02.060, 48.21.197, 48.44.050, and 48.46.200.

Statute Being Implemented: RCW 48.21.197.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The proposed regulation eliminates the yearly benefit change based upon the CPI which should help to lessen the burden of administering a benefit component that changes in an unpredictable manner. Set benefit amounts and increases over a five-year-period are established.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Janis LaFlash, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7040; **Implementation and Enforcement:** Beth Berendt, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7117.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule should have no negative economic impact on small businesses regulated by the OIC.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 943-9440, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 97-8, filed 7/22/99, effective 8/22/99)

WAC 284-53-005 Definitions. (1) "Chronic illnesses" include, but are not limited to, heart disease, diabetes, chronic obstructive pulmonary disease, and chemical dependency.

(2) "Emergency medical condition" has the same meaning as that contained in RCW 48.43.005.

(3) "Medically necessary" or "medical necessity," with respect to chemical dependency coverage, means as indicated in the *Patient Placement Criteria for the Treatment of Substance Abuse-Related Disorders II* as published in 1996 by the American Society of Addiction Medicine.

~~((3) Other terms used in this chapter, but not specifically defined here, shall have the meanings given in WAC 284-43-130 or, if not defined there, in WAC 284-50-030.))~~

AMENDATORY SECTION (Amending Matter No. R 97-8, filed 7/22/99, effective 8/22/99)

WAC 284-53-010 Standards for coverage of chemical dependency. ~~((Contractual provisions in any policy issued or renewed on or after January 1, 2000,))~~ Coverage for chemical dependency required by RCW 48.21.180, 48.44.240, or 48.46.350 ~~((shall))~~ must meet the following standards and administrative requirements.

(1) Medically necessary detoxification must be covered as an emergency medical condition according to RCW 48.43.093, and so long as a patient is not yet enrolled in other chemical dependency treatment, detoxification may not be included when calculating payments within the chemical dependency payment minimum required in this chapter.

(2) ~~((The))~~ Coverage for chemical dependency ~~((shall))~~ must provide payment for reasonable charges for any medically necessary treatment and supporting services ~~((provided))~~ rendered to an enrollee by a provider that is an "approved treatment program" ~~((approved))~~ under RCW 70.96A.020(3). ~~((In addition,))~~ Medically necessary detoxification services may ~~((also))~~ be provided in hospitals licensed ~~((according to))~~ under chapter 70.41 RCW.

(3) Except ~~((to the extent))~~ as prohibited by this chapter, ~~((the))~~ chemical dependency coverage may be limited by provisions of the contract that ~~((are applicable))~~ apply to other benefits or services for ~~((other))~~ chronic illnesses or disease ~~((generally))~~ including, but not limited to, provisions relating to enrollee point of service cost sharing. ~~((However,))~~ Denial of coverage ~~((shall))~~ may not be ~~((denied by reason of))~~ based on contract provisions ~~((which))~~ that are not pertinent to the

treatment of chemical dependency, such as provisions requiring a treatment program to have surgical facilities or approval by the joint commission on accreditation of hospitals, that there be a physician in attendance, or that the exact date of onset be known.

(4)(a) The minimum benefit(s) for chemical dependency treatment and supporting services (~~shall be no less than ten thousand dollars~~), exclusive of all (~~enrollee point of service~~) cost-sharing amounts in any consecutive twenty-four-month period shall be as follows:

(i) For contracts issued or renewed January 1, 2005, through December 31, 2005, the benefit must be no less than twelve thousand five hundred dollars.

(ii) Each succeeding year from January 1, 2006, through December 31, 2009, the benefit must increase in increments of five hundred dollars for new and renewing contracts.

(b) (~~The minimum benefit specified in this subsection must be adjusted by a carrier in any of its contracts for which a new or revised form is filed with the commissioner. The adjustment must correspond with the change in the medical care component of the consumer price index for all urban consumers for the Seattle Standard Metropolitan Statistical Area compiled by the Bureau of Labor statistics, United States Department of Labor. The base year for the computation shall be 1999.~~) No later than January 1, 2009, the commissioner shall begin a review of past benefit adjustments to determine if increases have been reasonable and to establish future minimum benefits. By June 30, 2009, the commissioner shall publish the new minimum benefit amounts for the period beginning January 1, 2010.

(5) Contracts (~~provisions~~) subject to this rule must comply with the following requirements:

(a) (~~Shall not impose~~) Waiting periods or preexisting condition limitations on chemical dependency coverage (except that a carrier may impose no longer than a three month preexisting condition limitation for chemical dependency treatment and supporting services to the extent that a preexisting condition limitation is imposed for other chronic illnesses) may be no less restrictive than those that are imposed for any other chronic illness under the contract.

(b) (~~Shall not deny~~) Reasonable benefits for actual treatment and services rendered may not be denied solely because a course of treatment was interrupted or was not completed.

(c) (~~May limit~~) Coverage may be limited to specific facilities (but) only if the carrier provides or contracts for the provision of approved treatment programs under RCW 70.96A.020 (which) that alone or in combination offer both inpatient and outpatient care and (which) that comply with network adequacy requirements established in WAC 284-43-200. This right to limit coverage to specific facilities permits a carrier to limit diagnosis and treatment to that rendered by itself or by a facility to which it makes referrals, but, in either case, only if the facility is or is a part of an approved treatment program under RCW 70.96A.020.

(d) (~~Except in the case of detoxification services,~~) A carrier may require prenotification in all reasonable situations (and) and may (also) require a second opinion if (such) a second opinion is required under the contract (generally) for other chronic illnesses. Prenotification with

respect to medically necessary detoxification services is not reasonable and may not be required.

(6) (~~In situations~~) (a) In certain circumstances, the carrier may require the enrollee to provide an initial assessment of the need for chemical dependency treatment and a treatment plan prior to scheduled treatment. This will enable the carrier to make its own evaluation of medical necessity. The assessment is at the enrollee's expense and must be provided no less than ten and no more than thirty working days before treatment is to begin. The circumstances are:

(i) Where an enrollee is (under) court (order) ordered to undergo a chemical dependency assessment or treatment (or in);

(ii) Situations related to deferral of prosecution, deferral of sentencing or suspended sentencing (or); or (in)

(iii) Situations pertaining to motor vehicle driving rights and the Washington state department of licensing (the carrier may require the enrollee to furnish at the enrollee's expense no less than ten and no more than thirty working days before treatment is to begin, an initial assessment of the need for chemical dependency treatment and a treatment plan, made by an individual of the enrollee's choice who is a chemical dependency counselor as defined in chapter 440-22 WAC employed by an approved treatment program under RCW 70.96A.020 or licensed under chapter 18.57 or 18.71 RCW to enable the carrier to make its own evaluation of medical necessity prior to scheduled treatment).

(b) For the initial assessment in (a) of this subsection, the enrollee may choose any individual that is:

(i) Certified as a chemical dependency professional under chapter 246-811 WAC; and

(ii) Employed by an approved treatment program under chapter 70.96A RCW.

(c) Nothing in this chapter (may be construed to) requires a carrier to pay for court ordered chemical dependency treatment that is not medically necessary, (nor may anything in this chapter be construed to) or relieves a carrier from its obligations to pay for court ordered chemical dependency treatment when it is medically necessary.

(7) Unless chemical dependency treatment is determined not to be medically necessary, or except as (determined not to be medically necessary or) otherwise specifically provided in this chapter, contractual provisions (subject to this section and the administration of such provisions shall not use definitions, predetermination procedures or other prior approval requirements, or other provisions, requirements or procedures, which) may not restrict access to treatment, continuity of care or payment of claims.

(8) Any contract that provides coverage for chemical dependency must define "chemical dependency" consistent with the definitions contained in Title 48 RCW.

WSR 04-17-133
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. UT-040015—Filed August 18, 2004, 8:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-03-118 and 04-04-021.

Title of Rule and Other Identifying Information: This rule making would consider possible corrections and changes to rules relating to telecommunications that are listed below.

Hearing Location(s): Commission Hearing Room 206, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on September 22, 2004, at 9:30 a.m.

Date of Intended Adoption: September 22, 2004.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504, e-mail records@wutc.wa.gov, fax (360) 586-1150 by September 9, 2004. Please include Docket No. UT-040015 in your communication.

Assistance for Persons with Disabilities: Contact Mary DeYoung by Monday, September 20, 2004, TTY (360) 586-8203 or (360) 664-1133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The intent of the rule making is a "tune-up" of rules to make minor corrections, delete provisions no longer consistent with federal law, delete provisions that have been struck down in court, make grammar changes, and address issues that remained after the major review of telecommunications rules undertaken in 2000-2003.

WAC 480-120-021 Definitions.

1. Amend definitions of Class A and Class B companies to include reference to new section, WAC 480-120-026 (classification of local exchange companies as Class A or Class B).

WAC 480-120-034 Classification of local exchange companies as Class A or Class B.

1. Adopt to provide clarification for method to classify Class A and Class B companies. Clarify that affiliates' lines count in the calculation.

WAC 480-120-112 Company performance for orders for nonbasic services.

1. Correct WAC title reference.

WAC 480-120-122 Establishing credit—Residential services.

1. Grammar change.
 2. Add ability to make advanced payments for ancillary service.

WAC 480-120-128 Deposit administration.

1. Revise effective date for calculating interest on customer deposits.
 2. Clarify that rule is for retail services.

WAC 480-120-147 Changes in local exchange and intrastate toll services.

1. Establish time LEC to lift freeze, time limit to submit change order.
 2. Update to be consistent with federal rule.
 3. Grammar changes.

WAC 480-120-161 Form of bills.

1. Amend to require Internet address of website of service provider's tariff or price list.

WAC 480-120-166 Commission-referred complaints.

1. Delete subsection (11), amend to eliminate confusion caused from subsection (11).
 2. Clarify requirement in subsections (8) and (9).

WAC 480-120-172 Discontinuing service—Company initiated.

1. Amend to clarify "deceptive means."
 2. Provide consistent language across WACs.
 3. Grammar changes.

WAC 480-120-173 Restoring service after discontinuation.

1. Provide consistent language across WACs.
 2. Move payment arrangements portion to WAC 480-120-174.
 3. Grammar changes.

WAC 480-120-174 Payment arrangements.

1. Clarify when companies must restore service.

WAC 480-120-196 Customer notice requirements—Competitively classified telecommunications companies or services.

1. Incorporate requirement to include the web address of the price list on bills and notices.

WAC 480-120-201 Definitions.

1. Repeal pursuant to court order that enjoins the commission's enforcement of WAC 480-120-201 through 480-120-216.

WAC 480-120-202 Customer proprietary network information.

1. Adopts by reference FCCs rules relating to customer proprietary information.

WAC 480-120-203 Use of customer proprietary network information (CPNI) not permitted to identify or track customer calls to competing service providers, 480-120-204 Opt in approval required for use, disclosure, or access to customer I-CPNI, 480-120-205 Using customer proprietary network information (CPNI) in the provision of services, 480-120-206 Using individual customer proprietary network information (I-CPNI) during inbound and outbound telemarketing calls, 480-120-207 Use of private account information (PAI) by company or associated companies requires opt-out approval, 480-120-208 Use of customers' private account information (PAI) to market company products and services without customer approval, 480-120-209 Notice when use of private account information (PAI) is permitted unless a customer directs otherwise (opt-out), 480-120-211 Mechanisms for opting

out of use of private customer account information (PAI), 480-120-212 Notice when express (opt-in) approval is required and mechanisms for express approval, 480-120-213 Confirming changes in customer approval status, 480-120-214 Duration of customer approval or disapproval, 480-120-215 Safeguards required for I-CPNI, and 480-120-216 Disclosing CPNI on request of customer.

1. Repeal pursuant to court order that enjoins the commission's enforcement of WAC 480-120-201 through 480-120-216.

WAC 480-120-253 Automatic dialing-announcing device (ADAD).

1. Amend to remove the prohibition of using automatic dialing and announcing devices for unlisted telephone numbers.

WAC 480-120-262 Operator service providers (OSPs).

1. Amend to change "customer" to "consumer" as used in section's definitions.

WAC 480-120-302 Accounting requirements for companies not classified as competitive.

1. Repeal for consistency with chapter reorganization in Docket A-021178. Replaced by WAC 480-120-359.

WAC 480-120-359 Companies not classified as competitive.

Replaces WAC 480-120-302.

1. Change section number and section title to correspond to chapter reorganization in Docket A-021178.

2. Amend to remove definition that duplicates definitions used in WAC 480-120-021.

WAC 480-120-402 Safety.

1. Cross-references to WAC 480-120-999 (adoption by reference) for information about the applicable version of National Electric Safety Code.

2. Grammar changes.

WAC 480-120-414 Emergency operation.

1. Grammar change.

WAC 480-120-439 Service quality performance reports.

1. Grammar/style changes.

WAC 480-120-450 Enhanced 9-1-1 (E911) obligations of local exchange companies.

1. Amend to clarify the obligation to make changes to customer records.

WAC 480-120-540 Terminating access charges.

1. Incorporate the often-granted CLEC waiver into the rule itself.

WAC 480-120-999 Adoption by reference.

1. Update one reference.
2. Grammar changes.

WAC 480-122-020 Washington telephone assistance program rate.

1. Eliminate requirement that non-ETCs offer the WTAP benefit if they have more than 100 residential customers.

WAC 480-122-060 Telephone assistance excise tax.

1. Repeals section on WTAP tax collections, because it is unnecessary with a 2004 statutory revision.

WAC 480-80-123 Tariff changes that do not require statutory notice.

1. Amend to make consistent with RCW 80.36.110(1).

WAC 480-80-204 Price lists format and content.

1. Amend to include requirements for title page content of price list.

WAC 480-80-206 Price list availability to customers.

1. Delete requirement to include the web address of the price list on bills and notices. Incorporate this requirement into the rules governing bills (WAC 480-120-161) and notices (WAC 480-120-196).

Reasons Supporting Proposal: After working with the recent comprehensive revision of the telecommunications rules for the past year to two years, the commission staff and stakeholders have discovered areas of the rules that call for minor correction, updates, deletion, and revision. This proposal would address those areas.

Statutory Authority for Adoption: RCW 80.01.040 and 80.04.160.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Sharyn Bate, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1295; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed corrections and changes to rules will not result in or impose an increase in costs. Because there will not be any increase in costs resulting from the proposed rule changes, a small business economic impact statement is not required under RCW 19.85.030(1).

A cost-benefit analysis is not required under RCW 34.05.328. The commission is not an agency to which RCW 34.05.328 applies. The proposed rule is not a significant legislative rule of the sort referenced in RCW 34.05.328(5).

August 18, 2004

Carole J. Washburn
Executive Secretary

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-021 Definitions. The definitions in this section apply throughout the chapter except where there is an alternative definition in a specific section, or where the context clearly requires otherwise.

"Access charge" means a rate charged by a local exchange ((~~carrier~~)) company to an interexchange ((~~carrier~~))

company for the origination, transport, or termination of a call to or from a customer of the local exchange ((carrier)) company. Such origination, transport, and termination may be accomplished either through switched access service or through special or dedicated access service.

"**Access line**" means a circuit providing exchange service between a customer's standard network interface and a serving switching center.

"**Affiliate**" means an entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another entity.

"**Ancillary services**" means all local service features excluding basic service.

"**Applicant**" means any person applying to a telecommunications company for new service or reconnection of discontinued service.

"**Average busy hour**" means a time-consistent hour of the day during which a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

"**Basic service**" means service that includes the following:

- Single-party service;
- Voice grade access to the public switched network;
- Support for local use;
- Dual tone multifrequency signaling (touch-tone);
- Access to emergency services (E911);
- Access to operator services;
- Access to interexchange services;
- Access to directory assistance; and
- Toll limitation services.

"**Business**" means a for profit or not-for-profit organization, including, but not limited to, corporations, partnerships, sole proprietorships, limited liability companies, government agencies, and other entities or associations.

"**Business days**" means days of the week excluding Saturdays, Sundays, and official state holidays.

"**Business office**" means an office or service center provided and maintained by a company.

"**Business service**" means service other than residential service.

"**Busy season**" means an annual, recurring, and reasonably predictable three-month period of the year when a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

"**Call aggregator**" means any corporation, company, partnership, or person, who, in the ordinary course of its operations, makes telephones available to the public or to users of its premises for telephone calls using a provider of operator services, including, but not limited to, hotels, motels, hospitals, campuses, and pay phones (see also pay phone service providers).

~~("Call detail" has the meaning found in WAC 480-120-201.)~~

"**Category of service**" means local, data services such as digital subscriber line service, interexchange, or CMRS. Information about a customer's intraLATA and interLATA primary interexchange carrier freeze status is part of the local category.

"**Central office**" means a company facility that houses the switching and trunking equipment serving a defined area.

"**Centrex**" means a telecommunications service providing a customer with direct inward dialing to telephone extensions and direct outward dialing from them.

"**Class A company**" means a local exchange company with two percent or more of the access lines within the state of Washington. The method of determining whether a company is a Class A company is specified in WAC 480-120-034 (Classification of local exchange companies as Class A or Class B).

"**Class B company**" means a local exchange company with less than two percent of the access lines within the state of Washington. The method of determining whether a company is a Class B company is specified in WAC 480-120-034 (Classification of local exchange companies as Class A or Class B).

"**Commercial mobile radio service (CMRS)**" means any mobile (wireless) telecommunications service that is provided for profit that makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.

"**Commission (agency)**" in a context meaning a state agency, means the Washington utilities and transportation commission.

"**Company**" means any telecommunications company as defined in RCW 80.04.010.

"**Competitively classified company**" means a company that is classified as competitive by the commission pursuant to RCW 80.36.320.

"**Customer**" means a person to whom the company is currently providing service.

"**Customer premises equipment (CPE)**" is equipment located on the customer side of the SNI (other than a ((carrier)) company) and used to originate, route, or terminate telecommunications.

~~("Customer proprietary network information (CPNI)" has the meaning found in WAC 480-120-201.)~~

"**Discontinue; discontinuation; discontinued**" means the termination or any restriction of service to a customer.

"**Drop facilities**" means company-supplied wire and equipment placed between a premises and the company distribution plant at the applicant's property line.

"**Due date**" means the date an action is required to be completed by rule or, when permitted, the date chosen by a company and provided to a customer as the date to complete an action.

"**Emergency response facility**" means fire stations, hospitals, police stations, and state and municipal government emergency operations centers.

"**Exchange**" means a geographic area established by a company for telecommunications service within that area.

"**Extended area service (EAS)**" means telephone service extending beyond a customer's exchange, for which the customer may pay an additional flat-rate amount per month.

"**Facility or facilities**" means lines, conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by a telecommu-

nications company to facilitate the provision of telecommunications service.

"Force majeure" means natural disasters, including fire, flood, earthquake, windstorm, avalanche, mudslide, and other similar events; acts of war or civil unrest when an emergency has been declared by appropriate governmental officials; acts of civil or military authority; embargoes; epidemics; terrorist acts; riots; insurrections; explosions; and nuclear accidents.

"Interexchange" means telephone calls, traffic, facilities or other items that originate in one exchange and terminate in another.

"Interexchange company" means a company, or division thereof, that provides long distance (toll) service.

"Interoffice facilities" means facilities connecting two or more telephone switching centers.

"InterLATA" is a term used to describe services, revenues, functions, etc., that relate to telecommunications originating in one LATA and terminating outside of the originating LATA.

"IntraLATA" is a term used to describe services, revenues, functions, etc., that relate to telecommunications that originate and terminate within the same LATA.

"Local access and transport area (LATA)" means a local access transport area as defined by the commission in conformance with applicable federal law.

"Local calling area" means one or more rate centers within which a customer can place calls without incurring long-distance (toll) charges.

"Local exchange company (LEC)" means a company providing local exchange telecommunications service.

"Major outages" means a service failure lasting for thirty or more minutes that causes the disruption of local exchange or toll services to more than one thousand ((subscribers)) customers; total loss of service to a public safety answering point or emergency response agency; intercompany trunks or toll trunks not meeting service requirements for four hours or more and affecting service; or an intermodal link blockage (no dial tone) in excess of five percent for more than one hour in any switch or remote switch.

"Missed commitment" means orders for exchange access lines for which the company does not provide service by the due date.

"Order date" means the date when an applicant requests service unless a company identifies specific actions a customer must first take in order to be in compliance with tariffs, price lists, or commission rules. Except as provided in WAC 480-120-061 (Refusing service) and 480-120-104 (Information to consumers), when specific actions are required of the applicant, the order date becomes the date the actions are completed by the applicant if the company has not already installed or activated service.

When an applicant requests service that requires customer-ordered special equipment, for purposes of calculating compliance with the one hundred eighty-day requirement of WAC 480-120-112 (Company performance for orders for nonbasic service) the order date is the application date unless the applicant fails to provide the support structure or perform other requirements of the tariff or price list. In the event the applicant fails to provide the support structure or perform the

other requirements of the tariff or price list, a new order date is established as the date when the applicant does provide the support structure or perform the other requirements of the tariff or price list.

"Pay phone" or **"pay telephone"** means any telephone made available to the public on a fee-per-call basis independent of any other commercial transaction. A pay phone or pay telephone includes telephones that are coin-operated or are activated by calling collect or using a calling card.

"Pay phone services" means provision of pay phone equipment to the public for placement of local exchange, interexchange, or operator service calls.

"Pay phone service provider (PSP)" means any corporation, company, partnership, or person who owns or operates and makes pay phones available to the public.

"Payment agency" means a physical location established by a local exchange company, either on its own premises or through a subcontractor, for the purpose of receiving cash and urgent payments from customers.

"Person" means an individual, or an organization such as a firm, partnership, corporation, municipal corporation, agency, association or other entity.

"Prior obligation" means an amount owed to a local exchange company or an interexchange company for regulated services at the time the company physically toll-restricts, interrupts, or discontinues service for nonpayment.

~~("Private account information" means customer proprietary network information that is associated with an identifiable individual:)~~

"Proprietary" means owned by a particular person.

"Provision" means supplying telecommunications service to a customer.

"Public access line (PAL)" means an access line equipped with features to detect coins, permit the use of calling cards, and such other features as may be used to provision a pay phone.

"Public safety answering point (PSAP)" means an answering location for enhanced 911 (E911) calls originating in a given area. PSAPs are designated as primary or secondary. Primary PSAPs receive E911 calls directly from the public; secondary PSAPs receive E911 calls only on a transfer or relay basis from the primary PSAP. Secondary PSAPs generally serve as centralized answering locations for a particular type of emergency call.

"Residential service" means basic service to a household.

"Restricted basic service" means either the ability to receive incoming calls, make outgoing calls, or both through voice grade access to the public switched network, including E911 access, but not including other services that are a part of basic service.

"Results of operations" means a fiscal year financial statement concerning regulated operations that include revenues, expenses, taxes, net operating income, and rate base. The rate of return is also included as part of the results of operations. The rate of return is the percentage of net operating income to the rate base.

"Service interruption" means a loss of or impairment of service that is not due to, and is not, a major outage.

"Service provider" means any business that offers a product or service to a customer, the charge for which appears on the customer's telephone bill.

"Special circuit" means an access line specially conditioned to give it characteristics suitable for handling special or unique services.

"Standard network interface (SNI)" means the protector that generally marks the point of interconnection between company communications facilities and customer's terminal equipment, protective apparatus, or wiring at a customer's premises. The network interface or demarcation point is located on the customer's side of the company's protector, or the equivalent thereof in cases where a protector is not employed.

"Station" means a telephone instrument installed for ~~((the use of a subscriber to provide))~~ a customer to use for toll and exchange service.

"Subscriber list information (SLI)" means any information:

(a) Identifying the listed names of subscribers of a company and those subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned when service is established), or any combination of listed names, numbers, addresses, or classifications; and

(b) That the company or an affiliate has published, caused to be published, or accepted for publication in any directory format.

"Support structure" means the trench, pole, or conduit used to provide a path for placement of drop facilities.

~~("Telecommunications-related products and services" means:~~

~~(a) The offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used; or~~

~~(b) Services offered over common carrier transmission facilities which employ computer processing applications that act on the format, content, code, protocol, or similar aspects of the subscriber's transmitted information, provide the subscriber additional, different, or restructured information, or involve subscriber interaction with stored information; or~~

~~(c) Equipment employed on the premises of a person to originate, route, or terminate telecommunications;))~~

"Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used.

"Telemarketing" means contacting a person by telephone in an attempt to sell one or more products or services.

"Toll restriction" or "toll restricted" means a service that prevents the use of a local access line to initiate a long distance call using a presubscribed interexchange company.

"Traffic" means telecommunications activity on a telecommunications network, normally used in connection with measurements of capacity of various parts of the network.

"Trouble report" means a report of service affecting network problems reported by customers, and does not include problems on the customer's side of the SNI.

"Trunk" means, in a telecommunications network, a path connecting two switching systems used to establish end-to-end connection. In some circumstances, both of its terminations may be in the same switching system.

NEW SECTION

WAC 480-120-034 Classification of local exchange companies as Class A or Class B. (1) Each local exchange company is classified as a Class A company or a Class B company, based on the number of access lines it provides to Washington state customers.

(2) The classification of a company as Class A or Class B is made without respect to the company's classification as a competitive company under RCW 80.36.320.

(3) For purposes of classifying a company as Class A or Class B, the number of access lines served by the local exchange company includes the number of access lines served in this state by any affiliate of that local exchange company.

(4) Any company whose classification as Class A or Class B changes, due to a change in the number of access lines served, a change in affiliate relationships, or other reason, must notify the commission secretary of the change in classification within thirty days after the end of the month in which change in classification occurs.

(5) By July 1 of each year, the commission will publish on its website the total number of access lines served by local exchange companies in Washington, based on information reported by companies for the previous calendar year, and a calculation of the two percent threshold.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-112 Company performance for orders for nonbasic services. (1) Except as provided in subsection (2) of this section, the local exchange company (LEC) must complete orders for all nonbasic services within one hundred eighty days of the order date or by a later date requested by a customer.

(2) The timeline set forth in subsection (1) of this section does not apply when a later installation or activation is permitted under WAC 480-120-071 ~~((Extending))~~ Extension of service, or when the commission has granted an exemption from the requirement for installation or activation of a particular order under WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC).

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-122 Establishing credit—Residential services. ~~((+))~~ This section applies only to the provision of residential services.

(1) For a local exchange company (LEC) that offers basic service as part of any bundled package of services, the requirements of this subsection apply only to its lowest-priced, flat-rated residential basic service offering. The LEC

may require an applicant or customer of residential basic service to pay a local service deposit only ~~((in accordance with (a) through (e) of this subsection. For a LEC that offers basic service as part of any bundled package of services, the requirements of this subsection apply only to its lowest priced, flat-rated residential basic service offering.))~~ if:

(a) ~~((H))~~ The applicant or customer has received two or more delinquency notices for basic service during the last twelve month period with that company or another company;

(b) ~~((H))~~ The applicant or customer has had basic service discontinued by any telecommunications company;

(c) ~~((H))~~ The applicant or customer has an unpaid, overdue basic service balance owing to any telecommunications company;

(d) ~~((H))~~ The applicant's or customer's service is being restored following a discontinuation for nonpayment or acquiring service through deceptive means under WAC 480-120-172(1); or

(e) ~~((H))~~ The applicant or customer has been disconnected for taking service under deceptive means as described in WAC 480-120-172(1).

(2) A LEC may, if provided for in its tariff or price list, require an applicant or customer of ancillary services to demonstrate satisfactory credit by reasonable means ~~((or))~~, pay a deposit, or make advanced payments consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit or advanced payments for ancillary services.

(3) An interexchange company may, if provided for in its tariff or price list, require an applicant or customer of interexchange services to demonstrate satisfactory credit by reasonable means or pay a deposit consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit for interexchange services.

(4) When a company requests a deposit from an applicant or customer, the amount of the deposit may not exceed two months' customary use for an applicant or customer with previous verifiable service of the same class, or two months' estimated use for an applicant or customer without previous verifiable service. Customary use is calculated using charges for the previous three months' service.

(5) When an applicant or customer is required to pay a basic service deposit or an interexchange deposit, but is unable to pay the entire amount in advance of connection or continuation of service, the ~~((following will apply))~~ company must offer the applicant or customer the following options:

(a) ~~((The customer may))~~ Pay fifty percent of the requested deposit amount before installation or continuation of service, with the remaining amount payable in equal amounts over the following two months; or

(b) Where technology permits, the applicant or customer must ~~((be allowed))~~ have the option of accepting toll-restricted basic service in lieu of payment of the deposit. A company must not charge for toll restriction when it is used as an alternative to a deposit.

A company must remove toll restriction unless the customer requests to retain it when ~~((a))~~ the customer makes full

payment of the requested interexchange ~~((carrier))~~ company deposit or pays fifty percent of the requested deposit and enters into payment arrangements as provided for in (a) of this subsection.

(6) A company may require an applicant or customer to pay a deposit or make advanced payments equal to two months' charges for ancillary service before providing or continuing ancillary services.

(7) A company may require an applicant or customer to pay a deposit if it finds that service was provided initially without a deposit based on incorrect information and the customer otherwise would have been required to pay a deposit.

(a) When a company requests a new deposit or a larger deposit amount after service has been established, the company must provide a written notice to the customer listing the reason(s) for the request, the date the deposit must be paid, and the actions the company may take if the deposit is not paid.

(b) Except for circumstances described in subsection (8) of this section, the deposit or additional deposit amount may not be due and payable before 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or 5:00 p.m. of the second business day following delivery, if the notice is delivered in person to the customer.

(8)(a) A company authorized by the commission to collect deposits or advanced payments may require a customer to pay unbilled toll charges or pay a new or additional deposit amount when the customer's toll charges exceed thirty dollars, or exceed customary use over the previous six months by twenty dollars or by twenty percent, whichever is greater. A company may toll-restrict a customer's services if the customer is unable pay the toll or deposit amount.

(b) When a customer has exceeded the toll levels ~~((outlined above))~~ in (a) of this subsection, the company may require payment before the close of the next business day following delivery of either written or oral notice to the customer indicating that failure to pay one of the following may result in toll restriction of the customer's service. The company must give the customer the option to pay one of the following:

(i) All outstanding toll charges specified in the notice; or

(ii) All toll charges accrued to the time of payment providing the customer was notified the customer would be liable for all unbilled toll charges that accrued between the time of the notice and time of the payment; or

(iii) Payment of a new or additional deposit in light of the customer's actual use based upon two months' customary use.

(c) When an applicant does not have a customary utilization amount from a previous service, the company may request that the applicant estimate the greatest monthly toll amount the applicant expects to use. If the company asks for an estimate, it must explain that if the customer's toll charges exceed the amounts in (a) of this subsection, the company may toll restrict or require a deposit as permitted in this subsection.

PROPOSED

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-128 Deposit administration. (1) **Transfer of deposit.** A company must transfer a customer's deposit, less any outstanding balance, from the account at one service address to another service address, when a customer moves to a new address, is required to pay a deposit, and continues to receive service from that company.

(2) **Interest on deposits.** Companies that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity as of November 15 of the previous year, as calculated by the U.S. Treasury~~((as))~~ and published in the Federal Reserve's Statistical Release H.15 ~~((on January 15 of that year. If January 15 falls on a nonbusiness day, the company will use the rate posted on the next following business day))~~; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(3) **Refunding deposits for ~~((residential))~~ retail services.** Companies must refund deposits, plus accrued interest, less any outstanding balance, to a retail customer when:

(a) A customer terminates service or services for which a deposit is being held.

A company is not required to refund an amount held on deposit when a customer requests a discontinuation of service or services but requests to establish similar service with a company for which the current deposit holder also provides billing and collection service. The new provider must have authority with the commission to collect deposits; or

(b) The customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The company has not issued a discontinuation notice against the customer's account for nonpayment during the last twelve months; and

(ii) The company has sent no more than two delinquency notices to the customer in the last twelve months.

~~((e))~~ (4) A company may apply a deposit refund to a customer's account or, upon customer request, must provide the refund in the form of a check issued and mailed to the customer no later than thirty days after satisfactory payment history is established or thirty days after the date the closing bill is ~~((issued))~~ paid when service is terminated.

AMENDATORY SECTION (Amending Docket No. A-030832, General Order No. R-509, filed 10/29/03, effective 11/29/03)

WAC 480-120-147 Changes in local exchange and intrastate toll services. (1) **Verification of orders.** A local exchange or intrastate toll ~~((carrier))~~ company that requests on behalf of a customer that the customer's ~~((carrier))~~ company be changed, and that seeks to provide retail services to the customer (submitting ~~((carrier))~~ company), may not submit a change-order for local exchange or intrastate toll service until the order is confirmed in accordance with one of the procedures in (a) through (c) of this subsection:

(a) The company has obtained the customer's written or electronic authorization to submit the order (letter of agency). The letter of agency must be a separate electronic form, located on a separate screen or web page, or a separate written document (or easily separable document) containing only the authorizing language described in (a)(i) through (vi) of this subsection, having the sole purpose of authorizing a telecommunications ~~((carrier))~~ company to initiate a preferred ~~((carrier))~~ company change. The letter of agency, whether written or electronic, must be signed and dated by the customer of the telephone line(s) requesting the preferred ~~((carrier))~~ company change. The letter of agency ~~((shall))~~ must not be combined on the same document or on the same screen or web page with inducements of any kind; however, it may be combined with checks that contain only the required letter of agency language as prescribed in (a)(i) through (vi) of this subsection, and the necessary information to make the check a negotiable instrument. The check may not contain any promotional language or material. It must contain, in easily readable, boldface type on the front of the check, a notice that the customer is authorizing a preferred ~~((carrier))~~ company change by signing the check. Letter-of-agency language must be placed near the signature line on the back of the check. Any ~~((carrier))~~ company designated in a letter of agency as a preferred ~~((carrier))~~ company must be the ~~((carrier))~~ company directly setting the rates for the customer. If any portion of a letter of agency is translated into another language, then all portions must be translated into that language, as well as any promotional materials, oral descriptions or instructions provided with the letter of agency. The letter of agency must confirm the following information from the customer:

(i) The customer billing name, billing telephone number and billing address and each telephone number to be covered by the change order;

(ii) The decision to change;

(iii) The customer's understanding of the change fee;

(iv) That the customer designates (name of ~~((carrier))~~ company) to act as the customer's agent for the preferred ~~((carrier))~~ company change;

(v) That the customer understands that only one telecommunications ~~((carrier))~~ company may be designated as the customer's intraLATA preferred ~~((carrier))~~ company; that only one telecommunications ~~((carrier))~~ company may be designated as the customer's interLATA preferred carrier; and that only one telecommunications carrier may be designated as the customer's local exchange provider, for any one telephone number. The letter of agency must contain a separate statement regarding the customer's choice for each preferred ~~((carrier))~~ company, although a separate letter of agency for each choice is not necessary; and

(vi) Letters of agency may not suggest or require that a customer take some action in order to retain the current preferred ~~((carrier))~~ company.

(b) The submitting ~~((carrier))~~ company has obtained the customer's authorization, as described in (a) of this subsection, electronically, by use of an automated, electronic telephone menu system. This authorization must be placed from the telephone number(s) for which the preferred ~~((carrier))~~ company is to be changed and must confirm the information required in (a)(i) through (vi) of this subsection.

Telecommunications companies electing to confirm the preferred ((~~carrier~~)) company change electronically must establish one or more toll free telephone numbers exclusively for that purpose.

Calls to the number(s) must connect a customer to a voice response unit, or similar device, that records the required information regarding the change, including recording the originating automatic number identification (ANI).

(c) An appropriately qualified and independent third party operating in a location physically separate from the telemarketing representative has obtained the customer's oral authorization to submit the change order that confirms and includes appropriate verification data (e.g., the customer's date of birth). A company or a company's sales representative initiating a three-way conference call or a call through an automated verification system must drop off the call once the three-way connection with the third-party verifier has been established. The independent third party must not be owned, managed, controlled or directed by the ((~~carrier~~)) company or the ((~~carrier's~~)) company's marketing agent; and must not have any financial incentive to confirm preferred ((~~carrier~~)) company change orders for the ((~~carrier~~)) company or the ((~~carrier's~~)) company's marketing agent. The content of the verification must include clear and unambiguous confirmation that the customer has authorized a preferred ((~~carrier~~)) company change.

(2) Where a telecommunications ((~~carrier~~)) company is selling more than one type of telecommunications service (e.g., local exchange, intraLATA toll, and interLATA toll) that ((~~carrier~~)) company must obtain separate authorization, and separate verification, from the customer for each service sold, although the authorizations may be made within the same solicitation.

(3) The documentation regarding a customer's authorization for a preferred ((~~carrier~~)) company change must be retained by the submitting ((~~carrier~~)) company, at a minimum, for two years to serve as verification of the customer's authorization to change his or her telecommunications company. The documentation must be made available to the customer and to the commission upon request and at no charge. Documentation includes, but is not limited to, entire third-party-verification conversations and, for written verifications, the entire verification document.

(4) **Implementing order changes.** An executing ((~~carrier~~)) company may not verify directly with the customer the submission of a change in a customer's selection of a provider received from a submitting ((~~carrier~~)) company. The executing ((~~carrier~~)) company must comply promptly, without any unreasonable delay, with a requested change that is complete and received from a submitting ((~~carrier~~)) company. An executing ((~~carrier~~)) company is any telecommunications ((~~carrier~~)) company that affects a request that a customer's ((~~carrier~~)) company be changed. A telecommunications company must submit a preferred company change order on behalf of a customer within no more than sixty days of obtaining authorization.

This section does not prohibit any company from investigating and responding to any customer-initiated inquiry or complaint.

(5) **Preferred carrier freezes.** A preferred carrier freeze prevents a change in a customer's preferred ((~~carrier~~)) company selection unless the customer gives the ((~~carrier~~)) company from whom the freeze was requested express consent. Express consent means direct, written, electronic, or oral direction by the customer. All local exchange companies (LECs) must offer preferred carrier freezes. Such freezes must be offered on a nondiscriminatory basis to all customers. Offers or solicitations for such freezes must clearly distinguish among telecommunications services subject to a freeze (e.g., local exchange, intraLATA toll, and interLATA toll). The ((~~carrier~~)) company offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested. Separate authorizations may be contained within a single document.

(a) All LECs must notify all customers of the availability of a preferred carrier freeze, no later than the customer's first telephone bill, and once per year must notify all local exchange service customers of such availability on an individual customer basis (e.g., bill insert, bill message, or direct mailing).

(b) All ((~~carrier-provided~~)) company-provided solicitation and other materials regarding freezes must include an explanation, in clear and neutral language, of what a preferred carrier freeze is, and what services may be subject to a freeze; a description of the specific procedures to lift a preferred carrier freeze; an explanation that the customer will be unable to make a change in ((~~carrier~~)) company selection unless he or she lifts the freeze; and an explanation of any charges incurred for implementing or lifting a preferred carrier freeze.

(c) No local exchange ((~~carrier~~)) company may implement a preferred carrier freeze unless the customer's request to impose a freeze has first been confirmed in accordance with the procedures outlined for confirming a change in preferred ((~~carrier~~)) company, as described in subsections (1) and (2) of this section.

(d) All LECs must offer customers, at a minimum, the following procedures for lifting a preferred carrier freeze:

(i) A customer's written or electronic authorization stating the customer's intent to lift the freeze;

(ii) A customer's oral authorization to lift the freeze. This option must include a mechanism that allows a submitting ((~~carrier~~)) company to conduct a three-way conference call with the executing ((~~carrier~~)) company and the customer in order to lift the freeze. When engaged in oral authorization to lift a freeze, the executing ((~~carrier~~)) company must confirm appropriate verification data (e.g., the customer's date of birth), and the customer's intent to lift the freeze;

(iii) The LEC must lift the freeze within three business days of the customer's request.

(e) A LEC may not change a customer's preferred ((~~carrier~~)) company if the customer has a freeze in place, unless the customer has lifted the freeze in accordance with this subsection.

(6) **Remedies.** In addition to any other penalties provided by law, a submitting ((~~carrier~~)) company that requests a change in a customer's ((~~carrier~~)) company without proper verification as described in this rule ((~~shall~~)) must receive no payment for service provided as a result of the unauthorized

change and shall promptly refund any amounts collected as a result of the unauthorized change. The customer may be charged, after receipt of the refund, for such service at a rate no greater than what would have been charged by its authorized telecommunications company, and any such payment ((shall)) **must** be remitted to the customer's authorized telecommunications company.

(7) **Exceptions.** Companies transferring customers as a result of a merger, purchase of the company, or purchase of a specific customer base are exempt from subsections (1) through (6) of this section if the companies comply with the following conditions and procedures:

(a) The acquiring company must provide a notice to each affected customer at least thirty days before the date of transfer. Such notice must include the following information:

(i) The date on which the acquiring company will become the customer's new provider;

(ii) The rates, terms, and conditions of the service(s) to be provided upon transfer, and the means by which the acquiring company will notify the customer of any change(s) to those rates, terms, and conditions;

(iii) That the acquiring company will be responsible for any ((carrier)) company change charges associated with the transfer;

(iv) The customer's right to select a different company to provide the service(s);

(v) That the customer will be transferred even if the customer has selected a "freeze" on his/her ((carrier)) company choices, unless the customer chooses another ((carrier)) company before the transfer date;

(vi) That, if the customer has a "freeze" on ((carrier)) company choices, the freeze will be lifted at the time of transfer and the customer must "refreeze" ((carrier)) company choices;

(vii) How the customer may make a complaint prior to or during the transfer; and

(viii) The toll-free customer service telephone number of the acquiring ((carrier)) company.

(b) The acquiring company must provide a notice to the commission at least thirty days before the date of the transfer. Such notice must include the following information:

(i) The names of the parties to the transaction;

(ii) The types of services affected;

(iii) The date of the transfer; and

(iv) That the company has provided advance notice to affected customers, including a copy of such notice.

(c) If after filing notice with the commission any material changes develop, the acquiring company must file written notice of those changes with the commission no more than ten days after the transfer date announced in the prior notice. The commission may, at that time, require the company to provide additional notice to affected customers regarding such changes.

nity to receive billings on a monthly interval, unless subsection (11) of this section applies.

(2) **Length of time for payment of a bill.** Bill due dates must reflect a date which at a minimum allows a customer fifteen days from the date of mailing for payment.

(a) Upon showing of good cause, a customer may request and the company must allow the customer to pay by a date that is not the normally designated payment date on their bill. Good cause may include, but not be limited to, adjustment of the billing cycle to parallel receipt of income.

(i) A company may not assess late payment fees for the period between the regularly scheduled due date and the customer-chosen due date so long as the customer makes payment in full by the customer-chosen due date.

(ii) A company may refuse to establish a preferred payment date that would extend the payment date beyond the next normally scheduled payment or due date.

(b) If a company is delayed in billing a customer, the company must offer arrangements upon customer request or upon indication that a payment arrangement is necessary, that are equal to the length of time the bill is delayed beyond the regularly scheduled billing interval (e.g., if the bill includes two months delayed charges, the customer must be allowed to pay the charges over two months).

Companies may not charge a customer late payment fees on the delayed charges during the extended payment period.

(3) **Form of bill.** With the consent of the customer, a company may provide regular billings in electronic form if the bill meets all the requirements of this rule. The company must maintain a record of the customer's request, and the customer may change from electronic to printed billing upon request.

(4) **Bill organization.** Telephone bills must be clearly organized, and must comply with the following requirements:

(a) Bills may only include charges for services that have been requested by the customer or other individuals authorized to request such services on behalf of the customer, and that have been provided by the company;

(b) The name of the service provider associated with each charge must be clearly and conspicuously identified on the telephone bill;

(c) Where charges for two or more ((carriers)) companies appear on the same telephone bill, the charges must be separated by service provider; ((and))

(d) The telephone bill must clearly and conspicuously identify any change in service provider, including identification of charges from any new service provider; and

(e) The telephone bill must include the internet address (uniform resource locator) of the website containing the service provider's tariff or price list, if the service provider is a telecommunications company required to publish its tariff or price list on a website pursuant to WAC 480-80-206(2) (Price list availability to customers) or WAC 480-120-193 (Posting of tariffs for public inspection and review). This requirement may be satisfied by including the address of a website other than that of the telecommunications company itself, if the website provides access to the tariff or price list that applies to the service being billed.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-161 Form of bills. (1) Bill frequency. Companies must offer customers, at a minimum, the opportu-

For purposes of this subsection, "new service provider" means a service provider that did not bill the ~~((subscriber))~~ customer for service during the service provider's last billing cycle. This definition ~~((shall))~~ includes only providers that have continuing relationships with the ~~((subscriber))~~ customer that will result in periodic charges on the ~~((subscriber's))~~ customer's bill, unless the service is subsequently canceled.

For purposes of this subsection, "clearly and conspicuously" means notice that would be apparent to ~~((the))~~ a reasonable customer.

(5) Descriptions of billed charges.

(a) The bill must include a brief, clear, nonmisleading, plain language description of each service for which a charge is included. The bill must be sufficiently clear in presentation and specific enough in content so that the customer can determine that the billed charges accurately reflect the service actually requested and received, including individual toll calls and services charged on a per-occurrence basis.

(b) The bill must identify and set out separately, as a component of the charges for the specific service, any access or other charges imposed by order of or at the direction of the Federal Communications Commission (FCC).

(c) The bill must clearly delineate the amount or the percentage rate and basis of any tax assessed by a local jurisdiction.

(6) Charges for which service can be discontinued.

Where a bill contains charges for basic service, in addition to other charges, the bill must distinguish between charges for which nonpayment will result in loss of basic service. The bill must include telephone numbers by which ~~((subscribers))~~ customers may inquire or dispute any charges on the bill. A ~~((carrier))~~ company may list a toll-free number for a billing agent, clearinghouse, or other third party, provided such party possesses sufficient information to answer questions concerning the ~~((subscriber's))~~ customer's account and is fully authorized to resolve the ~~((consumer's))~~ customer's complaints on the ~~((carrier's))~~ company's behalf. Where the ~~((subscriber))~~ customer does not receive a paper copy of the ~~((customer's))~~ telephone bill, but instead accesses that bill only by e-mail or internet, the ~~((carrier))~~ company may comply with this requirement by providing on the bill an e-mail or website address. Each ~~((carrier))~~ company must make a business address available upon request from a ~~((consumer))~~ customer.

(7) Itemized statement. A company must provide an itemized statement of all charges when requested by a customer, including, but not limited to ~~((, the following))~~:

(a) Rates for individual services;

(b) Calculations of time or distance charges for calls, and calculations of any credit or other account adjustment; and

(c) When itemizing the charges of information providers, the name, address, telephone number, and toll-free number, if any, of the providers.

(8) Methods of payment.

(a) Companies must, at a minimum, allow the following methods of payment: Cash, certified funds (e.g., cashier check or money order), and personal checks.

(b) Upon written notice to a customer, companies may refuse to accept personal checks when that customer has ten-

dered two or more nonsufficient-funds checks within the last twelve months.

(9) Billing companies. A company may bill regulated telecommunications charges only for companies properly registered to provide service within the state of Washington or for billing agents. The company must, in its contractual relationship with the billing agent, require the billing agent to certify that it will submit charges only on behalf of properly registered companies; and that it will, upon request of the company, provide a current list of all companies for which it bills, including the name and telephone number of each company. The company must provide a copy of this list to the commission for its review upon request.

(10) Crediting customer payments. Unless otherwise specified by the customer, payments that are less than the total bill balance must be credited first to basic service, with any remainder credited to any other charges on the bill.

For purposes of this subsection, basic service includes associated fees and surcharges such as FCC access charges. Basic service does not include ancillary services such as caller identification and custom calling features.

(11) Exemptions from this rule. Prepaid calling card services (PPCS) are exempt from subsections (1) through (10) of this section.

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

WAC 480-120-166 Commission-referred complaints.

(1) Each company must keep a record of all complaints concerning service or rates for at least ~~((three))~~ two years and, on request, make them readily available for commission review. The records must contain complainant's name and address, date and the nature of the complaint, action taken, and final result.

(2) Each company must have personnel available during regular business days to respond to commission staff.

(3) Applicants, customers, or their authorized representatives, may file with the commission an informal complaint as described in WAC 480-07-910 (Informal complaints) or a formal complaint against a company when there are alleged violations of statutes, administrative rules, or tariffs as provided by WAC 480-07-370 (Pleadings—General).

(4) When the commission staff refers an informal complaint to a company, the company must:

(a) Stop any pending action involving the issues raised in the complaint provided any amounts not in dispute are paid when due (e.g., if the complaint involves a disconnect threat or collection action, the disconnect or collection must be stopped);

(b) Thoroughly investigate all issues raised in the complaint and provide a complete report of the results of its investigation to the commission, including, if applicable, information that demonstrates that the company's action was in compliance with commission rules; and

(c) Take corrective action, if warranted, as soon as appropriate under the circumstances.

(5) Commission staff will ask the customer filing the informal complaint whether the customer wishes to speak directly to the company during the course of the complaint,

and will relay the customer's preference to the company at the time staff opens the complaint.

(6) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must report the results of its investigation of service-affecting informal complaints to commission staff within two business days from the date commission staff passes the complaint to the company. Service-affecting complaints include, but are not limited to, nonfunctioning or impaired services (i.e., disconnected services or those not functioning properly).

(7) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must report the results of its investigation of nonservice-affecting informal complaints to commission staff within five business days from the date commission staff passes the complaint to the company. Nonservice-affecting complaints include, but are not limited to, billing disputes and rate quotes.

(8) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must provide complete responses to requests from commission staff for additional information on pending informal complaints within three business days.

(9) The company must keep commission staff informed when relevant changes occur in what has been previously communicated to the commission and when there is final resolution of the informal complaint.

(10) An informal complaint opened with the company by commission staff may not be considered closed until commission staff informs the company that the complaint is closed.

~~((11) The company must provide information requested by staff regarding any informal complaint in accordance with subsections (6) and (7) of this section until such time as staff informs the company that the complaint is closed.))~~

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-172 Discontinuing service—Company initiated. (1) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it finds the customer has ~~((performed a))~~ used deceptive ~~((practice by))~~ means to initiate or continue service including, but not limited to:

- (a) Tampering with the company's property;
- (b) Using service through an illegal connection;
- (c) Unlawfully using service or using service for unlawful purposes~~((or~~

~~((obtaining service in another false or deceptive manner))~~.

(2)(a) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it determines the customer has:

(i) Vacated the premises without informing the company;

(ii) Paid a delinquent balance in response to a delinquency notice as described in subsection (7) of this section with a check or electronic payment that is subsequently dishonored by the bank or other financial institution; or

(iii) Failed to keep payment arrangements agreed upon in response to a delinquency notice as described in subsection (7) of this section.

(b) The company must restore service once the customer has corrected the reason for discontinuance as described in subsection (2)(a) of this section.

(c) The company may require a deposit from a customer that it has disconnected due to the reasons described in subsection (2)(a) of this section.

(3) A company may discontinue service after providing proper notice, or may issue a discontinuation notice, if, and only if~~((, in one or more of the following circumstances))~~:

(a) The company determines the customer has violated a rule, statute, service agreement, filed tariff, or price list;

(b) The company determines the customer has used customer-owned equipment that adversely affects the company's service to its other customers;

(c) The company determines the customer has not paid regulated charges or has not paid a deposit as provided in the tariff or price list of the company or another company with which it has a billing and collection agreement, except for nonpayment of charges incurred from information delivery services as provided for in WAC 480-120-254 (Telephone solicitation) or disputed third party-billed charges;

(d) The company is unable to substantiate the identity of the individual requesting service:

(i) Companies must allow the applicant to substantiate identity with one piece of identification chosen from a list, provided by the company, of at least four sources of identification. The list must include a current driver's license or other picture identification;

(ii) Company business offices and payment agencies, required under WAC 480-120-132 (Business offices) and 480-120-162 (Cash and urgent payments), must provide a means for applicants to provide identification at no charge to the applicant;

(e) The company determines the customer has received service from the company by providing false information, including false statements of credit references or employment, false statement of premises address, use of an alias or false name with intent to deceive, or rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more persons; or

(f) The company determines the customer is receiving service at an address where a former customer is known to reside with an overdue, unpaid prior obligation to the same company for the same class of service at that address and there is evidence that the applicant lived at the address while the overdue, unpaid prior obligation was incurred and helped incur the obligations. However, a company may not deny service if a former customer with an overdue, unpaid prior obligation has permanently vacated the address.

(4) Except as provided in subsections (1), (2), and (3) of this section, a company may discontinue ~~((or restrict services only under the following circumstances))~~:

(a) ~~((A company may discontinue))~~ Basic service only for nonpayment of basic service charges;

(b) ~~((A company may discontinue))~~ Ancillary services only for nonpayment of ancillary charges or if the company properly discontinues basic service;

(c) ~~((A company may discontinue))~~ Interexchange access only for nonpayment of interexchange charges or if the company properly discontinues basic service:

(i) At its discretion, the company may permit access to toll-free numbers while a customer's interexchange access service is discontinued or restricted;

(ii) The company may not charge fees for toll restriction when it has discontinued or restricted the customer's interexchange access service under this section;

(d) ~~((Companies may))~~ A company must not shift a rate plan as a discontinuation method.

(5) When a company discontinues service to a customer, it must also discontinue billing for service as of the date of the discontinuation.

(6) Medical emergencies.

(a) When a local exchange company (LEC) has cause to discontinue residential basic service or has discontinued service, it must postpone total service discontinuation or reinstate toll-restricted basic service that permits both making and receiving calls and access to E911 for a grace period of five business days after receiving either oral or written notice of the existence of a medical emergency, as described in (b) of this subsection. The LEC must reinstate service during the same day if the customer contacts the LEC prior to the close of the business day and requests a same-day reconnection. Otherwise, the LEC must restore service by 12:00 p.m. the next business day. When service is reinstated, the LEC cannot require payment of a reconnection charge or deposit before reinstating service but may bill the charges at a later date.

(b) The LEC may require that the customer submit written certification from a qualified medical professional, within five business days, stating that the discontinuation of basic service or restricted basic service would endanger the physical health of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this subsection precludes a company from accepting other forms of certification, but the maximum the company can require is written certification. If the company requires written certification, it may ~~((not))~~ require ~~((more than the following information))~~ only:

(i) The address of the residence;

(ii) An explanation of how discontinuation of basic service or restricted basic service would endanger the physical health of the resident;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature, and telephone number of the person certifying the condition.

(c) The medical certification is valid only for the length of time the medical professional certifies the resident's health would be endangered, but no longer than ninety days unless renewed.

(d) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that, within the five-day grace period, the customer pay a minimum of twenty-five percent of the delinquent basic service balance or ten dollars, whichever is

greater, and enter into an agreement to pay the remaining delinquent basic service balance within ninety days, and agree to pay subsequent bills when due.

Nothing in this subsection precludes the company from agreeing to an alternate payment plan, but the company must not require the customer to pay more than this section prescribes and must send a notice to the customer confirming the payment arrangements within two business days.

(e) The company may discontinue basic service or restrict basic service without further notice if, within the five-day grace period, the customer fails to provide an acceptable medical certificate or pay the amount required under (d) of this subsection. The company may discontinue basic service or restrict basic service, without further notice, if the customer fails to abide by the terms of the payment agreement.

(f) The company must ensure that the records of medical emergencies are used or disclosed only for the purposes provided for in this section.

(7) Discontinuation notice requirements. The company must provide the customer notice before discontinuing service in accordance with (a) through (c) of this subsection, except as ((described)) provided in subsection (1) of this section, ((as follows:)) and except as provided in WAC 480-120-122(5).

(a) Each company must provide a written discontinuation notice to the customer either by first class mail, personal delivery to the customer's service address, or electronically delivered when the company has the technical capability and the customer consents to this delivery method. A company must provide delivered notice by handing the notice to a person of apparent competence in the residence; to a person employed at the place of business of the customer if it is a business account; or attached to the primary door of the residential unit or business office where service is provided if no person is available to receive notice. ~~((A company must include the following information, at a minimum, in a))~~ The discontinuation notice must include, at a minimum:

(i) A discontinuation date that is not less than eight business days after the date the notice is mailed, transmitted electronically, or personally delivered;

(ii) The amount(s) owing for the service(s) that is subject to discontinuation or restriction;

(iii) A statement that clearly indicates the amount a customer must pay to maintain basic service or restricted basic service, regardless of the full amount owed by the customer;

(iv) Instructions on how to correct the problem to avoid the discontinuation;

(v) Information about any discontinuation or restoration charges that may be assessed;

(vi) Information about how a customer can avoid disconnection under the medical emergency rules described in subsection (6) of this section; and

(vii) The company's name, address, toll-free number, and TTY number where the customer may contact the company to discuss the pending discontinuation of service.

(b) If the company discovers that the information provided on the notice failed to meet the requirements of (a) of this subsection, or if ~~((it))~~ the company discovers it provided incorrect information on the notice, the company must restore

service and issue a second notice with accurate information as described in this section.

(c) If the company has not discontinued service within ten business days of the first day the discontinuation may be implemented, the discontinuation notice is void, unless the customer and the company have entered into a mutually acceptable payment agreement with payment dates that exceed the ten-day period. Upon a void notice, the company must provide a new discontinuation notice to the customer if ~~((#))~~ the company intends to discontinue service at a later date.

(8) In addition to the notice required in subsection (7) of this section, a company must attempt to make personal contact with a customer prior to discontinuing service. Any of the following methods will satisfy the personal contact requirement:

(a) **Delivered notice.** A company must provide delivered notice handing the notice to a person of apparent competence in the residence; to a person employed at the place of business of the customer if it is a business account; or attached to the primary door of the residential unit or business office where service is provided if no person is available to receive notice. The notice must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the next business day after the date of delivery;

(b) **Electronically issued notice.** If the company has the technical capability to provide electronic notice and the customer has agreed to receive notice in electronic form, the notice sent by the company must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(c) **Mailed notice.** The notice mailed by the company may not include a scheduled discontinuation date that is earlier than 5:00 p.m. of the third business day after the date of mailing. The date of mailing is not the first day of the notice period; or

(d) **Telephone notice.** The company must attempt at least two times to contact the customer during regular business hours. If the company is unable to reach the customer on the first attempt, the company must attempt to contact the customer using any business or message number provided by the customer as a contact number. The company must keep a log or record of the calls for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. The disconnection must not take place before 5:00 p.m. of the next business day after the phone calls or attempts.

(e) A company need not attempt personal contact as provided for in (a) through (d) of this subsection when the company has had cause, in any two previous billing periods during a consecutive twelve-month period, to attempt such contact and the company has notified the customer in writing that such contact will not be attempted in the future before effecting a discontinuation of services.

(9) Except in case of danger to life or property, companies may not discontinue service on days that it is not fully staffed to discuss discontinuation and reestablish service to the customer on the same or the following day.

(10) When the company has reasonable grounds to believe that service is to other than the party of record, the

company must ~~((take))~~ make reasonable efforts to inform the occupants at the service address of the impending discontinuation. Upon request of one or more service users, the company must allow a minimum period of five business days to permit the service user to arrange for continued service.

The company is not required to allow the additional five days when a thorough investigation indicates there is deceptive activity at the service address.

(11) LECs must provide notice of pending local service discontinuation to the secretary, Washington state department of social and health services, and to the customer, where it provides service to a facility with resident patients including, but not limited to, hospitals, medical clinics, or nursing homes. Upon request from the secretary or a designee, the company must allow a delay in discontinuation of no less than five business days from the date of notice so that the department may take whatever steps are necessary in its view to protect the interests of patients living within the facilities.

(12) **Remedy and appeals.** The company must not discontinue or restrict service while a customer is pursuing any remedy or appeal provided for by these rules, if the customer pays any amounts not in dispute when due and the customer corrects any conditions posing a danger to health, safety, or property. The company must inform the customer of these provisions when the customer is referred to a company's supervisor or the commission.

During a dispute a company may, upon authorization from commission staff, discontinue service when a customer's toll charges substantially exceed the amount of any deposit or customary use and it appears the customer may incur excessive, uncollectible toll charges while an appeal is being pursued. A customer whose service is subject to discontinuation may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the customer's favor.

(13) **Payment at a payment agency.** Payment of any past-due amounts to a designated payment agency of the company constitutes payment to the company when the customer informs the company of the payment and the company verifies the payment.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507 and 507A, filed 12/12/02 and 1/16/03, effective 7/1/03)

WAC 480-120-173 Restoring service after discontinuation. (1) A company must restore a discontinued service when:

(a) The causes of discontinuation not related to a delinquent balance have been removed or corrected. In the case of deceptive ~~((practices))~~ means, as described in WAC 480-120-172 (1)~~((#))~~, this means the customer has corrected the ~~((deceptive practice))~~ deception and has paid the estimated amount of service that was taken through deceptive means, all costs resulting from the ~~((deceptive use))~~ deception, any applicable deposit, and any delinquent balance owed to the company by that customer for the same class of service. A company may require a deposit from a customer that has obtained service ~~((in a deceptive manner))~~ deceptively as described in WAC 480-120-172 (1)~~((#))~~. A company is not

required to allow six-month arrangements on a delinquent balance as provided for in WAC ((480-120-173 (1)(b))) 480-120-174(1) when it can demonstrate that a customer obtained service through deceptive means in order to avoid payment of a delinquent amount owed to that company;

(b) Payment or satisfactory arrangements for payment of all proper charges due from the applicant, including any proper deposit and reconnection fee, have been made (~~Applicants or customers, excluding telecommunications companies as defined in RCW 80.04.010, are entitled to, and a company must allow, an initial use, and then, once every five years dating from the customer's most recent use of the option, an option to pay a prior obligation over not less than a six-month period. The company must restore service upon payment of the first installment if an applicant is entitled to the payment arrangement provided for in this section and, if applicable, the first half of a deposit is paid as provided for in WAC 480-120-122~~) as provided in WAC 480-120-122 (Establishing credit—Residential services) and 480-120-174 (Payment arrangements); or

(c) The commission staff directs restoration pending resolution of any dispute between the company and the applicant or customer over the propriety of discontinuation.

(2) After the customer notifies the company that the causes for discontinuation have been corrected, and the company has verified the correction, the company must restore service(s) within the following periods:

(a) Service(s) that do not require a premises visit for reconnection must be restored within one business day; and

(b) Service(s) that require(s) a premises visit for reconnection must be restored within two business days. Companies must offer customers a four-hour window during which the company will arrive to complete the restoration.

(c) For purposes of this section Saturdays are considered business days.

(3) A company may refuse to restore service to a customer who has been discontinued twice for deceptive ((practices)) means as described in WAC 480-120-172(1)((a)) for a period of five years from the date of the second disconnection, subject to petition by the customer to the commission for an order requiring restoration of service based on good cause.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-174 (~~Restoring service based on Washington telephone assistance program (WTAP) or federal enhanced tribal lifeline program eligibility.~~) **Payment arrangements.** (1) **General.** Applicants or customers, excluding telecommunications companies as defined in RCW 80.04.010, are entitled to, and a company must allow, an initial use, and then, once every five years dating from the customer's most recent use of the option, an option to pay a prior obligation over not less than a six-month period. The company must restore service upon payment of the first installment if an applicant is entitled to the payment arrangement provided for in this section and, if applicable, the first

half of a deposit is paid as provided for in WAC 480-120-122 (Establishing credit—Residential services).

(2) **Restoring service based on Washington telephone assistance program (WTAP) or federal enhanced tribal lifeline program eligibility.** Local exchange companies (LECs) must restore service for any customer who has had basic service discontinued for nonpayment under WAC 480-120-172 (Discontinuing service—Company initiated) if the customer was not a participant in either the Washington telephone assistance program (WTAP) or the federal enhanced tribal lifeline program at the time service was discontinued and if the customer is eligible to participate in WTAP or the federal enhanced tribal lifeline program at the time the restoration of service is requested. To have service restored under this ((section)) subsection, a customer must establish eligibility for either WTAP or the federal enhanced tribal lifeline program, agree to continuing participation in WTAP or the federal enhanced tribal lifeline program, agree to pay unpaid basic service and ancillary service amounts due to the LEC at the monthly rate of no more than one and one-half times the telephone assistance rate required to be paid by WTAP participants as ordered by the commission under WAC 480-122-020 (Washington telephone assistance program rate), agree to toll restriction, or ancillary service restriction, or both, if the company requires it, until the unpaid amounts are paid. Companies must not charge for toll restriction when restoring service under this section.

((2)) In the event a customer receiving service under this ((section)) subsection fails to make a timely payment for either monthly basic service or for unpaid basic service or ancillary service, the company may discontinue service pursuant to WAC 480-120-172.

(3) Nothing in this rule precludes the company from entering into separate payment arrangements with any customer for unpaid toll charges or over a longer period than described in this rule as long as both the company and the customer agree to the payment arrangement. Longer payment arrangements as described in this subsection satisfy the requirements in subsection (1) or (2) of this section.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

WAC 480-120-196 Customer notice requirements—Competitively classified telecommunications companies or services. This rule sets out requirements in specific circumstances for notices that companies must provide to customers when services are provided under price list.

(1) A company must provide customer notice before the effective date of changes to the price list for competitively classified companies or competitively classified services.

(a) The company must provide notice to each affected customer at least ten days before the effective date when a company proposes to:

- (i) Increase rates;
- (ii) Decrease rates; or
- (iii) Change terms or conditions.

The company must measure the ten-day period from the time the notice is mailed to all customers or appears in the newspaper or on the website.

- (b) Each customer notice must include, at a minimum:
 - (i) The effective date;
 - (ii) A clear description of changes to rates and services;
 - ~~((and))~~
 - (iii) A company contact number where customers can seek additional information; and
 - (iv) The internet address (uniform resource locator) of the website where the company's price list is posted, unless the company is not required by WAC 480-80-206(2) (Price list availability to customers) to post its price list.
- (c) For increase in rates or a material change of terms and conditions a company must provide notice by bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers, or, if a company has the capability and the customer has authorized, by e-mail.
- (d) For changes not covered by (c) of this subsection. A company must provide notice by:
 - (i) Any method listed in (c) of this subsection;
 - (ii) Publishing the notice in one or more newspapers of general circulation for the affected areas; or
 - (iii) Posting the notice on the website on which the price list is available to the public.

(2) A company may request assistance from the commission's designated public affairs officer with efforts to comply with this section.

(3) As an alternative to the customer notice required by this rule, a company may propose another form of customer notice. The commission's public affairs officer must approve any such notice in advance.

(4) Within ten days of making a filing requiring posting, publication, or customer notice required by this rule, a company must file a statement with the commission records center that the required notice has been posted, published, and/or mailed. The statement must include:

- (a) The methods used to post, publish, and/or give notice to customers;
- (b) When the notice was first posted, published, and/or issued to customers; and
- (c) A copy of the notice.

NEW SECTION

WAC 480-120-202 Customer proprietary network information. (1) The commission adopts by reference the Federal Communications Commission's rules codified at sections 64.2003 through 64.2009 of Title 47 of the Code of Federal Regulations (47 CFR §§ 64.2003 through 64.2009), concerning protection of Customer Proprietary Network Information, for application to all telecommunications carriers providing wireline, intrastate telecommunications service in Washington. The effective date for these sections is stated in WAC 480-120-999 (Adoption by reference).

(2) Telecommunications carriers providing wireline, intrastate telecommunications service in Washington shall provide the commission with the same notice that carriers are required to provide the Federal Communications Commission under 47 CFR § 64.2009(f).

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-253 Automatic dialing-announcing device (ADAD). (1) An automatic dialing and announcing device (ADAD) is a device that automatically dials telephone numbers and plays a recorded message once a connection is made.

(2) "Commercial solicitation" means an unsolicited initiation of a telephone conversation for the purpose of encouraging a person to purchase property, goods, or services.

(3) This rule regulates the use of ADADs for purposes other than commercial solicitation. RCW 80.36.400 prohibits the use of an ADAD for purposes of commercial solicitation intended to be received by telephone customers within the state.

(4) This rule does not apply to the use of ADADs by government agencies to deliver messages in emergency situations.

(5) Except for emergency notification as provided for in subsection (6) of this section, an ADAD may be used for calls to telephone customers within the state only if:

(a) The recorded message states the nature of the call, identifies the individual, business, group, or organization for whom the call is being made, and telephone number to which a return call can be placed; ~~((and))~~

(b) ~~((#))~~ The ADAD automatically disconnects the telephone connection within two seconds after the called party hangs up the receiver~~((:)); and~~

(c) The ADAD does not dial ~~((unlisted telephone numbers (except as provided in this subsection)),~~) designated public service emergency telephone numbers as listed in published telephone directories, or any telephone number before 8:00 a.m. or after 9:00 p.m. ~~((An ADAD may dial an unlisted number if the ADAD is being used to deliver the name, telephone number, or brief message of a calling party to a called party when the called party's line was busy or did not answer.))~~

(6) An emergency ADAD may be connected to the telephone network and used only if:

(a) The ADAD contains sensors that will react only to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls;

(b) The ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds;

(c) The ADAD provides for disconnection within two seconds when the called party performs a predetermined function;

(d) The ADAD satisfies applicable state safety requirements; and

(e) The user registers the instrument with, and receives written approval for, its use from the emergency service entity to which an automatic call would be directed, secures from such entity an approved telephone number or numbers to be programmed into the instrument, and does not program

the instrument to dial unlisted numbers, law enforcement numbers, or E911 emergency response numbers.

(7) Before any ADAD may be operated while connected to the telephone network, the potential ADAD user, unless it is a facilities-based LEC using its own facilities, must notify, in writing, the LEC whose facilities will be used to originate calls. The notice must include the intended use of the ADAD equipment, the calendar days and clock hours during which the ADADs will be used, an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message, and written certification that the equipment can effectively preclude calls to unlisted telephone numbers, designated public service emergency numbers, or any number or series of numbers on a list of telephone customers that may be in the future designated by tariff, regulation, or statute, as customers who are not to receive ADAD calls.

(a) The ADAD user must notify the LEC in writing within thirty days of any changes in the ADAD operation that would result in either an increase or decrease in traffic volume.

(b) For new applications for ADADs, the LEC must review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will overload its facilities and may refuse to provide connections for the ADADs or may provide them subject to conditions necessary to prevent an overload.

(8) A LEC may suspend or terminate service to an ADAD user if the LEC determines that the volume of calling originated by the ADAD is degrading the service furnished to others. The LEC must provide at least five days' notice before suspending or terminating service, unless the ADAD creates an overload in the LEC's switching office, in which case it may terminate service immediately, with no prior notice.

(9) If a LEC learns that a customer is using an ADAD in violation of the provisions of this rule, the LEC must suspend or terminate the service of any ADAD user five days after the ADAD user receives a termination notice or immediately, with no prior notice, if use of the ADAD creates overloading in a LEC's switching office.

(10) Each LEC must maintain records of any ADAD equipment a user reports to the LEC as being connected to its facilities. If requested by the commission, the LEC must provide the name of the individual business, group, or organization using the ADAD, their address, and the telephone number or numbers associated with the ADAD.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-262 Operator service providers (OSPs). (1) Only for the purpose of this section:

"Consumer" means the party paying for a call using operator services. For collect calls, a consumer is both the originating party and the party who receives the call.

"Customer" means the call aggregator or pay phone service provider (PSP) contracting with an operator service provider (OSP) for service, such as hotel, motel, hospital, correctional facility, prison, campus, or similar entity.

"Operator service provider (OSP)" means any corporation, company, partnership, or person providing a connection to intrastate or interstate long-distance or to local services from locations of call aggregators.

"Operator services" means any telecommunications service provided to a call aggregator location that includes automated or live assistance to ~~((customers))~~ consumers in billing or completing (or both) telephone calls, other than those billed to the number from which the call originated or those completed through an access code used to bill a ~~((customer's))~~ consumer's account previously established with the company.

This section applies to OSPs providing operator services from pay phones and other call aggregator locations. Each OSP must maintain a current list of the customers it serves in Washington and the locations and telephone numbers where the service is provided.

(2) **Posted disclosure.** OSPs must post clearly, legibly, and unobstructed, on or near the front of the pay phone the presubscribed OSP's name, address, and toll-free number, as registered with the commission. This information must be updated within thirty days after a change of OSPs. OSPs must post a notice to consumers that they can access other long distance companies and, in contrasting colors, the commission compliance number for consumer complaints and the following information:

"If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair or refund number or operator, please call the commission at 1-888-333-WUTC (9882)."

(3) **Oral disclosure of rates.** This subsection applies to all calls from pay phones or other call aggregator locations, including, but not limited to, prison phones and store-and-forward pay phones or "smart" phones. When a collect call is placed, both the consumer placing the call and the consumer receiving the call must be given the rate quote options required by this section.

(a) **Oral rate disclosure message required.** Before an operator-assisted call from a call aggregator location can be connected by an OSP (whether by a presubscribed or other provider), the OSP must first provide an oral rate disclosure message to the consumer. If the charges to the consumer do not exceed the benchmark rate in (f) of this subsection, the oral rate disclosure message must comply with the requirements of (b) of this subsection. In all other instances, the oral rate disclosure message must comply with the requirements of (c) of this subsection.

(b) **Rate disclosure method when charges do not exceed benchmark.** The oral rate disclosure message must state that the consumer may receive a rate quote and explain the method of obtaining the quote. The method of obtaining the quote may be by pressing a specific key or keys, but no more than two keys, or by staying on the line. If the consumer follows the directions to obtain the rate quote, the OSP must state all rates and charges that will apply if the consumer completes the call.

(c) **Rate disclosure method when rates exceed benchmark.** The oral rate disclosure message must state all rates

and charges that will apply if the consumer completes the call.

(d) **Charge must not exceed rate quote.** If the OSP provides a rate quote pursuant to either (b) or (c) of this subsection, the charges to the user must not exceed the quoted rate. If a consumer complains to the commission that the charges exceeded the quoted rate, and the consumer states the exact amount of the quote, there will be a rebuttable presumption that the quote provided by the complaining consumer was the quote received by the consumer at the time the call was placed or accepted.

(e) **Completion of call.** Following the consumer's response to any of the above, the OSP must provide oral information advising that the consumer may complete the call by entering the consumer's calling card number.

(f) **Benchmark rates.** An OSP's charges for a particular call exceed the benchmark rate if the sum of all charges, other than taxes and fees required by law to be assessed directly on the consumer, would exceed, for any duration of the call, the sum of fifty cents multiplied by the duration of the call in minutes plus fifty cents. For example, an OSP's charges would exceed the benchmark rate if any of these conditions were true:

- (i) Charges for a one-minute call exceeded one dollar;
- (ii) Charges for a five-minute call exceeded three dollars;

or

(iii) Charges for a ten-minute call exceeded five dollars and fifty cents.

(4) **Access.** Pay phones must provide access to the services identified in WAC 480-120-263(3).

(5) **Branding.** The OSP must identify audibly and distinctly the OSP providing the service at the beginning of every call, including an announcement to the called party on collect calls. The OSP must ensure that the call begins no later than immediately following the prompt to enter billing information on automated calls and on live and automated operator calls, when the call is initially routed to the operator. The OSP must state the name of the company as registered with the commission (or its registered "doing business as" name) whenever referring to the OSP. When not necessary to identify clearly the OSP, the company may omit terms such as "company," "communications," "incorporated," or "of the Northwest."

(6) **Billing.** The OSP must provide to the billing company applicable call detail necessary for billing purposes and an address and toll-free number for consumer inquiries. The OSP must ensure that consumers are not billed for calls that are not completed. For billing purposes calls must be itemized, identified, and rated from the point of origination to the point of termination. An OSP may not transfer a call to another company unless the call can be billed from the point of origin. The OSP must provide specific call detail upon request, in accordance with WAC 480-120-161 (Form of bills). Charges billed to a credit card need not conform to the call detail requirements of that section.

(7) **Operational capabilities.** The OSP must answer at least ninety percent of all calls within ten seconds of the time the call reaches the company's switch. The OSP must maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including the facilities for access to

consumers' preferred interexchange companies, does not exceed one percent in the time-consistent busy hour. Should excessive blockage occur, the OSP must determine what caused the blockage and take immediate steps to correct the problem. The OSP must reoriginate calls to another company upon request and without charge when technically able to accomplish reorigination with screening and allow billing from the point of origin of the call. If reorigination is not available, the OSP must provide dialing instructions for the consumer's preferred company.

(8) **Emergency calls.** For purposes of emergency calls, every OSP must be able to transfer the caller into the appropriate E911 system and to the public safety answering point (PSAP) serving the location of the caller with a single keystroke from the operator's console, to include automatic identification of the exact location and address from which the call is being made. The OSP must be able to stay on the line with the emergency call until the PSAP representative advises the operator that they are no longer required to stay on the call. The OSP must provide a toll-free number for direct access to PSAPs should additional information be needed when responding to a call for assistance from a phone using the provider's services. That emergency contact information must not be considered proprietary.

(9) **Fraud protection.**

(a) A company may not bill a call aggregator for:

(i) Charges billed to a line for originating calls using company access codes, toll-free access codes, or originating calls that otherwise reach an operator position if the originating line subscribed to outgoing call screening or pay phone specific ANI coding digits and the call was placed after the effective date of the outgoing call screening or pay phone specific ANI coding digits order; or

(ii) Collect or third-number-billed calls if the line serving the call that was billed had subscribed to incoming call screening (also termed "billed number screening") and if the call was placed after the effective date of the call screening service order.

(b) The access line provider must remove from the call aggregator's bill any calls billed through the access line provider in violation of this subsection. If investigation by the access line provider determines that the pertinent call screening or pay phone specific ANI coding digits was operational when the call was made, the access line provider may return the charges for the call to the company as not billable.

(c) Any call billed directly by an OSP, or through a billing method other than the access line provider, which is billed in violation of this subsection, must be removed from the call aggregator's bill. The company providing the service may request an investigation by the access line provider. If the access line provider determines that call screening or pay phone specific ANI coding digits (which would have prevented the call) was subscribed to by the call aggregator and was not operational at the time the call was placed, the OSP must bill the access line provider for the call.

(10) **Suspension.** The commission may suspend the registration of any company providing operator services if the company fails to meet minimum service levels or to provide disclosure to consumers of protection available under chapter 80.36 RCW and pertinent rules.

Except as required by federal law, no provider of pay phone access line service may provide service to any OSP whose registration is suspended.

NEW SECTION

WAC 480-120-359 Companies not classified as competitive. (1)(a) For accounting purposes, each company not classified as competitive must use the *Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies* published by the Federal Communications Commission (FCC) and designated as Title 47, Code of Federal Regulations, Part 32 (47 CFR 32, or Part 32). The effective date for Part 32 is stated in WAC 480-120-999 (Adoption by reference). Each company not classified as competitive wishing to adopt changes to the USOA made by the FCC after the date specified in WAC 480-120-999, must petition for and receive commission approval. The petition must include the effect of each change for each account and subaccount on an annual basis for the most recent calendar year ending December 31. If the petition is complete and accurate the commission may choose to grant such approval through its consent agenda.

(b) Class B companies may use Class A accounting, but Class A companies must not use Class B accounting.

(2) The commission modifies Part 32 as follows:

(a) Any reference in Part 32 to "Commission," "Federal Communications Commission," or "Common Carrier Bureau" means the Washington utilities and transportation commission.

(b) Each company not classified as competitive must keep subsidiary records to reflect Washington intrastate differences when the commission imposes accounting or rate-making treatment different from the accounting methods required in subsection (2) of this section. Each company not classified as competitive must maintain subsidiary accounting records for:

- (i) Residential basic service revenues;
- (ii) Business basic service revenues;
- (iii) Access revenues for each universal service rate element;
- (iv) Special access revenues; and
- (v) Switched access revenues.

(c) Part 32 section 24, compensated absences, is supplemented as follows:

(i) Each company not classified as competitive must record a liability and charge the appropriate expense accounts for sick leave in the year in which the employees use the sick leave.

(ii) Each company not classified as competitive must keep records for:

- (A) Compensated absences that are actually paid; and
- (B) Compensated absences that are deductible for federal income tax purposes.

(d) Each company not classified as competitive that has multistate operations must keep accounting records that provide Washington results of operations. The methods used to determine Washington results of operations must be acceptable to the commission.

(e) Part 32 section 32.11(a) is replaced by WAC 480-120-034 (Classification of local exchange companies as Class A or Class B).

(f) Part 32 section 32.11 (d) and (e) are replaced by WAC 480-120-034.

(g) Any reference in Part 32 to "Class A" or "Class B" means the classification as set out in WAC 480-120-034.

(3) The commission does not require Part 32 section 32.2000 (b)(4). This rule does not supersede any accounting requirements specified in a commission order, nor will it be construed to limit the commission's ability to request additional information on a company specific basis. This rule does not dictate intrastate ratemaking.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-402 Safety. The plant and all facilities of utilities (~~shall~~) must be constructed and installed in conformity with good engineering practice and comply with the minimum standards as set out in the (~~current~~) National Electric Safety Code (~~in effect on January 1, 1991~~). Information about this standard regarding the version adopted and where to obtain it is set forth in WAC 480-120-999 (Adoption by reference). All instrumentalities and equipment (~~shall~~) must be installed and maintained with due consideration to the safety of the (~~subscribers~~) customers, employees and general public. Hazardous conditions endangering persons, property, or the continuity of service when found, reported or known to exist, (~~shall~~) must be expeditiously corrected.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-414 Emergency operation. (1) (~~All companies~~) Each company must maintain, revise, and provide to the commission the following:

(a) The titles and telephone numbers of the company's disaster services coordinator and alternates; and

(b) Upon request of the commission, the company's current plans for emergency operation, including current plans for recovery of service to governmental disaster recovery response agencies within the state of Washington.

(2) For coordination of disaster response and recovery operations, each company must maintain on file with the Washington state emergency management division the titles and telephone numbers of the managers of the company's:

- (a) Local network operations center;
- (b) Regional network operations center; or
- (c) Emergency operations center.

AMENDATORY SECTION (Amending Docket No. A-030832, General Order No. R-509, filed 10/29/03, effective 11/29/03)

WAC 480-120-439 Service quality performance reports. (1) **Class A companies.** Each Class A (~~companies~~) company must report monthly the information required

in subsections (3), (4), and (6) through (10) of this section. ~~((Companies))~~ Each company must report within thirty days after the end of the month in which the activity reported on takes place (e.g., a report concerning missed appointments in December must be reported by January 30).

(2) **Class B companies.** Class B companies need not report to the commission as required by subsection (1) of this section. However, these companies must retain, for at least three years from the date they are created, all records that would be relevant, in the event of a complaint or investigation, to a determination of the company's compliance with the service quality standards established by WAC 480-120-105 (Company performance standards for installation or activation of access lines), 480-120-112 (Company performance for orders for nonbasic services), 480-120-133 (Response time for calls to business office or repair center during regular business hours), 480-120-401 (Network performance standards), 480-120-411 (Network maintenance), and 480-120-440 (Repair standards for service interruptions and impairments, excluding major outages).

(3) **Missed appointment report.** The missed appointment report must state the number of appointments missed, the total number of appointments made, and the number of appointments excluded under (b), (c), or (d) of this subsection. The report must state installation and repair appointments separately.

(a) A LEC is deemed to have kept an appointment when the necessary work in advance of dispatch has been completed and the technician arrives within the appointment period, even if the technician then determines the order cannot be completed until a later date. If the inability to install or repair during a kept appointment leads to establishment of another appointment, it is a new appointment for purposes of determining under this subsection whether it is kept or not.

(b) When a LEC notifies the customer at least twenty-four hours prior to the scheduled appointment that a new appointment is necessary and a new appointment is made, then the appointment that was canceled is not a missed appointment for purposes of this subsection. A company-initiated changed appointment date is not a change to the order date for purposes of determining compliance with WAC 480-120-105 (Company performance standards for installation or activation of access lines) and 480-120-112 (Company performance for orders for nonbasic services).

(c) A LEC does not miss an appointment for purposes of this subsection when the customer initiates a request for a new appointment.

(d) A LEC does not miss an appointment for purposes of this subsection when it is unable to meet its obligations due to force majeure, work stoppages directly affecting provision of service in the state of Washington, or other events beyond the LEC's control.

(4) **Installation or activation of basic service report.** The report must state the total number of orders taken, by central office, in each month for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The report must include orders with due dates later than five days as requested by a customer. The installation or activation of basic service report must state, by central

office, of the total orders taken for the month, the number of orders that the company was unable to complete within five business days after the order date or by a later date as requested by the customer.

(a) ~~((A separate report must be filed))~~ The company must file a separate report each calendar quarter that states the total number of orders taken, by central office, in that quarter for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The installation or activation of basic service ninety-day report must state, of the total orders taken for the quarter, the number of orders that the company was unable to complete within ninety days after the order date.

(b) ~~((A separate report must be filed))~~ The company must file a separate report each six months that states the total number of orders taken, by central office, in the last six months for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The installation or activation of basic service one hundred eighty day report must state, of the total orders taken for six months, the number of orders that the company was unable to complete within one hundred eighty days.

(c) A company may exclude from the total number of orders taken and the total number of uncompleted orders for the month:

(i) Orders for which customer-provided special equipment is necessary;

(ii) When a later installation or activation is permitted under WAC 480-120-071 (Extension of service);

(iii) When a technician arrives at the customer's premises at the appointed time prepared to install service and the customer is not available to provide access; or

(iv) When the commission has granted an exemption under WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC), from the requirement for installation or activation of a particular order ~~((may be excluded from the total number of orders taken and from the total number of uncompleted orders for the month))~~.

(d) For calculation of the report of orders installed or activated within five business days in a month, a company may exclude from the total number of orders taken and from the total number of uncompleted orders for the month, orders that could not be installed or activated within five days in that month due to force majeure ~~((may be excluded from the total number of orders taken and from the total number of uncompleted orders for the month))~~ if the company supplies documentation of the effect of force majeure upon the order.

(5) **Major outages report.** Notwithstanding subsections (1) and (2) of this section, any company experiencing a major outage that lasts more than forty-eight hours must provide a major outage report to the commission within ten business days of the major outage. The major outages report must include a description of each major outage and a statement that includes the time, the cause, the location and number of affected access lines, and the duration of the interruption or impairment. When applicable, the report must include a description of preventive actions to be taken to avoid future outages. This reporting requirement does not include com-

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pany-initiated major outages that are in accordance with the contract provisions between the company and its customers or other planned interruptions that are part of the normal operational and maintenance requirements of the company.

The commission staff may request oral reports from companies concerning major outages at any time and companies must provide the requested information.

(6) **Summary trouble reports.** Each month companies must submit a report reflecting the standard established in WAC 480-120-438 (Trouble report standard). The report must include the number of reports by central office and the number of lines served by the central office. In addition, the report must include an explanation of causes for each central office that exceeds the service quality standard established in WAC 480-120-438 (~~((Trouble report standard))~~). The reports, including repeated reports, must be presented as a ratio per one hundred lines in service. The reports caused by customer-provided equipment, inside wiring, force majeure, or outages of service caused by persons or entities other than the local exchange company should not be included in this report.

(7) **Switching report.** Any company experiencing switching problems in excess of the standard established in WAC 480-120-401 (2)(a) (Switches—Dial service), must report the problems to the commission. The report must identify the location of every switch that is performing below the standard.

(8) **Interoffice, intercompany and interexchange trunk blocking report.** (~~(Companies)~~) Each company that experiences trunk blocking in excess of the standard in WAC 480-120-401 (3) (Interoffice facilities) and (5) (Service to interexchange (~~(carriers)~~) companies) must report each trunk group that does not meet the performance standards. For each trunk group not meeting the performance standards, the report must include the peak percent blocking level experienced during the preceding month, the number of trunks in the trunk group, the busy hour when peak blockage occurs, and whether the problem concerns a standard in WAC 480-120-401 (3) or (5). The report must include an explanation of steps being taken to relieve blockage on any trunk groups that do not meet the standard for two consecutive months.

(9) **Repair report.**

(a) For service-interruption repairs subject to the requirements of WAC 480-120-440 (Repair standards for service interruptions and impairments, excluding major outages), (~~(companies)~~) each company must report the number of service interruptions reported each month, the number repaired within forty-eight hours, and the number repaired more than forty-eight hours after the initial report. In addition, a company must report the number of interruptions that are exempt from the repair interval standard(s) as provided for in WAC 480-120-440.

(b) For service-impairment repairs subject to the requirements of WAC 480-120-440, (~~(companies)~~) each company must report the number of service impairments reported each month, the number repaired within seventy-two hours, and the number repaired more than seventy-two hours after the initial report. In addition, a company must report the number of impairments that are exempt from the repair interval standard as provided for in WAC 480-120-440.

(10) **Business office and repair answering system reports.** When requested, (~~(companies)~~) each company must report compliance with the standard required in WAC 480-120-133 (Response time for calls to business office or repair center during regular business hours). If requested, (~~(companies)~~) each company must provide the same reports to the commission that company managers receive concerning average speed of answer, transfers to live representatives, station busies, and unanswered calls.

(11) The commission may choose to investigate matters to protect the public interest, and may request further information from companies that details geographic area and type of service, and such other information as the commission requests.

(12) If consistent with the purposes of this section, the commission may, by order, approve for a company an alternative measurement or reporting format for any of the reports required by this section, based on evidence that:

(a) The company cannot reasonably provide the measurement or reports as required;

(b) The alternative measurement or reporting format will provide a reasonably accurate measurement of the company's performance relative to the substantive performance standard; and

(c) The ability of the commission and other parties to enforce compliance with substantive performance standard will not be significantly impaired by the use of the alternative measurement or reporting format.

(13) Subsection (12) of this section does not preclude application for an exemption under WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC).

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-450 Enhanced 9-1-1 (E911) obligations of local exchange companies. "Private branch exchange (PBX)" means customer premises equipment installed on the (~~(subscriber's)~~) customer's premises that functions as a switch, permitting the (~~(subscriber)~~) customer to receive incoming calls, to dial any other telephone on the premises, to access a tie trunk leading to another PBX or to access an outside trunk to the public switched telephone network.

"Data base management system (DBMS)" means a data base used by local exchange companies (LECs) to provide automatic location information (ALI) to public safety answering points (PSAPs).

"Emergency location identification number (ELIN)" means a telephone number that is used to route the call to a PSAP and is used to retrieve the automatic location information (ALI) for a PSAP.

"Emergency response location (ERL)" means a location to which a 911 emergency response team may be dispatched.

(1) Local exchange companies (LECs) must provide enhanced 9-1-1 (E911) services including:

(a) For single line service, the ability for customers to dial 911 with the call and caller's ELIN transmitted to the

E911 selective router serving the location associated with the ERL for that line;

(b) For multiline customers, the ability for customers to dial 911 with common signal protocols available which permit the call and caller's ELIN to be transmitted to the E911 selective router serving the location associated with the ERL for that line;

(c) For pay phones served by pay phone access lines (PALs) the ability for customers to dial 911 with the call and the ELIN transmitted to the E911 selective router serving the location of the ERL for that line. The ELIN must be that of the pay phone.

(2)(a) LECs that provide or make available E911 data base management, whether directly or through contract, must provide to all PBX owners or their agents (including LECs) a simple, internet-based method to maintain customer records in the E911 data base, and the LEC may provide an option of a secure dial up access method for the PBX owner or agent to maintain customer records in the E911 data base. The method must use a generally accepted national format for customer record information.

(b) LECs that provide or make available E911 data base management, whether directly or through contract, must provide or make available to all other LECs a simple, internet-based method to maintain customer records in the E911 data base for their non-PBX customers, and the LEC may provide an option of a secure dial up access or direct data link method for LECs to maintain customer records in the E911 data base. The LEC may offer methods for maintaining station location information that are not internet-based (~~may be offered~~) in addition to the required internet-based method.

(c) LECs that provide pay phone access lines must maintain customer record information, including ELIN and ERL information, for those access lines using a method required by (b) of this subsection. (~~Records must be forwarded~~) The LEC must forward the records to the data base manager within one business day of a record's posting to the company records system.

(d) For single line services, PBX main station lines, and pay phone lines, LECs must transmit updated location information records to the data base management system (DBMS) within one business day of those records being posted to the company record system.

(~~Records that do not post to the DBMS because of address errors must be corrected~~) The LEC must correct records that do not post to the DBMS because of address errors within two working days (~~unless~~). If modifications are necessary to the audit tables of the master street address guide, (~~in which case the record must be resubmitted~~) the LEC must resubmit the record within one business day of notification that the master street address guide has been updated.

(e) The LEC or its agent administering the data base must resolve E911 data base errors and inquiries, including selective routing errors, reported by county E911 data base coordinators or PSAPs (~~must be resolved by the LEC or its agent administering the data base~~) within five working days of receipt.

(3) LECs choosing to provide E911 services including selective routing, data base management and transmission of

the call to a PSAP must file with the commission tariffs and supporting cost studies or price lists, whichever applies, that specify the charges and terms for E911 services.

(4)(a) The LEC must permit PBX customers who choose to maintain their own E911 data base(;) or contract that maintenance to a third party, (~~must be permitted to do so~~) if the customer maintains the data in a generally accepted national format for customer record information.

(b) PBX customers who choose to not use LEC data base management may transmit, or have a third-party transmit, customer record information to their LEC's national data service gateway at no additional charge.

AMENDATORY SECTION (Amending Order R-450, Docket No. UT-970325, filed 9/23/98, effective 12/21/98)

WAC 480-120-540 Terminating access charges.

(1)(a) Except for any universal service rate allowed pursuant to subsection (~~(3)~~) (1)(b) of this section, the rates charged by a local exchange company for terminating access (~~shall~~) service offered by tariff must not exceed the lowest rate charged by the local exchange company for the comparable local interconnection service (in each exchange), such as end office switching or tandem switching. If a local exchange company does not provide local interconnection service (or does so under a bill and keep arrangement), the rates charged for terminating access (~~shall~~) must not exceed the cost of the terminating access service being provided.

(~~(2)~~) (b) If a local exchange company is authorized by the commission to recover any costs for support of universal access to basic telecommunications service through access charges, it shall recover such costs as an additional, explicit universal service rate element applied to terminating access service.

(2) The rates charged by a local exchange company for terminating access service offered by price list must not exceed the rates charged by the incumbent local exchange company for terminating access service in the comparable geographic area. For purposes of this subsection, the rates charged by the incumbent local exchange company include any universal service rate charged pursuant to subsection (1)(b) of this section.

(3) The cost of the terminating access (~~shall~~) must be determined based on the total service long-run incremental cost of terminating access service plus a reasonable contribution to common or overhead costs. Local loop costs are considered "shared" or "joint" costs and (~~shall~~) must not be included in the cost of terminating access. However, nothing in this rule prohibits recovery of local loop costs through originating access charges (including switched, special, and dedicated as defined in subsection (4)(a) of this section).

(~~(3) If a local exchange company is authorized by the commission to recover any costs for support of universal access to basic telecommunications service through access charges, it shall recover such costs as an additional, explicit universal service rate element applied to terminating access service.~~)

(4) Definitions.

(a) "Access charge" means a rate charged by a local exchange (~~carrier~~) company to an interexchange (~~carrier~~)

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company for the origination, transport, or termination of a call to or from a customer of the local exchange ((~~carrier~~)) company. Such origination, transport, and termination may be accomplished either through switched access service or through special or dedicated access service.

(b) "Terminating access service" includes transport only to the extent that the transport service is bundled to the end office or tandem switching service. Dedicated transport unbundled from switching services is not subject to subsection (1) of this section.

(c) "Bill and keep" (also known as "mutual traffic exchange" or "payment in kind") is a compensation mechanism where traffic is exchanged among companies on a reciprocal basis. Each company terminates the traffic originating from other companies in exchange for the right to terminate its traffic on that company's network.

(5) The requirement of subsection (1) of this section that any terminating rate be based on cost ((~~shall~~)) must not apply to any local exchange company that is a small business, or to any local exchange company that is competitively classified, if it concurs in the terminating rate of any local exchange company that has filed a terminating rate that complies with the requirements of subsection (1) of this section. For the purposes of this subsection, "small business" has the same meaning as it does in RCW 19.85.020.

(6) Any local exchange company that is required to lower its terminating access rates to comply with this rule may file tariffs or price lists (as appropriate) to increase or restructure its originating access charges. The commission will approve the revision as long as it is consistent with this rule, in the public interest and the net effect is not an increase in revenues.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) American National Standards for Telecommunications - "*Network Performance Parameters for Dedicated Digital Services - Specifications*" (ANSI T1.510-1999) is published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) The American National Standards for Telecommunications "*Network Performance Parameters for Dedicated Digital Services - Specifications*" is a copyrighted document. Copies are available from the publisher and third-party vendors.

(2) *The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteris-*

tics (ANSI/IEEE Std 820-1984) is published by the ANSI and the IEEE.

(a) The commission adopts the version in effect on March 22, 1984, and reaffirmed September 16, 1992.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) *The IEEE Standard Telephone Loop Performance Characteristics* is a copyrighted document. Copies are available from the publishers.

(3) *The National Electrical Safety Code* is published by the IEEE.

(a) The commission adopts the version in effect ((~~in 1997~~)) on January 1, 2002.

(b) This publication is referenced in WAC 480-120-402 (Safety).

(c) *The National Electrical Safety Code* is a copyrighted document. Copies are available from the publishers and from third-party vendors.

(4) *Title 47 Code of Federal Regulations*, cited as 47 CFR, is published by the United States Government Printing Office, except sections 64.2003 through 64.2009.

(a) The commission adopts the version in effect on October 1, 1998.

(b) This publication is referenced in WAC ((~~480-120-302 and 480-120-322~~)) 480-120-359 (Accounting requirements for companies not classified as competitive) and WAC 480-120-349 (Retaining and preserving records and reports).

(c) Copies of Title 47 Code of Federal Regulations are available from the Government Printing Office and from third-party vendors.

(5) Sections 64.2003 through 64.2009 of Title 47 of the Code of Federal Regulations, cited as 47 CFR §§ 64.2003 through 64.2009, are published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2002.

(b) This publication is referenced in WAC 480-120-207 (Customer Proprietary Network Information).

(c) Copies of Sections 64.2003 through 64.2009 of Title 47 of the Code of Federal Regulations are available from the Government Printing Office and from third-party vendors.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-120-201	Definitions.
WAC 480-120-203	Use of customer proprietary network information (CPNI) not permitted to identify or track customer calls to competing service providers.
WAC 480-120-204	Opt-in approval required for use, disclosure, or access to customer I-CPNI.
WAC 480-120-205	Using customer proprietary network information (CPNI) in the provision of services.

- WAC 480-120-206 Using individual customer proprietary network information (I-CPNI) during inbound and outbound telemarketing calls.
- WAC 480-120-207 Use of private account information (PAI) by company or associated companies requires opt-out approval.
- WAC 480-120-208 Use of customers' private account information (PAI) to market company products and services without customer approval.
- WAC 480-120-209 Notice when use of private account information (PAI) is permitted unless a customer directs otherwise (opt-out).
- WAC 480-120-211 Mechanisms for opting out of use of private customer account information (PAI).
- WAC 480-120-212 Notice when express (opt-in) approval is required and mechanisms for express approval.
- WAC 480-120-213 Confirming changes in customer approval status.
- WAC 480-120-214 Duration of customer approval or disapproval.
- WAC 480-120-215 Safeguards required for I-CPNI.
- WAC 480-120-216 Disclosing CPNI on request of customer.
- WAC 480-120-302 Accounting requirements for companies not classified as competitive.

AMENDATORY SECTION (Amending Docket No. UT-003074, General Order No. R-492, filed 1/4/02, effective 2/28/02)

WAC 480-122-020 Washington telephone assistance program rate. The commission ~~((shall))~~ will set by order the telephone assistance rate to be paid by program participants for local service. Every eligible telecommunications ~~((carrier))~~ company (ETC) must offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475. ~~((Every non-ETC local exchange company must offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475 when one hundred or more of its access lines are subscribed to for residential service. Radio communications service companies that are not ETCs may offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 480-122-060 Telephone assistance excise tax.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

WAC 480-80-123 Tariff changes that do not require statutory notice. (1) A utility must file with the commission tariff changes that do not require statutory notice at least one day before the effective date.

(2) The filing must include a transmittal letter as set forth in WAC 480-80-104 (Transmittal letter).

(3) Tariff changes that do not require statutory notice include:

- (a) Initial tariffs filed by a newly regulated utility;
- (b) A filing for a service not previously contained within a regulated utility's existing tariff;
- (c) A change to a telecommunications tariff not affecting the rates or charges paid by customers;
- (d) A change to a tariff ((change)), other than a telecommunications tariff, that does not affect the public; and
- ~~((d))~~ (e) A change in a banded rate when notice to customers has been or will be given in accordance with tariff rules applicable to the service.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

WAC 480-80-204 Price lists format and content. (1) A price list must include, for each service in the price list, a description of the service, any limitations, terms, or conditions on the offering of that service, and all rates, charges, or prices at which the service is offered.

(2) A price list must:

- (a) Plainly state the places where the offered telecommunications service will be rendered;
- (b) Include the effective date clearly marked on each page;
- (c) Include the complete name, address, phone number, unified business identifier (UBI) number, and if available, the mail address and web page address of the issuing utility; and
- (d) Conform to all applicable laws, rules, and orders. The filing of a nonconforming price list will not be deemed a waiver of the law, rule, or order. A company may not enforce a price list provision that conflicts with a law, rule, or order unless the commission waives that law, rule, or order.

(3) A price list of a competitive telecommunications company may state the rates, charges, or prices as maximum amounts rather than as specific prices.

(4) A price list of a telecommunications company not classified as competitive offering a service classified as competitive under RCW 80.36.330 may state the rates, charges, or prices as maximum and minimum amounts rather than as

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specific prices. The minimum price must comply with the cost requirement in subsection (6) of this section.

(5) A transmittal letter must accompany a price list change in compliance with the provisions of WAC 480-80-203.

(6) The rates, charges, and prices of services classified as competitive under RCW 80.36.330 must cover the cost of providing the service. Costs must be determined using a long-run incremental cost analysis, including as part of the incremental cost, the price charged by the offering company to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

WAC 480-80-206 Price list availability to customers.

(1) Each telecommunications company offering service under a price list must maintain a complete copy of the price list on a website accessible to the public using standard web browser software.

(2) Each telecommunications company offering service under a price list must provide to any customer making a written or oral request a copy of the price list sheets applicable to that customer's service. The telecommunications company must provide the price list at no charge to the customer. This subsection does not apply if the telecommunications company makes available for public inspection, at a location within the customer's exchange, a complete copy of the price list.

~~((3) Each telecommunications company offering service under a price list must include in each customer bill or notice:~~

~~(a) The internet address (uniform resource locator) of the website containing its price list; and~~

~~(b) The toll-free telephone number to use in requesting price list copies and a statement that there is no charge for the price list copy. If a company is not required by subsection (2) of this section to provide price list copies, it must instead provide the address, telephone number, and business hours of the location within the customer's exchange at which a complete copy of the price list is available for public inspection.))~~

WSR 04-17-138
PROPOSED RULES
HOME CARE
QUALITY AUTHORITY

[Filed August 18, 2004, 9:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-11-088.

Title of Rule and Other Identifying Information: Home Care Quality Authority safety training rule, new chapter 257-05 WAC.

Hearing Location(s): Blake Office Park East Building, 4500 10th Avenue S.E., Rose Conference Room, Lacey, WA 98503, on September 22, 2004, at 3:00 p.m.

Date of Intended Adoption: September 22, 2004.

Submit Written Comments to: HCQA Rules Coordinator, P.O. Box 40940, Olympia, WA 98504, delivery 640 Woodland Square Loop S.E., Lacey, WA, e-mail JMyers@hcqa.wa.gov, fax (360) 407-0304, by 3:00 p.m., September 22, 2004.

Assistance for Persons with Disabilities: Contact TTY (360) 493-2637, assistance must be requested by 5:00 p.m. on August [September] 18, 2004.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency will soon provide workers' compensation coverage, which necessitates safety training to minimize risk of provider injury and/or illness. Anticipated effects are that providers will be required to complete safety training. No existing rules are expected to change.

Reasons Supporting Proposal: In order to minimize risk to state resources (workers compensation benefits), safety training is necessary to reduce the number of accidents, injuries and illnesses in the workplace. Safety training is a critical component of accident prevention efforts. Current safety training offered to providers primarily focuses on keeping a consumer safe, rather than preventing injury to the provider. This proposed safety training will focus solely on reducing and preventing injuries to providers.

Statutory Authority for Adoption: RCW 74.39A.280(3).

Statute Being Implemented: RCW 74.39A.250 (1)(c).

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

Name of Proponent: Home Care Quality Authority, governmental.

Name of Agency Personnel Responsible for Drafting: Jane Wood, Training and Communications Program Manager, 640 Woodland Square Loop S.E., Lacey, WA 98503, (360) 725-2575; Implementation: Jackie Myers, Operations Manager, 640 Woodland Square Loop S.E., Lacey, WA 98503, (360) 725-2618; and Enforcement: Mindy Schaffner, Executive Director, 640 Woodland Square Loop S.E., Lacey, WA 98503, (360) 725-2635.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules do no impact small business or nonprofits.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Jackie Myers, P.O. Box 40940, Olympia, WA 98504, phone (360) 725-2618, fax (360) 407-0304, e-mail jmyers@hcqa.wa.gov.

August 18, 2004
Mindy R. Schaffner
Executive Director

Chapter 257-05 WAC

SAFETY TRAINING REQUIREMENTS

NEW SECTION

WAC 257-05-020 What is the purpose of WAC 257-05-020 through 257-05-240? The intent of WAC 257-05-020 through 257-05-240 is to describe the safety training requirements for an individual provider.

NEW SECTION

WAC 257-05-040 What definitions apply to WAC 257-05-020 through 257-05-240? "Challenge testing" is evaluating an individual's prior learning experiences to determine if they can demonstrate the required level of skill, knowledge, and/or behavior with respect to the identified learning outcomes of a particular course. Challenge testing demonstrates adequate knowledge in lieu of actually participating in a required course.

"Competency testing" is evaluating a trainee to determine if they can demonstrate the required level of skill, knowledge, and/or behavior with respect to the identified learning outcomes of a particular course.

"Consumer" means a person to whom an individual provider provides any personal care or respite care services under Medicaid personal care, community options program entry system, chore services program, medically needy in-home waiver, respite care program, or, respite care, personal care, chore and attendant care to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care as defined in RCW 74.13.270.

"Individual provider" means a person, regardless of relationship, including a personal aide working for a consumer under self-directed care, who has contracted with the department of social and health services to provide personal care or respite care services to functionally disabled persons under the Medicaid personal care, community options program entry system, chore services program, medically needy in-home waiver, or respite care program, or to provide respite care, personal care, chore and attendant care to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care as defined in RCW 74.13.270.

"HCQA" refers to the home care quality authority.

"DSHS" refers to the department of social and health services.

"AAA" refers to the local area agency on aging office.

NEW SECTION

WAC 257-05-060 What is safety training? Safety training provides basic injury, illness and accident prevention information appropriate to the in-home setting and individuals served. HCQA-developed safety materials must be used for safety training of individual providers. No competency test is required.

NEW SECTION

WAC 257-05-080 What content must be included in safety training? Safety training may include the use of video tapes, audio tapes and other print or electronic media. Safety training consists of introductory information in the following areas:

- (1) Overview of HCQA accident prevention program.
- (2) General home care safety.
- (3) Back injury protection in the home care environment.
- (4) Slips, trips and fall prevention in the home care environment.

NEW SECTION

WAC 257-05-100 Is competency testing required for safety training? There is no competency testing required for Safety training.

NEW SECTION

WAC 257-05-120 Is there a challenge test for safety training? There is no challenge test for safety training.

NEW SECTION

WAC 257-05-130 When does a safety training attestation form need to be completed? All individual providers must sign an attestation form upon completion of safety training. The attestation form will serve as a confirmation of completion and understanding of the safety training content.

NEW SECTION

WAC 257-05-132 What does an individual provider do with the attestation form? After the individual provider signs the attestation form, the individual provider must mail the attestation form to the address identified on the form. The form must be postmarked within fourteen calendar days after an individual provider has begun to work with their first DSHS consumer. Individual providers who are already working for a DSHS consumer have until December 31, 2006, to obtain the training; however, upon completion of safety training, the individual provider must sign the attestation form.

NEW SECTION

WAC 257-05-134 Who maintains the attestation form? HCQA will maintain completed safety training attestation forms.

NEW SECTION

WAC 257-05-140 What documentation is required for classroom-based safety training? The individual provider must maintain a signed and dated certificate of completion of safety training, issued by HCQA or any of its training contractors that provides the safety training that includes:

- (1) The trainee's name;
- (2) Title(s) of the specific information taught;

- (3) Signature of the person overseeing classroom-based safety training indicating completion of the required information;
- (4) The location or method of the safety training; and
- (5) The date(s) of the safety training.

NEW SECTION

WAC 257-05-160 Who is required to complete safety training and when must it be completed? (1) Individual providers must complete safety training no later than fourteen calendar days after beginning to work with their first DSHS consumer. Safety training must be provided by appropriate HCQA staff or contracted entities.

(2) Individual providers who are already working for a consumer as of October 1, 2004, have two calendar years to complete safety training.

(3) Individual providers who prefer to complete safety training via distance learning will be provided alternate methods to complete safety training that could include innovative learning strategies such as:

- (a) CD, video, DVD, or other electronic method.
- (b) Internet-based or other computerized method.
- (c) Workbook of printed subject matter.

NEW SECTION

WAC 257-05-180 How often must safety training be completed? All individual providers must complete safety training. There is no requirement for periodic refresher safety training.

NEW SECTION

WAC 257-05-200 Is there an alternative to safety training for some providers? There is no alternative experience or education for safety training sponsored by HCQA. There is no waiver process for previous safety training conducted through DSHS, AAAs, or other public or private entity.

NEW SECTION

WAC 257-05-220 Does successful completion of safety training meet DSHS continuing education requirements for individual providers? Safety training sponsored by HCQA meets DSHS' continuing education requirements for individual providers who are eligible to accrue continuing education credit. Individual providers who successfully complete safety training and are eligible to accrue continuing education credit may present their completion certificate to their local AAA office or their DDD or children's administration case manager for continuing education documentation.

NEW SECTION

WAC 257-05-240 Will DSHS terminate the contract of an individual provider who does not complete safety training? HCQA will notify DSHS of an individual provider's noncompliance. DSHS will terminate the contract of an individual provider who does not return the attestation

form and complete safety training within fourteen calendar days after beginning to work with their first DSHS consumer.

DSHS will terminate the contract of an individual provider who is already caring for a consumer as of October 1, 2004, and who does not complete the safety training by December 31, 2006.

WSR 04-17-144

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 18, 2004, 10:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-133, 03-07-031, and 01-16-136.

Title of Rule and Other Identifying Information: Chapter 388-96 WAC, Medicaid nursing facility payment system.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA, on October 5, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than October 6, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., October 5, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by October 1, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The ADSA Management Services Division (MSD)/Office of Rates Management is implementing 2004 legislative changes (section 913, chapter 276, Laws of 2004) that affect chapter 388-96 WAC, Medicaid nursing facility payment system. This CR-102 is also filed to cover the following CR-101s: WSR 01-16-136 filed July 31, 2001, to implement SHB 2242 (chapter 8, Laws of 2001 1st sp.s.); WSR 03-07-031 filed on March 31, 2003; and WSR 04-08-133 filed on April 7, 2004.

WAC 388-96-117	Requiring a perjury statement signed by the contractor and no other signatures.
WAC 388-96-217	Adding a new fine to address nonreporting of Medicaid resident income and resource changes.
WAC 388-96-218	Editing and to comply with RCW 74.46.165 on shifting and overpayment retention.
WAC 388-96-369	Requiring signature of two witnesses resident unable to sign for funds.
WAC 388-96-372	Increasing petty cash to \$1000.
WAC 388-96-708 and 388-96-709	Unbanking and banking beds to comply with changes in chapter 74.46 RCW.

PROPOSED

WAC 388-96-713	Identifying adjusted cost report data from calendar year 1999 will be used for July 1, 2004 rates.
WAC 388-96-714	Repealing - Nursing facility Medicaid rate allocations—Economic trends and conditions adjustment factors.
WAC 388-96-723, 388-96-724, 388-96-725, 388-96-726, 388-96-730 and 388-96-731	Removing rate designation as capital/noncapital.
WAC 388-96-728	Repealing - How will the nursing facility's "hold harmless" direct care rate be determined?
WAC 388-96-729	Repealing - When will the department use the "hold harmless rate" to pay for direct care services?
WAC 388-96-730 and 388-96-731	Removing the capital/noncapital designation for payment rates.
WAC 388-96-732	Repealing - How will the department determine whether its notice pursuant to WAC 388-96-724 was timely?
WAC 388-96-749	Adding that the VR rate, quartiles and percentages will not be adjusted following a July 1, rebasing.
WAC 388-96-776	Amending to account for certificates of capital authorizations (CCA).
WAC 388-96-779	Repealing - Exceptional therapy care—Designated nursing facilities.
WAC 388-96-780	Repealing - Exceptional therapy care—Covered Medicaid residents.
WAC 388-96-783	Implementing CCA.
WAC 388-96-740	Adding that newly Medicaid not meeting 90% will use industry average Medicaid case mix index.
WAC 388-96-742	Adding that a significant discrepancy exists when census is 50% or less of licensed beds.
WAC 388-96-766	Adding that a contractor is deemed to receive notification five days from date of department notice.
WAC 388-96-901	Revising actions not subject to administrative review.

Reasons Supporting Proposal: Implementing changes in state law, and editing the rules for clarity, substance and form where appropriate.

Statutory Authority for Adoption: RCW 74.46.431 (11) and (12) and 74.46.800 are statutory authority for all WAC sections in this proposal, except the following: RCW 74.46.431 is the authority for WAC 388-96-713; RCW 74.46.807 and 74.46.431 are the authority for WAC 388-96-783; RCW 74.46.155, 74.46.165, and 74.46.431 are the

authority for WAC 388-96-218; and RCW 74.46.050 and 74.46.431 are the authority for WAC 388-96-217.

Statute Being Implemented: Chapter 74.46 RCW; section 913, chapter 276, Laws of 2004; chapter 8, Laws of 2001 1st sp.s.

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

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

Name of Agency Personnel Responsible for Drafting: Patricia Hague, Mailstop 45600, (360) 725-2447; Implementation: Edward Southon, Mailstop 45600, (360) 725-2472; and Enforcement: Kenneth Callaghan, Mailstop 45600, (360) 725-2469.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 (3) a small business economic impact statement does not apply to rules that set or adjust fees or rates pursuant to legislative standards. RCW 34.05.310 (4)(f). Chapter 74.46 RCW provides standards to which the rules adopted in chapter 388-96 WAC comply.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(vi), rules that set or adjust fees or rates pursuant to legislative standards are exempt from RCW 34.05.328. Chapter 74.46 RCW provides standards to which the rules adopted in chapter 388-96 WAC comply.

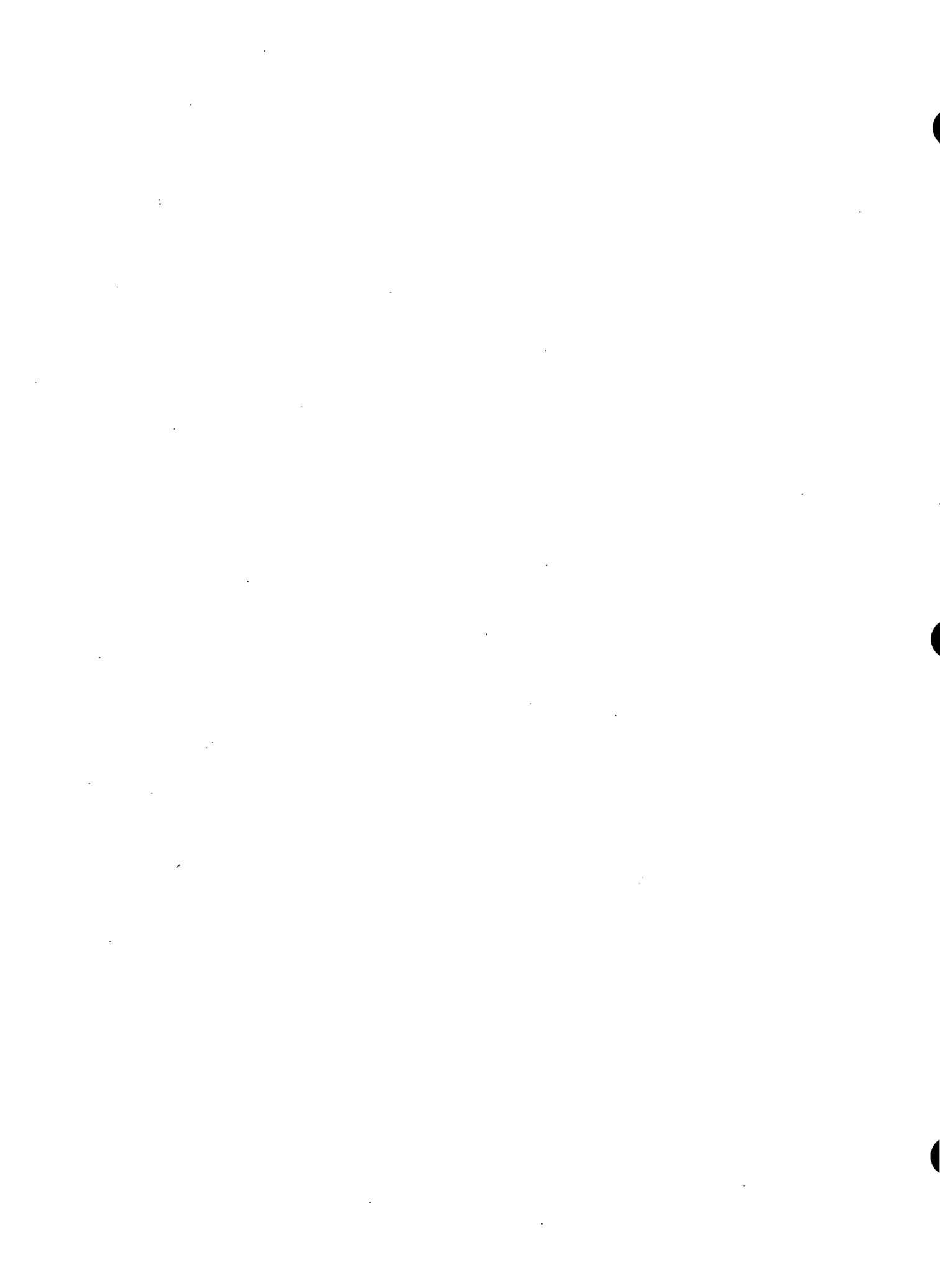
August 17, 2004

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 04-18 issue of the Register.

PROPOSED



WSR 04-17-139
EXPEDITED RULES
BUILDING CODE COUNCIL
 [Filed August 18, 2004, 10:15 a.m.]

Title of Rule and Other Identifying Information: Chapter 365-110 WAC, Building permit surcharges and fees—Definitions.

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 THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, AND RECEIVED BY October 18, 2004.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend WAC 365-110-035 to update referenced codes.

Summary: Amendments are being made to update references to the new codes adopted per RCW 19.27.031.

Explanation of Rules, its Purpose, and Anticipated Effects: WAC 365-110-035 is amended to reference the International Building Code and the International Residential Code in lieu of the Uniform Building Code.

Proposal does not change existing rules.

Reasons Supporting Proposal: RCW 19.27.190 and 19.27.020.

Statutory Authority for Adoption: RCW 19.27.190 and 19.27.020.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Name of Proponent: Washington State Building Code Council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Tim Nogler, Olympia, Washington 98504-2525, (360) 725-2967; and Enforcement: Local jurisdictions.

August 18, 2004

Juli Wilkerson

Director

AMENDATORY SECTION (Amending WSR 99-01-089, filed 12/16/98)

WAC 365-110-035 Definitions. 1. **Department** shall mean the department of community, trade, and economic development.

2. **State Building Code fee** shall mean a fee which is required to be collected by cities and counties pursuant to chapter 19.27 RCW. Funds collected shall be used exclu-

sively to implement the provisions of chapters 19.27 and 19.27A RCW.

3. **Building permit** shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the ~~((Uniform))~~ International Building Code or the International Residential Code, as set forth in ~~((the Uniform Building Code,))~~ section ~~((406.1))~~ 105.1 of those codes, except as noted below. This definition shall be subject to the exemptions contained in section ~~((406.2))~~ 105.2 of the ~~((Uniform))~~ International Building Code and International Residential Code. Building permits shall not include plumbing, electrical, mechanical permits, or permits issued pursuant to the ~~((Uniform))~~ International Fire Code.

EXPEDITED



WSR 04-16-029

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 26, 2004, 3:44 p.m., effective August 26, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amending sections of chapter 388-71 WAC, Home and community services and programs; adopting amended and new sections of chapter 388-72A WAC, Comprehensive assessment reporting evaluation (CARE) tool; and adding a new section of chapter 388-515 WAC, Alternate living—Institutional medical, to establish the Medically Needy (MN) In-Home Waiver Program. The department is adopting rules to establish eligibility criteria, applicable income standards, specific waiver services, and amending other sections as appropriate.

Citation of Existing Rules Affected by this Order: Amending WAC 388-71-0194, 388-71-0202, 388-71-0405, 388-71-0410, 388-71-0415, 388-71-0420, 388-71-0425, 388-71-0440, 388-71-0465, 388-71-0470, 388-71-0480, 388-71-0510, 388-71-05665, 388-71-0700, 388-71-0708, 388-71-0915, 388-71-0960, 388-71-1105, 388-72A-0060, 388-72A-0065, and 388-72A-0100.

Statutory Authority for Adoption: ESHB 2459, (section 206 (6)(b), chapter 276, Laws of 2004).

Other Authority: *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z.

Adopted under notice filed as WSR 04-10-101 on May 4, 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 4, Amended 21, 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 4, Amended 21, Repealed 0.

Date Adopted: July 22, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-24-001, filed 11/19/03, effective 12/20/03)

WAC 388-71-0194 Home and community services—Nursing services. (1) Upon department or designee referral, a registered nurse will consult about or visit a community options program entry system (COPES) client, Medically Needy Residential Waiver (MNRW) client, Medically Needy In-home Waiver (MNIW) client, or a Medicaid personal care

client to perform a nursing service which may include the following activities:

- (a) Nursing assessment/reassessment;
- (b) Instruction to care providers and clients;
- (c) Care coordination;
- (d) File review;
- (e) Evaluation.

(2) The frequency and scope of the nursing service will be based on individual client need.

(3) This nursing service will not be provided if activities duplicate services that the client is receiving from some other resource. Coordination and/or referrals to appropriate health care providers will occur as necessary.

(4) The registered nurse providing this service will not perform skilled treatment except in the event of an emergency. A skilled treatment is care that would require authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement. The need for any skilled medical or nursing treatments will be referred to a health care provider, a home health agency or ((a)) other appropriate resource.

(5) The registered nurse must document the result of the nursing service provided on a department-approved form. The registered nurse provides a copy to the staff who has case management responsibility.

AMENDATORY SECTION (Amending WSR 04-04-042, filed 1/29/04, effective 2/29/04)

WAC 388-71-0202 Long-term care services—Definitions. The department shall use the definition in this section for long-term care services.

"Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services.

"Aged person" means a person sixty-five years of age or older.

"Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to a client in the client's own home.

"Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant shall submit the request on a form prescribed by the department.

"Assessment" or "reassessment" means an inventory and evaluation of abilities and needs based on an in-person interview in the client's own home or other place of residence.

"Attendant care" means the chore personal care service provided to a grandfathered client needing full-time care due to the client's need for:

- (1) Assistance with personal care; or

(2) Protective supervision due to confusion, forgetfulness, or lack of judgment. Protective supervision does not include responsibilities a legal guardian should assume such as management of property and financial affairs.

"Authorization" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

"Blind person" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

"Categorically needy" means the financial status of a person as defined under WAC 388-500-0005.

"Client" means an applicant for service or a person currently receiving services.

"Community residence" means:

- (1) The client's "own home" as defined in this section;
- (2) Licensed adult family home under department contract;
- (3) Licensed boarding home under department contract;
- (4) Licensed children's foster home;
- (5) Licensed group care facility, as described in chapter 388-148 WAC; or
- (6) Shared living arrangement as defined in this section.

"Community spouse" means a person as described under WAC 388-513-1365 (1)(b).

"Contracted program" means services provided by a licensed and contracted home care agency or home health agency.

"COPEs" means community options program entry system.

"Department" means the state department of social and health services.

"Direct personal care services" means verbal or physical assistance with tasks involving direct client care which are directly related to the client's disabling condition. Such assistance is limited to allowable help with the tasks of ambulation, bathing, body care, dressing, eating, personal hygiene, positioning, self-medication, toileting, transfer, as defined in "personal care services" below.

"Disabled" means a person determined disabled as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

"Disabling condition" means a condition which prevents a person from self-performance of personal care tasks without assistance.

"Estate recovery" means the department's activity in recouping funds after the client's death which were expended for long-term care services provided to the client during the client's lifetime per WAC 388-527-2742.

"Grandfathered client" means a chore personal care services client approved for either:

- (1) Attendant care services provided under the chore personal care program when these services began before April 1, 1988; and
- (2) Family care services provided under the chore personal care program when these services began before December 14, 1987; and

(3) The client was receiving the same services as of June 30, 1989; and

(4) Chore personal services when these services began before August 1, 2001.

"Home health agency" means a licensed:

(1) Agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or

(2) Home health agency, certified or not certified under Medicare, contracted and authorized to provide:

- (a) Private duty nursing; or
- (b) Skilled nursing services under an approved Medicaid waiver program.

"Household assistance" means assistance with incidental household tasks provided as an integral, but subordinate part of the personal care furnished directly to a client by and through the long-term care programs as described in this chapter. Household assistance is considered an integral part of personal care when such assistance is directly related to the client's medical or mental health condition, is reflected in the client's service plan, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks. Household assistance tasks include travel to medical services, essential shopping, meal preparation, laundry, housework, and wood supply.

"Income" means "income" as defined under WAC 388-500-0005.

"Individual provider" means a person employed by a community options program entry system (COPEs), Medically Needy Waiver Services, or Medicaid personal care client when the person:

- (1) Meets or exceeds the qualifications as defined under WAC 388-71-0500 through ((388-71-05640)) 388-71-0580;
- (2) Has signed an agreement to provide personal care services to a client; and
- (3) Has been authorized payment for the services provided in accordance with the client's service plan.

"Individual provider program (IPP)" means a method of chore personal care service delivery where the client employs and supervises the chore personal care service provider.

"Institution" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. "Institution" includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

"Institutional eligible client" means a person whose eligibility is determined under WAC 388-513-1315.

"Institutionalized client" means the same as defined in WAC 388-513-1365(f).

"Institutional spouse" means a person described under WAC 388-513-1365 (1)(e).

"Medicaid" means the federal aid Title XIX program under which medical care is provided to:

- (1) Categorically needy as defined under WAC 388-500-0005; and

(2) Medically needy as defined under WAC 388-500-0005.

"**Medical assistance**" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined under WAC 388-500-0005.

"**Medical institution**" means an institution defined under WAC 388-500-0005.

"**Medically necessary**" and "**medical necessity**" mean the same as defined under WAC 388-500-0005.

"**Medically oriented tasks**" means direct personal care services and household assistance provided as an integral but subordinate part of the personal care and supervision furnished directly to a client.

"**Mental health professional**" means a person defined under WAC 388-865-0150.

"**Own home**" means the client's present or intended place of residence:

(1) In a building the client rents and the rental is not contingent upon the purchase of personal care services as defined in this section; or

(2) In a building the client owns; or

(3) In a relative's established residence; or

(4) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

"**Personal care aide**" means a person meeting the department's qualification and training requirements and providing direct personal care services to a client. The personal care aide may be an employee of a contracted agency provider or may be an individual provider employed by the client.

"**Personal care services**" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks and household tasks, as listed in (1) through (17) of this subsection. Such services may be provided for clients who are functionally unable to perform all or part of such tasks or who are incapable of performing the tasks without specific instructions. Personal care services do not include assistance with tasks that are age appropriate for children under age eighteen or performed by a licensed health professional.

(1) "**Ambulation**" means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if client is able to propel a wheelchair if guided, pushing of the wheelchair, and providing constant or standby physical assistance to the client if totally unable to walk alone or with a mechanical device.

(2) "**Bathing**" means assisting a client to wash. Bathing includes supervising the client able to bathe when guided, assisting the client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(3) "**Body care**" means assisting the client with exercises, skin care including the application of nonprescribed ointments or lotions, changing dry bandages or dressings when professional judgment is not required and pedicure to trim toenails and apply lotion to feet. In adult family homes

or in licensed boarding homes contracting with DSHS to provide assisted living services, dressing changes using clean technique and topical ointments must be delegated by a registered nurse in accordance with chapter 246-840 WAC.

"**Body care**" excludes:

(a) Foot care for clients who are diabetic or have poor circulation; or

(b) Changing bandages or dressings when sterile procedures are required.

(4) "**Dressing**" means assistance with dressing and undressing. Dressing includes supervising and guiding client when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(5) "**Eating**" means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(6) "**Essential shopping**" means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health, maintenance, and well-being of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(7) "**Housework**" means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(8) "**Laundry**" means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(9) "**Meal preparation**" means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(10) "**Personal hygiene**" means assistance with care of hair, teeth, dentures, shaving, filing of nails, and other basic personal hygiene and grooming needs. Personal hygiene includes supervising the client when performing the tasks, assisting the client to care for the client's own appearance, and performing grooming tasks for the client when the client is unable to care for own appearance.

(11) "**Positioning**" means assisting the client to assume a desired position, assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits or exercises to maintain the highest level of functioning which has already been attained and/or to prevent the decline in physical functional level. (Range of motion

ordered as part of a physical therapy treatment is not included.)

(12) **"Self-medication"** means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(13) **"Supervision"** means being available to:

(a) Help the client with personal care tasks that cannot be scheduled, such as toileting, ambulation, transfer, positioning, some medication assistance; and

(b) Provide protective supervision to a client who cannot be left alone because of impaired judgment.

(14) **"Toileting"** means assistance with bladder or bowel functions. Toileting includes guidance when the client is able to care for own toileting needs, helping client to and from the bathroom, assisting with bedpan routines, using incontinent briefs on client, and lifting client on and off the toilet. Toileting may include performing routine perineal care, colostomy care, or catheter care for the client when client is able to supervise the activities. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services colostomy care and catheterization using clean technique must be delegated by a registered nurse in accordance with chapter 246-840 WAC.

(15) **"Transfer"** means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steadying, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(16) **"Travel to medical services"** means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(17) **"Wood supply"** means splitting, stacking, or carrying wood for the client when the client uses wood as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. The department shall not allow payment for a provider to use a chain saw or to fell trees.

"Physician" means a doctor of medicine, osteopathy, or podiatry, as defined under WAC 388-500-0005.

"Plan of care" means a **"service plan"** as described under WAC 388-71-0205.

"Property owned" means any real and personal property and other assets over which the client has any legal title or interest.

"Provider" or **"provider of service"** means an institution, agency, or person:

(1) Having a signed department agreement to furnish long-term care client services; and

(2) Qualified and eligible to receive department payment.

"Relative" means for chore personal care service, a client's spouse, father, mother, son, or daughter.

"Service plan" means a plan for long-term care service delivery as described under WAC 388-71-0205.

"SSI-related" means a person who is aged, blind, or disabled.

"Supervision" means a person available to a long-term care client as defined under **"personal care services."**

"Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

"Title XIX" is the portion of the federal Social Security Act which authorizes federal funding for medical assistance programs, e.g., nursing facility care, COPEs, Medically Needy Residential Waiver, Medically Needy In-home Waiver, and Medicaid personal care home and community-based services.

Medically needy (MN) medical programs provide medical coverage for people whose income is more than the categorically needy (CN) standards. While MN medical coverage is more limited than CN, MN programs pay for many of the services also covered under CN. See chapter 388-529 WAC for the MN scope of care.

"Transfer of resources" means the same as defined under WAC 388-513-1365 (1)(g).

"Unscheduled tasks" means ambulation, toileting, transfer, positioning, and unscheduled medication assistance as described in this chapter.

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

WAC 388-71-0405 What are the home and community programs? The HCP are in-home and community residential services funded by:

(1) Community options program entry system (COPEs), authorized under RCW 74.39A.030.

(2) Medicaid personal care services (MPC), authorized under RCW 74.09.520.

(3) Chore personal care services, a state-only funded program authorized under RCW 74.39A.110.

(4) Medically Needy Residential Waiver, authorized under RCW 74.09.700 and ((74.39A.041)) 74.39.041.

(5) Medically Needy In-home Waiver, authorized under RCW 74.09.700 and 74.39.041.

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

WAC 388-71-0410 What services may I receive under HCP? You may receive the following HCP services:

(1) For COPEs, MNIW, MPC or chore: Assistance in your own home with personal care tasks and household tasks, as defined in WAC 388-71-0202, and as applicable, assistance with personal care tasks while you are out of the home accessing community resources or working; and

(2) For all HCP programs except MNIW: Assistance with personal care tasks and household tasks in a residential setting, as described in WAC 388-71-0600. Note: Household tasks are included as part of the board and room rate.

(3) For COPEs, MNIW, or MPC: Personal care assistance when temporarily traveling out of state, as long as:

(a) Your individual provider is contracted with the state of Washington; and

(b) The travel plans are coordinated with your social service case manager prior to departure; and

(c) Services are authorized on your service plan prior to departure; and

(d) Services are strictly for your personal care, which does not include your provider's travel time, expenses, lodging or subsistence.

AMENDATORY SECTION (Amending WSR 03-24-001, filed 11/19/03, effective 12/20/03)

WAC 388-71-0415 What other services may I receive under the ((COPEs program)) waiver-funded programs?
In addition to the services listed in WAC 388-71-0410, you may be eligible for other services under the COPEs ((~~or Medically Needy Residential waiver~~)), MNIW, or MNRW as indicated in your assessment and documented in your plan of care. Under one of these programs you may be eligible to receive the following services in your own home or in your residential setting. Note: The definition of own home as used throughout this section is defined in WAC 388-71-0202. The definition of residential settings is defined in WAC 388-71-0600.

Clients receiving waiver services in their own home through COPEs or MNIW may be eligible for the additional services outlined in subsections (1) through (10) below.

(1) For COPEs in-home clients or Medically Needy In-home clients, adult day care if you meet the eligibility requirements under WAC ((~~388-15-652~~)) 388-71-0708 or its successor.

(2) Environmental modifications, if the minor physical adaptations to your home:

(a) Are necessary to ensure your health, welfare and safety;

(b) Enable you to function with greater independence in the home;

(c) Directly benefit you medically or remedially;

(d) Meet applicable state or local codes;

(e) Adaptions or improvements to the home, which are of general utility or add to the total square footage of the home are excluded.

(3) Home delivered meals provides nutritional balanced meals, limited to one meal per day, if:

(a) You are homebound and live in your own home;

(b) You are unable to prepare the meal;

(c) You don't have a caregiver (paid or unpaid) available to prepare this meal; and

(d) Receiving this meal is more cost-effective than having a paid caregiver.

(4) Home health aide service tasks in your own home, if the service tasks:

(a) Include assistance with ambulation, exercise, self-administered medications and hands on personal care;

(b) Are beyond the amount, duration or scope of Medicaid reimbursed home health services (WAC ((~~388-551-2100~~)) 388-551-2120) and are in addition to those available services;

(c) Are health-related. Note: Incidental services such as meal preparation may be performed in conjunction with a health-related task as long as it is not the sole purpose of the aide's visit; and

(d) Do not replace Medicare home health services.

(5) Personal emergency response system (PERS), if the service is necessary to enable you to secure help in the event of an emergency and if you:

(a) Live alone in your own home; or

(b) Are alone, in your own home, for significant parts of the day and have no regular provider for extended periods of time.

(6) Skilled nursing in your own home, if the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration or scope of Medicaid-reimbursed home health services as provided under WAC 388-551-2100.

(7) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, if the items are:

(a) Medically necessary under WAC 388-500-0005; and

(b) Necessary for life support; or

(c) Necessary to increase your ability to perform activities of daily living; or

(d) Necessary for you to perceive, control, or communicate with the environment in which you live; and

(e) Directly medically or remedially beneficial to you; and

(f) In addition to and do not replace any medical equipment and/or supplies otherwise provided under Medicaid and/or Medicare.

(8) Training needs identified in the comprehensive assessment or in a professional evaluation, if you need to meet a therapeutic goal such as:

(a) Adjusting to a serious impairment;

(b) Managing personal care needs; or

(c) Developing necessary skills to deal with care providers.

(9) Transportation services if you live in your own home, if the service:

(a) Provides you access to community services and resources provided in accordance with a therapeutic goal;

(b) Is not merely diversional in nature;

(c) Is in addition to and does not replace the Medicaid-brokered transportation or transportation services available in the community.

(10) ((~~For COPEs or Medically Needy Residential waiver clients, skilled nursing in a residential setting, if the service is:~~

~~(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and~~

~~(b) Beyond the amount, duration or scope of Medicaid-reimbursed home health services as provided under WAC 388-551-2100; and~~

~~(c) In addition to and does not replace the services required by DSHS contract in residential settings)) Nurse delegation services if:~~

(a) You are living in your own home;

(b) You are eligible for COPEs; and

(c) You are receiving personal care from a registered or certified nursing assistant who has completed nurse delegation core training;

(d) Your medical condition is considered stable and predictable by the delegating nurse; and

(e) Services are provided in compliance with WAC 246-840-901 through 246-840-970.

Clients receiving services in a residential setting through COPES or MNRW may be eligible for the additional services outlined in subsections (11) through (14) below.

(11) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, if the items are:

- (a) Medically necessary under WAC 388-500-0005; and
- (b) Necessary for life support; or
- (c) Necessary to increase your ability to perform activities of daily living; or
- (d) Necessary for you to perceive, control, or communicate with the environment in which you live; and
- (e) Directly medically or remedially beneficial to you; and

(f) In addition to and do not replace any medical equipment and/or supplies otherwise provided under Medicaid and/or Medicare; and

(g) In addition to and do not replace the services required by DSHS contract in residential settings.

(12) Training needs identified in the comprehensive assessment or in a professional evaluation, if you need to meet a therapeutic goal such as:

- (a) Adjusting to a serious impairment;
- (b) Managing personal care needs; or
- (c) Developing necessary skills to deal with care providers; and

(d) The service is in addition to and does not replace the services required by DSHS contract in residential settings.

(13) Transportation services if you live in a residential setting, if the service:

- (a) Provides you access to community services and resources provided in accordance with a therapeutic goal;
- (b) Is not merely diversional in nature;
- (c) Is in addition to and does not replace the Medicaid-brokered transportation or transportation services available in the community; and
- (d) Does not replace the services required by DSHS contract in residential settings.

Note: Clients who reside in enhanced residential care, assisted living or adult family homes are not eligible for waiver funded adult day care.

~~(14) ((Nurse delegation services if:
(a) You are living in your own home;
(b) You are eligible for COPES; and
(c) You are receiving personal care from a registered or certified nursing assistant who has completed Nurse Delegation Core Training;~~

~~(d) Your medical condition is considered stable and predictable by the delegating nurse; and~~

~~(e) Services are provided in compliance with WAC 246-840-901 through 246-840-970)) Skilled nursing in a residential setting, if the service is:~~

~~(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and~~

~~(b) Beyond the amount, duration or scope of Medicaid-reimbursed home health services as provided under WAC 388-551-2100; and~~

(c) In addition to and does not replace the services required by DSHS contract in residential settings.

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

WAC 388-71-0420 What services are not covered under HCP? HCP does not cover the following services:

- (1) For chore personal care and MPC:
 - (a) Teaching, including teaching how to perform personal care tasks;
 - (b) Development of social, behavioral, recreational, communication, or other types of community living skills;
 - (c) Nursing care.
- (2) Personal care services provided outside of your residence, unless the services are authorized in your written service plan and meet the program criteria.
- (3) Child care;
- (4) Sterile procedures, administration of medications, or other tasks requiring a licensed health professional, unless authorized as an approved nursing delegation task, client self-directed care task, or provided by a family member;
- (5) Services provided over the telephone;
- (6) Services provided outside the state of Washington if chore personal care;
- (7) Services to assist other household members not eligible for services;
- (8) Yard care.

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

WAC 388-71-0425 Who can provide HCP services? The following types of providers may provide COPES, MPC, MNIW, MNRW, or chore services:

- (1) For in-home clients, individual providers, who must meet the requirements outlined in WAC 388-71-0500 through ~~((388-71-0580))~~ 388-71-05909;
- (2) For in-home clients, home care agencies, which must be licensed under chapters 70.127 RCW and 246-336 WAC, or home health agencies, licensed under chapters 70.127 RCW and 246-327 WAC;
- (3) For residential clients, licensed adult family home and boarding home providers who are contracted with DSHS (see WAC 388-71-0600); and
- (4) As applicable, service providers who have contracted with the AAA to perform other waiver services under COPES, Medically Needy In-home, or Medically Needy Residential Waiver services listed in WAC 388-71-0415.

AMENDATORY SECTION (Amending WSR 03-24-001, filed 11/19/03, effective 12/20/03)

WAC 388-71-0440 Am I eligible for MPC-funded services? To be eligible for MPC-funded services you must:

- (1) Have unmet need for substantial assistance with at least one direct personal care task listed in WAC 388-71-0202; or have unmet needs for minimal assistance with three direct personal care tasks; and
- (2) Be certified as Title 19 noninstitutional categorically needy, as defined in WAC 388-500-0005.

(3) Be assessed by department staff or designee using a department approved comprehensive assessment and have a determination of unmet needs for HCP services.

AMENDATORY SECTION (Amending WSR 04-01-090, filed 12/16/03, effective 1/16/04)

WAC 388-71-0465 Are there waiting lists for HCP services? For:

(1) COPES waiver services, the department will create a waiting list in accordance with caseload limits determined by legislative funding. Wait listed clients will gain access in the following manner:

(a) Nursing home residents wanting COPES waiver services will be ranked first on the wait list by date of application for services; and

(b) After nursing home residents are ranked, clients living in the community with a higher level of need as determined by the department's comprehensive assessment will be ranked higher on the wait list over clients with a lower level of need; and

(c) As between two or more clients in the community with equal need levels, clients with earlier applications for services will have priority over later applications for services.

(2) MPC, there is no waiting list. Note: Instead of waiting lists, the department may be required to revise HCP rules to reduce caseload size, hours, rates, or payments in order to stay within the legislative appropriation.

(3) For Medically Needy Residential Waiver or Medically Needy In-home Waiver, the department will create (a) waiting (list) lists for each waiver in accordance with caseload limits determined by legislative funding. Wait listed clients will gain access in the following manner:

(a) Nursing home residents wanting MN waiver services will be ranked first on the wait list by date of application for services; and

(b) After nursing home residents are ranked, clients living in the community with a higher level of need as determined by the department's comprehensive assessment will be ranked higher on the wait list over clients with lower level of need; and

(c) As between two or more clients in the community with equal need levels, clients with earlier applications for services will have priority over later applications for services.

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

WAC 388-71-0470 Who pays for HCP services?

Depending on your income and resources, you may be required to pay participation toward the cost of your care. The department determines exactly what amount, if any, you pay. If you are receiving:

(1) COPES in-home or residential,

(a) You participate income per rules in WAC 388-515-1505;

(b) If you have nonexempt income that exceeds the cost of COPES services, you may retain the difference.

(2) MPC in-home services, you do not participate toward the cost of your personal care services.

(3) MPC services in a residential setting and you are:

(a) An SSI beneficiary who receives only SSI income, you only pay for board and room. You are allowed to keep a personal needs allowance of at least thirty-eight dollars and eighty-four cents per month.

(b) An SSI beneficiary who receives SSI and SSA benefits, you only pay for board and room. You are allowed to keep a personal needs allowance of at least fifty-eight dollars and eighty-four cents per month.

(c) An SSI-related person per WAC 388-511-1105, you may be required to participate towards the cost of your personal care services in addition to your board and room if your financial eligibility is based on the facility's state contracted rate. You will receive a personal allowance of fifty-eight dollars and eighty-four cents.

(d) A GA-X client in a residential care facility, you are allowed to keep a personal allowance of thirty-eight dollars and eighty-four cents only per month. The remainder of your grant must be paid to the facility.

(4) Medically needy (Residential) waiver services, the amount you pay is determined (in WAC 388-515-1540);

(a) For Medically Needy Residential Waiver (MNRW), in WAC 388-515-1540;

(b) For Medically Needy In-home Waiver (MNIW), in WAC 388-515-1550.

(5) Chore services, you may retain an amount equal to one hundred percent of the federal poverty level, adjusted for family size, as the home maintenance allowance and pay the difference between the FPL and your **nonexempt** income. Exempt income includes:

(a) Income listed in WAC 388-513-1340;

(b) Spousal income allocated and actually paid as participation in the cost of the spouse's community options program entry system (COPES) services;

(c) Amounts paid for medical expenses not subject to third party payment;

(d) Health insurance premiums, coinsurance or deductible charges; and

(e) If applicable, those work expense deductions listed as WAC 388-71-480(2).

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

WAC 388-71-0480 If I am employed, can I still receive HCP services? If you are disabled, as determined under WAC 388-511-1105, you may be employed and still be eligible to receive HCP services.

(1) If you remain Medicaid eligible under the noninstitutional categorically needy program, you are financially eligible for MPC services.

(2) If you are receiving Medically Needy Residential Waiver services in a residential setting, you may have earned income allowances per WAC 388-515-1540.

(3) If you are receiving Medically Needy In-home Waiver services, you may have earned income allowances per WAC 388-515-1550.

(4) If you are receiving COPES waiver services, you may have earned income allowances per WAC 388-515-1505.

(5) If you are not Medicaid eligible due to your earned income and resources, and are receiving chore personal care services.

(a) You may be required to pay participation per WAC 388-71-0470(4) for any earned income above one hundred percent of the federal poverty level.

(b) The department will exempt fifty percent of your earned income after work expense deductions. Work expense deductions are:

(i) Personal work expenses in the form of self-employment taxes (FICA); and income taxes when paid;

(ii) Payroll deductions required by law or as a condition of employment in the amounts actually withheld;

(iii) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars;

(iv) Expenses necessary for continued employment such as tools, materials, union dues, transportation to service customers is not furnished by the employer; and

(v) Uniforms needed on the job and not suitable for wear away from the job.

AMENDATORY SECTION (Amending WSR 01-11-019, filed 5/4/01, effective 6/4/01)

WAC 388-71-0510 How does a person become an individual provider? In order to become an individual provider, a person must:

- (1) Be eighteen years of age or older;
- (2) Provide the social worker/case manager/designee with:

- (a) Picture identification; and
- (b) A Social Security card; or
- (c) Authorization to work in the United States.

(3) Complete and submit to the social worker/case manager/designee the department's criminal conviction background inquiry application, unless the provider is also the parent of the adult DDD client and exempted, per chapter 74.15 RCW;

(a) Preliminary results may require a thumb print for identification purposes;

(b) An FBI fingerprint-based background check is required if the person has lived in the state of Washington less than three years.

(4) Sign a home and community-based service provider contract/agreement to provide services to a COPEs, MNIW, or Medicaid personal care client.

AMENDATORY SECTION (Amending WSR 04-02-001, filed 12/24/03, effective 1/24/04)

WAC 388-71-05665 What definitions apply to WAC 388-71-05670 through 388-71-05909? "Client" means an individual age eighteen or older, receiving in-home services through Medicaid personal care, COPEs, MNIW, or Chore programs. ~~((As applicable, the term client also means the client's legal guardian or other surrogate decision maker.))~~

"Competency" means the minimum level of information and skill trainees are required to know and be able to demonstrate.

"DSHS" refers to the department of social and health services.

"Learning outcomes" means the specific information, skills and behaviors desired of the learner as a result of a specific unit of instruction, such as what they would learn by the end of a single class or an entire course. Learning outcomes are generally identified with a specific lesson plan or curriculum.

"Routine interaction" means contact with clients that happens regularly.

AMENDATORY SECTION (Amending WSR 00-22-018, filed 10/20/00, effective 10/31/00)

WAC 388-71-0700 What are the requirements for nursing facility eligibility, assessment, and payment? (1) If you are a Medicaid client or paying privately, the nursing facility cannot admit you unless the physician, hospital, department, or department designee screens you for the presence of a serious mental illness or a developmental disability as required under WAC 388-97-247.

(2) You are eligible for nursing facility care if the department:

(a) Assesses you and determines that you meet the functional criteria for nursing facility level of care as defined in WAC ((388-71-0435(4))) 388-72A-0055(4); and

(b) Determines that you meet the eligibility requirements set through WAC 388-513-1315.

(3) If you are Medicaid eligible and the nursing facility admits you without a request for assessment from the department, the nursing facility will not:

- (a) Be reimbursed by the department; or
- (b) Allowed to collect payment, including a deposit or minimum stay fee, from you or your family/representative for any care provided before the date of request for assessment.

(4) If you are eligible for Medicaid-funding nursing facility care, the department pays for your services beginning on the date:

- (a) Of the request for a department assessment; or
- (b) Nursing facility care actually begins, whichever is later.

(5) If you become financially eligible for Medicaid after you have been admitted, the department pays for your nursing facility care beginning on the date of:

- (a) Request for assessment or financial application, whichever is earlier; or
- (b) Nursing facility placement; or
- (c) When you are determined financially eligible, whichever is later.

(d) Exception: Payment back to the request date is limited to three months prior to the month that the financial application is received.

AMENDATORY SECTION (Amending WSR 03-06-024, filed 2/24/03, effective 7/1/03)

WAC 388-71-0708 Adult day care—Eligibility. (1) COPEs or MNIW clients may be eligible for adult day care as a ((COPEs)) waiver service if they are assessed as having an unmet need for one or more of the following core services identified in WAC 388-71-0704:

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- (a) Personal care services;
 - (b) Routine health monitoring with consultation from a registered nurse;
 - (c) General therapeutic activities; or
 - (d) Supervision and/or protection for clients who require supervision or protection for their safety.
- (2) COPES or MNIW clients are not eligible for adult day care if they:
- (a) Can independently perform or obtain the services provided at an adult day care center;
 - (b) Have unmet needs that can be met through the COPES program more cost effectively without authorizing day care services;
 - (c) Have referred care needs that:
 - (i) Exceed the scope of authorized services that the adult day care center is able to provide;
 - (ii) Can be met in a less structured care setting; or
 - (iii) Are being met by paid or unpaid caregivers.
 - (d) Live in a nursing home, boarding home, adult family home, or other licensed institutional or residential facility; or
 - (e) Are not capable of participating safely in a group care setting.

AMENDATORY SECTION (Amending WSR 01-11-018, filed 5/4/01, effective 6/4/01)

WAC 388-71-0915 Am I medically eligible to receive private duty nursing services? In order to be medically eligible for PDN, the community nurse consultant (CNC) must assess you and determine that you:

- (1) Be assessed by a CNC as requiring care in a hospital or meeting nursing facility level of care, as defined in WAC ((388-71-0435(4))) 388-72A-0055(4).
- (2) Have a complex medical need that requires four or more hours of continuous skilled nursing care which can be safely provided outside a hospital or nursing facility; and
- (3) Are technology-dependent daily, which means you require at least one of the following:
 - (a) A mechanical ventilator or other respiratory support at least part of each day;
 - (b) ((Tracheostomy)) tracheotomy tube care/suctioning;
 - (c) Intravenous/parenteral administration of medications; and
 - (d) Intravenous administration of nutritional substances.
- (4) Require services that are medically necessary.

AMENDATORY SECTION (Amending WSR 01-11-018, filed 5/4/01, effective 6/4/01)

WAC 388-71-0960 Can I receive services in addition to PDN? In addition to PDN services, you may be eligible to receive personal care and other household services through COPES, MNIW, or Medicaid personal care (MPC), from a contracted home care agency or contracted individual provider (IP), for unmet personal care needs not performed by your family/informal support system.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-1105 Am I eligible to receive volunteer chore services? You may receive volunteer chore services if you are:

- (1) Eighteen years of age or older;
- (2) Living at home unless you are moving from a residential facility to home and need assistance moving;
- (3) Unable to perform certain household or personal care tasks due to functional or cognitive impairment;
- (4) Financially unable to purchase services from a private provider;
- (5) Not receiving services under COPES, MNIW, MPC, or chore personal care because you:
 - (a) Do not meet the eligibility requirements; or
 - (b) Decline these services.
- (6) In need of assistance from volunteer chore in addition to or in substitution of paid services under COPES, MNIW, MPC, or chore personal care.

NEW SECTION

WAC 388-72A-0053 Am I eligible for one of the HCP programs? You are eligible to receive HCP services if you meet the functional and financial eligibility requirements in WAC 388-72A-0055 for COPES, WAC 388-72A-0057 for Medically Needy Residential Waiver, WAC 388-72A-0058 for Medically Needy In-home Waiver, WAC 388-72A-0060 for MPC, or WAC 388-72A-0065 for Chore. Functional eligibility for all HCP programs is determined through an assessment as provided under WAC 388-72A-0025. Your eligibility begins upon the date of the department's service authorization.

NEW SECTION

WAC 388-72A-0057 Am I eligible for medically needy residential waiver (MNRW)-funded services? You are eligible for MNRW-funded services if you live in a residential setting as defined in WAC 388-71-0600 and you meet all of the following criteria. The department or its designee must assess your needs and determine that:

- (1) You are age:
 - (a) Eighteen or older and blind or disabled, as defined in WAC 388-511-1105; or
 - (b) Sixty-five or older.
- (2) You meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1540.
- (3) You are not eligible for Medicaid personal care services (MPC) or COPES.
- (4) Your comprehensive assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless MNRW services are provided) which means one of the following applies:
 - (a) You require care provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis;

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(b) You have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) with at least three or more of the following:

- (i) Setup in eating (e.g., cutting meat and opening containers at meals; giving one food category at a time);
- (ii) Supervision in toileting;
- (iii) Supervision in bathing;
- (iv) Supervision plus setup in transfer;
- (v) Supervision plus setup in bed mobility;
- (vi) Supervision plus set up help in one of the following three tasks:

(A) Walk in room, hallway and rest of immediate living environment;

(B) Locomotion in room and immediate living environment;

(C) Locomotion outside of immediate living environment including outdoors.

(vii) Assistance required in medication management; or

(c) You have an unmet or partially met need with at least two or more of the following:

(i) Extensive assistance plus one person physical assistance in toileting;

(ii) Extensive assistance plus one person physical assistance in one of the following three tasks:

(A) Walk in room, hallway and rest of immediate living environment;

(B) Locomotion in room and immediate living environment;

(C) Locomotion outside of immediate living environment including outdoors.

(iii) Extensive assistance plus one person physical assistance in transfer;

(iv) Limited assistance plus one person physical assistance in bed mobility and need turning/repositioning;

(v) Physical help limited to transfer plus one person physical assist in bathing;

(vi) Supervision plus one person physical assist in eating; or

(vii) Daily assistance required in medication management; or

(d) You have a cognitive impairment and require supervision due to one or more of the following: Disorientation, memory impairment, impaired decision making, or wandering and have an unmet or partially met need with at least one or more of the following:

(i) Extensive assistance plus one person physical assistance in toileting;

(ii) Extensive assistance plus one person physical assistance in one of the following three tasks:

(A) Walk in room, hallway and rest of immediate living environment;

(B) Locomotion in room and immediate living environment;

(C) Locomotion outside of immediate living environment including outdoors.

(iii) Extensive assistance plus one person physical assistance in transfer;

(iv) Limited assistance plus one person physical assistance in bed mobility;

(v) Physical help limited to transfer plus one person physical assist in bathing;

(vi) Supervision plus one person physical assist in eating; or

(vii) Daily assistance required in medication management.

NEW SECTION

WAC 388-72A-0058 Am I eligible for medically needy in-home wavier (MNIW)-funded services? You are eligible for MNIW-funded services if you live in your own home as defined in WAC 388-71-0202 and you meet all of the following criteria. The department or its designee must assess your needs and determine that:

(1) You are age:

(a) Eighteen or older and blind or disabled, as defined in WAC 388-511-1105; or

(b) Sixty-five or older.

(2) You meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1505;

(3) You are not eligible for Medicaid personal care services (MPC) or COPES;

(4) Your comprehensive assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless MNIW services are provided) which means one of the following applies:

(a) You require care provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis; or

(b) You have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) with at least three or more of the following:

(i) Setup in eating (e.g., cutting meat and opening containers at meals; giving one food category at a time);

(ii) Supervision in toileting;

(iii) Supervision in bathing;

(iv) Supervision plus setup in transfer;

(v) Supervision plus setup in bed mobility;

(vi) Supervision plus set up help in one of the following three tasks:

(A) Walk in room, hallway and rest of immediate living environment;

(B) Locomotion in room and immediate living environment;

(C) Locomotion outside of immediate living environment including outdoors.

(vii) Assistance required in medication management; or

(c) You have an unmet or partially met need with at least two or more of the following:

(i) Extensive assistance plus one person physical assistance in toileting;

(ii) Extensive assistance plus one person physical assistance in one of the following three tasks:

(A) Walk in room, hallway and rest of immediate living environment;

(B) Locomotion in room and immediate living environment;

(C) Locomotion outside of immediate living environment including outdoors.

(iii) Extensive assistance plus one person physical assistance in transfer;

(iv) Limited assistance plus one person physical assistance in bed mobility and need turning/repositioning;

(v) Physical help limited to transfer plus one person physical assist in bathing;

(vi) Supervision plus one person physical assist in eating; or

(vii) Daily assistance required in medication management; or

(d) You have a cognitive impairment and require supervision due to one or more of the following: Disorientation, memory impairment, impaired decision making, or wandering and have an unmet or partially met need with at least one or more of the following:

(i) Extensive assistance plus one person physical assistance in toileting;

(ii) Extensive assistance plus one person physical assistance in one of the following three tasks:

(A) Walk in room, hallway and rest of immediate living environment;

(B) Locomotion in room and immediate living environment;

(C) Locomotion outside of immediate living environment including outdoors.

(iii) Extensive assistance plus one person physical assistance in transfer;

(iv) Limited assistance plus one person physical assistance in bed mobility;

(v) Physical help limited to transfer plus one person physical assist in bathing;

(vi) Supervision plus one person physical assist in eating; or

(vii) Daily assistance required in medication management.

AMENDATORY SECTION (Amending WSR 03-24-001, filed 11/19/03, effective 12/20/03)

WAC 388-72A-0060 Am I eligible for MPC-funded services? You are eligible for MPC-funded services when the department or its designee assesses your needs and determines that you meet all of the following criteria:

(1) Are certified as Title XIX noninstitutional categorically needy, as defined in WAC 388-500-0005.

(2) Have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) in at least three or more of the following(~~as defined in WAC 388-72A-0040~~):

(a) Help/oversight one or two times during the last seven days plus setup in eating;

(b) Supervision in toileting;

(c) Supervision in bathing;

(d) Supervision in dressing;

(e) Supervision plus setup in transfer;

(f) Supervision plus setup in bed mobility;

(g) Supervision plus set up help in one of the following three tasks:

(i) Walk in room, hallway and rest of immediate living environment;

(ii) Locomotion in room and immediate living environment;

(iii) Locomotion outside of immediate living environment including outdoors.

(h) Assistance required in medication management;

(i) Supervision in personal hygiene;

(j) Assistance with body care, which means you need:

(i) Application of ointment or lotions;

(ii) Your toenails trimmed;

(iii) Dry bandage changes; or

(iv) Passive range of motion treatment.

(3) You have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) with at least one or more of the following(~~as defined in WAC 388-72A-0040~~):

(a) Extensive assistance plus one person physical assistance in toileting;

(b) Extensive assistance plus one person physical assistance in one of the following three tasks:

(i) Walk in room, hallway and rest of immediate living environment;

(ii) Locomotion in room and immediate living environment;

(iii) Locomotion outside of immediate living environment including outdoors.

(c) Extensive assistance plus one person physical assistance in transfer;

(d) Limited assistance plus one person physical assistance in bed mobility and need turning/repositioning;

(e) Physical help limited to transfer plus one person physical assist in bathing;

(f) Supervision plus one person physical assist in eating;

or

(g) Daily assistance required in medication management;

or

(h) Assistance with body care, which means you need:

(i) Application of ointment or lotions;

(ii) Your toenails trimmed;

(iii) Dry bandage changes; or

(iv) Passive range of motion treatment.

(i) Extensive assistance plus one person physical assistance in dressing.

(j) Extensive assistance plus one person physical assistance in personal hygiene.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0065 Am I eligible for Chore-funded services? To be eligible for Chore-funded services, you must:

(1) Be eighteen years of age or older;

(2) Have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) in at least one or more of the following(~~as defined in WAC 388-72A-0040~~):

(a) Help/oversight one or two times during the last seven days plus setup in eating;

- (b) Supervision in toileting;
- (c) Supervision in bathing;
- (d) Supervision in dressing;
- (e) Supervision plus setup in transfer;
- (f) Supervision plus setup in bed mobility;
- (g) Supervision plus set up help in one of the following three tasks:

(i) Walk in room, hallway and rest of immediate living environment;

(ii) Locomotion in room and immediate living environment;

(iii) Locomotion outside of immediate living environment including outdoors.

(h) Assistance required in medication management;

(i) Supervision in personal hygiene;

(j) Assistance with body care, which means you need:

(i) Application of ointment or lotions;

(ii) Your toenails trimmed;

(iii) Dry bandage changes; or

(iv) Passive range of motion treatment.

(3) Currently ~~((be))~~ have been continuously on the Chore program since August 2001 and not be eligible for MPC ~~((or))~~, COPEs, MNIW, or Medicare home health or other programs if these programs can meet your needs;

(4) Have net household income (as described in WAC 388-450-0005, 388-450-0020, 388-450-0040, and 388-511-1130) not exceeding:

(a) The sum of the cost of your chore services; and

(b) One-hundred percent of the Federal Poverty Level (FPL) adjusted for family size.

(5) Have resources, as described in chapter 388-470 WAC, which does not exceed ten thousand dollars for a one-person family or fifteen thousand dollars for a two-person family. (Note: One thousand dollars for each additional family member may be added to these limits.)

(6) Not transfer assets on or after November 1, 1995 for less than fair market value as described in WAC 388-513-1365.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0100 Are there other in-home services I may be eligible to receive in addition to those described in WAC 388-72A-0095(3)? Yes. If you meet the eligibility criteria outlined in WAC 388-71-0415 ~~((and))~~, 388-72A-0055, 388-72-0056, and 388-72-0057 you may also receive the following services:

- (1) Environmental modifications;
- (2) Personal response system (PERS);
- (3) Skilled nursing;
- (4) Specialized medical equipment;
- (5) Training; ~~((or))~~
- (6) Transportation services; or
- (7) In-home nurse delegation.

NEW SECTION

WAC 388-515-1550 Medically needy in-home waiver (MNIW) effective May 1, 2004. This section describes the financial eligibility requirements for waiver services under

the Medically Needy In-home Waiver (MNIW) and the rules used to determine a client's responsibility in the total cost of care.

(1) To be eligible for MNIW, a client must:

(a) Not meet financial eligibility for Medicaid personal care or the COPEs program;

(b) Be eighteen years of age or older;

(c) Meet the SSI-related criteria described in WAC 388-475-0050(1);

(d) Require the level of care provided in a nursing facility as described in WAC 388-71-0700;

(e) In the absence of waiver services described in WAC 388-71-0410 and 388-71-0415, continue to reside in a medical facility as defined in WAC 388-513-1301, or will likely be placed in one within the next thirty days;

(f) Have attained institutional status as described in WAC 388-513-1320;

(g) Have been determined to be in need of waiver services as described in WAC 388-71-0442;

(h) Be able to live at home with community support services and choose to remain at home;

(i) Not be subject to a penalty period of ineligibility for the transfer of an asset as described in WAC 388-513-1364, 388-513-1365 and 388-513-1366; and

(j) Meet the resource and income requirements described in subsections (2) through (6) of this section.

(2) The department determines a client's nonexcluded resources under MNIW as described in WAC 388-513-1350 (1) through (4)(a) and 388-513-1360;

(3) Nonexcluded resources, after disregarding excess resources described in subsection (4) of this section, must be at or below the resource standard described in WAC 388-513-1350 (1) and (2).

(4) In determining a client's resource eligibility, the department disregards excess resources above the standard described in subsection (3) of this section:

(a) In an amount equal to incurred medical expenses such as:

(i) Premiums, deductibles, and co-insurance/co-payment charges for health insurance and Medicare premiums;

(ii) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan; or

(iii) Necessary medical care covered under the state's Medicaid plan.

(b) As long as the incurred medical expenses:

(i) Are not subject to third-party payment or reimbursement;

(ii) Have not been used to satisfy a previous spenddown liability;

(iii) Have not previously been used to reduce excess resources;

(iv) Have not been used to reduce client responsibility toward cost of care; and

(v) Are amounts for which the client remains liable.

(5) The department determines a client's countable income under MNIW in the following way:

(a) Considers income available described in WAC 388-513-1325 and 388-513-1330 (1), (2), and (3);

(b) Excludes income described in WAC 388-513-1340;

(c) Disregards income described in WAC 388-513-1345;

(d) Deducts monthly health insurance premiums, except Medicare premiums, not used to reduce excess resources in subsection (4) of this section;

(e) Allows an income deduction for a nonapplying spouse, equal to the one person medically needy income level (MNIL) less the nonapplying spouse's income, if the nonapplying spouse is living in the same home as the applying person.

(6) A client whose countable income exceeds the MNIL may become eligible for MNIW:

(a) When they have or expect to have medical expenses to offset their income which is over the MNIL; and

(b) Subject to availability in WAC 388-71-0465.

(7) The portion of a client's countable income over the MNIL is called "excess income."

(8) A client who has or will have "excess income" is not eligible for MNIW until the client has medical expenses which are equal in amount to that excess income. This is the process of meeting "spenddown." The excess income from each of the months in the base period is added together to determine the total "spenddown" amount.

(9) The following medical expenses may be used to meet spenddown if not already used in subsection (4) of this section to disregard excess resources or to reduce countable income as described in subsection (5)(d) of this section:

(a) An amount equal to incurred medical expenses such as:

(i) Premiums, deductibles, and co-insurance/co-payment charges for health insurance and Medicare premiums;

(ii) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan; and

(iii) Necessary medical care covered under the state's Medicaid plan.

(b) The cost of waiver services authorized during the base period.

(c) As long as the incurred medical expenses:

(i) Are not subject to third-party payment or reimbursement;

(ii) Have not been used to satisfy a previous spenddown liability;

(iii) Have not been used to reduce client responsibility toward cost of care; and

(iv) Are amounts for which the client remains liable.

(10) Eligibility for MNIW is effective the first full month the client has met spenddown.

(11) In cases where spenddown has been met, medical coverage and MNIW begin the day services are authorized.

(12) A client who meets the requirements for MNIW chooses a three or six month base period. The months must be consecutive calendar months.

(13) The client's income that remains after determining available income in WAC 388-513-1325 and 388-513-1330 (1), (2), (3) and excluded income in WAC 388-513-1340 is paid towards the cost of care after deducting the following amounts in the order listed:

(a) An earned income deduction of the first sixty-five dollars plus one-half of the remaining earned income;

(b) Personal needs allowance (PNA) in an amount equal to the one-person MNIL described in WAC 388-478-0070 (1)(a);

(c) Medicare and health insurance premiums not used to meet spenddown or reduce excess resources;

(d) Incurred medical expenses described in subsection (4) of this section not used to meet spenddown or reduce excess resources.

WSR 04-16-063

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 30, 2004, 1:26 p.m., effective September 1, 2004]

Effective Date of Rule: September 1, 2004.

Purpose: Amending chapter 388-110 WAC, Contracted residential care services, to incorporate into administrative rules the dementia care pilot project standards for contracting with boarding homes to provide specialized dementia care to department clients:

- Make revisions necessary to be consistent with, and not duplicate, amendments to chapter 388-78A WAC, Boarding home licensing rules; and
- Review and update the rules under Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-110-060 Resident rights, 388-110-080 Social and recreational activities, 388-110-170 Education and training requirements, 388-110-180 Nurse delegation training and registration, 388-110-190 Performance of delegated nursing care tasks and 388-110-200 Nurse delegation—Penalties; and amending WAC 388-110-005 Authority, 388-110-010 Scope and applicability, 388-110-020 Definitions, 388-110-030 Contract application, 388-110-040 Contract qualifications, 388-110-050 Change of contractor, 388-110-070 General service standards, 388-110-090 Administration, 388-110-100 (~~Transfer and~~) Discharge, social leave, and bed hold, 388-110-120 Resident personal funds, 388-110-140 Assisted living services facility structural requirements, 388-110-150 Assisted living service standards, 388-110-220 Enhanced adult residential care service standards, 388-110-240 Adult residential care service standards, 388-110-260 Remedies, 388-110-270 Notice, hearing rights, effective dates relating to imposition of remedies, and 388-110-280 Dispute resolution.

Statutory Authority for Adoption: RCW 74.39A.010, 74.39A.020, 74.39A.060, and 74.39A.070.

Other Authority: Chapter 74.39A RCW.

Adopted under notice filed as WSR 04-13-021 on June 7, 2004.

Changes Other than Editing from Proposed to Adopted Version: The following changes have been made to the proposed rule based upon suggestions and comments received, as well as technical and editing changes noted during the process.

WAC 388-110-020 Definitions, the definition of "personal care services" has been revised to clarify that "instrumental activities of daily living" are not included in the definition.

PERMANENT

WAC 388-110-040 Contract qualifications, subsection (2)(b) added to clarify, "...and each care facility that was required by law to be licensed but was not..."

WAC 388-110-050 Change of contractor, subsection (2) added to clarify, "...and residents' representatives..."

WAC 388-110-140 Assisted living services facility structural requirements, subsection (1) has been revised to clarify the definition of "type 'B' dwelling unit" defined by the International Code Council has been adopted into rule by the Washington State Building Code Council.

WAC 388-110-220 Enhanced adult residential care service standards, subsection (3)(a) deleted "re-assessment" and replaced with "assessment."

A final cost-benefit analysis is available by contacting Denny McKee, Program Manager, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-5290, fax (360) 438-7903, e-mail McKeeDD@dshs.wa.gov.

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 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 13, Repealed 6.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 17, Repealed 6.

Date Adopted: July 30, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-110 WAC

~~CONTRACTED RESIDENTIAL CARE SERVICES((+ ASSISTED LIVING SERVICES, ENHANCED ADULT RESIDENTIAL CARE, AND ADULT RESIDENTIAL CARE))~~

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-005 Authority. The following rules are adopted under RCW 74.39A.010, 74.39A.020, 74.39A.060, and 74.39A.070(~~(, 74.39A.080, 74.39A.170, and 18.88A.210 through 18.88A.240)~~).

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-010 Scope and applicability. (1) These rules apply only to boarding homes licensed under chapter 18.20 RCW, or boarding homes located within the boundaries of a federally recognized Indian reservation and licensed by a tribe, that contract with the department to pro-

vide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care.

(2) Only services provided to or on behalf of the assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care resident, and paid for fully or partially by the department shall be subject to these rules.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-110-020 Definitions. "**Adult residential care**" is a package of services(~~(, including)~~) provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services(~~(, that the department contracts with a licensed boarding home to provide)~~) in accordance with Parts I and IV of this chapter.

(~~"Aging in place" means being in a care environment that can accommodate a resident's progressive disability or changing needs without relocating. For aging in place to occur, needed services are adjusted to meet the changing needs of the resident.~~)

"**Applicant**" means the individual, partnership, corporation or other entity which has applied for a contract with the department to provide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care to state funded residents in a licensed boarding home.

"**Assisted living services**" is a package of services(~~(, including)~~) provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care (~~(and limited)~~) services, intermittent nursing services, and medication administration services (~~(that the department contracts with a licensed boarding home to provide)~~) in accordance with Parts I and II of this chapter. Assisted living services include housing for the resident in a private apartment-like unit.

"**Boarding home**" means the same as the definition found in RCW 18.20.020(~~((2))~~), or a boarding home located within the boundaries of a federally recognized Indian reservation and licensed by the tribe.

(~~"Caregiver" means any person responsible for providing direct personal care services to a resident and may include but is not limited to the contractor, employee, volunteer, or student.~~)

"**Case manager**" means the department staff person or designee assigned to negotiate, monitor, and facilitate a service plan for residents receiving services fully or partially paid for by the department.

"**Contractor**" means the individual, partnership, corporation, or other entity which is licensed by the department or tribe to operate the boarding home and contracts with the department to provide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care to state funded residents in a licensed boarding home.

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

"Dignity" means the quality or condition of being esteemed and respected in such a way as to validate the self-worth of the resident.

"Enhanced adult residential care" is a package of services (~~(, including)~~) provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department to provide personal care ((and limited)) services, intermittent nursing services, and medication administration services ((that the department contracts with a licensed boarding home to provide)) in accordance with Parts I and III of this chapter.

~~("Frail elder or vulnerable adult" means the same as the definition found in RCW 74.34.020 or 43.43.830.)~~

"Enhanced adult residential care-specialized dementia care services" is a package of service, including specialized dementia care assessment and care planning, personal care services, intermittent nursing services, medication administration services, specialized environmental features and accommodations, and activity programming. Enhanced adult residential care-specialized dementia care services are delivered only within:

(1) Contracted boarding homes that are dedicated solely to the care of individuals with dementia, including Alzheimer's disease, and that meet the requirements of parts I and III of this chapter; or

(2) Designated, separate units located within contracted boarding homes that are dedicated solely to the care of individuals with dementia, including Alzheimer's disease, and that meet the requirements of parts I and III of this chapter.

"Homelike" means an environment having the qualities of a home, including privacy, comfortable surroundings, and the opportunity to ~~((modify))~~ decorate one's living area and arrange furnishings to suit one's individual preferences. A homelike environment provides residents with an opportunity for self-expression, and encourages interaction with the community, family and friends.

"Independence" means free from the control of others and being able to assert one's own will, personality and preferences.

"Individuality" means the quality of being unique; the aggregate of qualities and characteristics that distinguishes one from others. Individuality is supported by modifying services to suit the needs or wishes of a specific individual.

~~("Limited nursing services" means the same as the definition found in WAC 246-316-265.)~~

"Medication administration" means the direct application of a prescribed medication, whether by injection, inhalation, ingestion, or any other means, to the body of a resident by a person legally authorized to do so.

"Personal care services" means ~~((both physical assistance and/or prompting and supervising the performance of direct personal care tasks as determined by the resident's needs as defined in WAC 388-71-202.))~~ the same as "personal care services" described in WAC 388-72A-0035. Personal care services do not include assistance with tasks that must be performed by a licensed health professional.

"Resident" means a person residing in a boarding home for whom services are paid for, in whole or in part, by the department under a contract for assisted living services, enhanced adult residential care, enhanced adult residential

care-specialized dementia care services, or adult residential care. **"Resident"** includes former residents when examining complaints about admissions, re-admissions, transfers or discharges. For decision-making purposes, the term **"resident"** includes the resident's surrogate decision maker in accordance with state law or at the resident's request.

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-030 Contract application. (1) In order to apply for a contract with the department to provide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care, an applicant ~~((shall))~~ must:

(a) Have a valid boarding home license ~~((for the facility))~~ issued by the department or tribe, or have applied for a boarding home license for the boarding home at which the contracted services will be provided;

(b) Complete and submit a contract application on department provided forms at least ~~((sixty))~~ ninety days before the requested effective date for the contract; and

(c) Provide information regarding any licensed care facilities ((the applicant, and any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has)) with which any of the following have been affiliated ((with in)) within the last ten years((-

~~(2) Within sixty days of the receipt of the application the department shall approve a contract, refuse to enter into a contract, or request additional information the department deems relevant from the applicant. The department may extend the sixty days to allow the applicant to supply or clarify information requested by the department. The department shall conduct an on-site review of the contracting facility before issuing a contract):~~

(i) The applicant;

(ii) Any partner, or owner of five percent or more of the applicant; and

(iii) Any officer, director, or managerial employee of the applicant.

(2) The department must confirm that the applicant has a valid boarding home license issued by the department or tribe and meets the requirements of this chapter before issuing a contract.

AMENDATORY SECTION (Amending WSR 96-21-050, filed 10/11/96, effective 11/11/96)

WAC 388-110-040 Contract qualifications. (1) The department ~~((shall))~~ must consider separately and jointly as applicants each person and entity named in the application for a contract for assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care. If the department finds any person or entity unqualified, the department ~~((shall))~~ must deny the contract.

(2) In making a determination whether to grant a contract, the department ~~((shall))~~ must review and consider:

(a) The information in the application; ~~((and))~~

(b) Other documents and information the department deems relevant, including inspection and complaint investi-

gation findings for each licensed care facility, and each care facility that was required by law to be licensed but was not, with which ((the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant has been affiliated)) any of the following have been affiliated within the last ten years:

- (i) The applicant;
 - (ii) Any partner, or owner of five percent or more of the applicant; or
 - (iii) Any officer, director, or managerial employee of the applicant.
- (c) The history and quality of services provided by the applicant; and
- (d) Funding from the legislature available to the department to purchase residential care.

(3) The applicant and the ((facility)) boarding home for which a contract is sought ((shall)) must comply with all requirements established by chapter 74.39A RCW, chapter 388-78A WAC and this chapter. ((The department may deny a contract for noncompliance with any such requirements.))

(4) The department shall review the qualifications of applicants for enhanced adult residential care-specialized dementia care services contracts and may select a limited number with which to enter into contracts, based on:

(a) Which applicants are best qualified to provide specialized dementia care services, as determined by the department;

(b) The need for services in the area of the state in which the applicant is located; and

(c) Other qualifications specified in this section.

(5) The department ((shall)) must deny, suspend, revoke or refuse to renew a contract if an applicant or contractor or any partner, officer, director, managerial employee, or owner of five percent or more of the ((entity)) contractor or applicant ((applying for a contract)) has a history of significant noncompliance with federal or state regulations, rules or laws in providing care or services to frail elders, vulnerable adults or children. The department ((shall)) must consider((, at a minimum, the following as a history of significant noncompliance requiring denial of a contract:

- (a) Revocation or suspension of a license for the care of children, frail elders or vulnerable adults;
- (b) Enjoined from operating a facility for the care of children, frail elders or vulnerable adults; or
- (c) Termination, cancellation, suspension, or nonrenewal of a Medicaid or Medicare provider agreement, or any other agreement with a public agency for the care or treatment of children, frail elders or vulnerable adults.

~~(5) The department shall deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has been:~~

- ~~(a) Convicted of a crime against a person as defined under RCW 43.43.830 or 43.43.842;~~
- ~~(b) Convicted of a crime related to financial exploitation as defined under RCW 43.43.830 or 43.43.842;~~
- ~~(c) Found by a court in a protection proceeding or in a civil damages lawsuit under chapter 74.34 RCW to have abused, neglected, abandoned or exploited a vulnerable adult;~~

~~(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused, neglected, or exploited any minor or vulnerable adult;~~

~~(e) Found in any dependency action under chapter 13.34 RCW to have sexually assaulted, neglected, exploited, or physically abused any minor; or~~

~~(f) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused, exploited, or physically abused any minor.~~

~~(6) The department may deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has:~~

~~(a) Obtained or attempted to obtain a license or contract by fraudulent means or misrepresentation;~~

~~(b) Been convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the person to contract with the department;~~

~~(c) Had sanction, corrective or remedial action taken by federal, state, county, or municipal health or safety officials related to the care or treatment of children, frail elders or vulnerable adults;~~

~~(d) A poor credit history;~~

~~(e) Engaged in the illegal use of drugs or the excessive use of alcohol;~~

~~(f) Operated a facility for the care of children or adults without a license;~~

~~(g) Failed to meet financial obligations as the obligations fell due in the normal course of business;~~

~~(h) Misappropriated property of residents;~~

~~(i) Filed for bankruptcy, reorganization, or receivership;~~

~~(j) Been denied a license or license renewal to operate a facility that was licensed for the care of children, frail elders or vulnerable adults;~~

~~(k) Relinquished or returned a license in connection with the operation of any facility for the care of children, frail elders or vulnerable adults, or did not seek the renewal of such license, following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of the license; or~~

~~(l) Had resident trust funds or assets of an entity providing care to children, frail elders or vulnerable adults seized by the IRS or a state entity for failure to pay income or payroll taxes)) evidence of noncompliance on a case-by-case basis.~~

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-050 Change of contractor. (1) A change of contractor ((occurs)) must occur when there is a ((substitution of the individual contractor or contracting entity ultimately responsible for the daily operational decisions of the assisted living service, enhanced adult residential care, or adult residential care, or a substitution of control of such contracting entity.

~~(a) Events which constitute a change of contractor include but are not limited to the following:~~

~~(i) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);~~

~~(ii) Assisted living services, enhanced adult residential care, or adult residential care contract rights and responsibilities are transferred by the initial contractor to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the facility are also transferred;~~

~~(iii) If the contractor is a partnership, any event occurs which dissolves the partnership;~~

~~(iv) If the contractor is a corporation, and the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation;~~

~~(v) If the contractor is a corporation and, whether by a single transaction or multiple transactions within any continuous twenty four month period, fifty percent or more of the stock is transferred to one or more:~~

~~(A) New or former stockholders; or~~

~~(B) Present stockholders each having held less than five percent of the stock before the initial transaction; or~~

~~(vi) Any other event or combination of events which results in a substitution or substitution of control of the individual contractor or the contracting entity.~~

~~(b) The contractor does not change when the following, without more, occur:~~

~~(i) A party contracts with the contractor to manage the assisted living, enhanced adult residential care, or adult residential care facility as the contractor's agent, i.e., subject to the contractor's general approval of daily operating and management decisions; or~~

~~(ii) The real property or personal property assets of the facility contractor change ownership or are leased, or a lease of the real property or personal property assets is terminated, without a substitution of individual operator or operating entity and without a substitution of control of the operating entity)) change in the boarding home licensee per WAC 388-78A-2770.~~

(2) When a change of licensee and contractor is contemplated, the current contractor ~~((shall))~~ must notify the department and all residents and residents' representatives at least ~~((sixty))~~ ninety days prior to the proposed date of ~~((transfer))~~ change. The notice ~~((shall))~~ must be in writing and ~~((shall))~~ must contain the following information:

(a) Name of the present contractor and prospective contractor;

(b) Name and address of the ~~((facility being transferred))~~ boarding home being changed; and

(c) Date of proposed ~~((transfer))~~ change.

(3) The operation ~~((or ownership))~~ of an assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care contract ~~((shall))~~ must not be ~~((transferred))~~ changed until the new operator has entered into a contract with the department. The new contractor ~~((shall))~~ must comply with contract application requirements in WAC 388-110-030.

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-070 General service standards. The contractor ~~((shall))~~ must:

(1) ~~((Ensure residents have control over their time, space and lifestyle to the extent that the health, safety and well-being of other residents is not disturbed;~~

~~(2) Promote the resident's right to exercise decision making and self-determination to the fullest extent possible;~~

~~(3) Follow the informed consent process as required in chapter 7.70 RCW, when applicable, in the development of the negotiated service agreement;~~

~~(4) Provide services for residents in a manner and in an environment that encourages maintenance or enhancement of each resident's quality of life, and promotes the resident's privacy, dignity, choice, independence, individuality, and decision-making ability; and~~

~~(5) Provide a safe, clean and comfortable homelike environment, allowing residents to use their personal belongings to the extent possible)) Provide the services agreed upon in the resident's negotiated service agreement and approved by the department case manager consistent with WAC 388-78A-2150, including any reasonable accommodations required by chapter 70.129 RCW, Long-term care residents rights; and~~

~~(2) Provide the resident and case manager with a copy of the negotiated service agreement developed according to chapter 388-78A WAC.~~

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-090 Administration. The contractor ~~((shall))~~ must:

(1) Maintain substantial compliance with all requirements of ~~((chapter))~~ chapters 18.20 RCW, ((Law for)) Boarding homes, and 70.129 RCW, Long-term care resident rights, and chapters ((246-316)) 388-78A WAC, Boarding ((homes)) home licensing rules, and 388-105 WAC Medicaid rates for contracted home and community residential care services;

~~(2) ((Ensure all facility staff are knowledgeable about chapter 70.129 RCW, Long-term care resident rights;~~

~~(3) Provide residents, prior to move-in, a copy of the facility's admission agreement which clearly specifies the range of services the facility is able to provide to residents;~~

~~(4) Not require a resident to sign any admission contract or agreement that purports to waive any rights of the resident;~~

~~(5) Develop and implement a grievance procedure and process which is responsive to resident's complaints;~~

~~(6) Post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number;~~

~~(7) Comply with all federal and state statutory and regulatory requirements regarding nondiscrimination in all aspects of the facility's operation;~~

~~(8) Ensure resident rooms or resident units are not located in a separate unit within a facility that has exiting doors that restrict egress from the unit, such as, but not limited to automatic locking and unlocking exiting doors, unless the contractor is already providing services to residents in~~

such a unit under a contract with the department for assisted living services, adult residential care, or enhanced adult residential care on the effective date of this chapter;

~~(9) Encourage residents and the resident council, if there is one, to provide input to the facility about residents' preferences for food choices, taking into account the cultural and religious needs of residents;~~

~~(10) Ensure all instances of suspected abuse, neglect, exploitation, or abandonment are reported to the department, as required in chapter 74.34 RCW, and to the local law enforcement agency;~~

~~(11) Not have any sexual contact with any resident and shall ensure that facility staff and students not have sexual contact with any resident;~~

~~(12) Notify the department within five business days when there is a change in the facility administrator; and~~

~~(13)) Permit department representatives to enter the ((facility)) boarding home without prior notification ((in order to)) and cooperate with department representatives as they monitor the contract requirements under this chapter and ((to)) conduct complaint investigations, including but not limited to observing and privately interviewing residents, and accessing resident records.~~

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-100 ~~((Transfer and))~~ **Discharge, social leave, and bed hold.** The contractor ~~((shall))~~ is not required to discharge (move out) and readmit a resident for absences of less than twenty-one consecutive days. The contractor must:

~~(1) ((Comply with chapter 70.129 RCW and chapter 246.316 WAC pertaining to transfer and discharge (move-out));~~

~~(2) Include the department's case manager in the development of a relocation or discharge (move-out) plan, and have the case manager approve the plan before any notice required under subsection (1) of this section is issued to the resident, except in an emergency;~~

~~(3)) Note an absence in a resident's record when a resident ((will be)) is absent from the ((facility)) boarding home for more than seventy-two consecutive hours;~~

~~((4) Not be required to discharge (move out) and readmit a resident for absences less than thirty-one consecutive days;~~

~~(5)) (2) Obtain department approval for payment for social leave in excess of fifteen consecutive days; ((and))~~

~~(3) Notify the department within one working day whenever the resident:~~

~~(a) Is hospitalized;~~

~~(b) Is discharged to another boarding home, nursing home or other health care facility;~~

~~(c) Dies; or~~

~~(d) Is missing from the boarding home and his or her whereabouts are unknown.~~

~~(4) Include the department's case manager in the development of a discharge (move out) plan, and have the case manager approve the plan before any required notice of discharge is issued to the resident, except in an emergency;~~

(5) Notify the resident of the boarding home's policies regarding bed-holds, consistent with subsection (7) of this section as soon as possible before, or as soon as practicable following hospitalization or discharge to a nursing home. The notification must include information concerning:

(a) Options for bed-hold payments, and

(b) Rights to return to the boarding home.

(6) Retain a bed or unit for a resident who is hospitalized or temporarily placed in a nursing home for up to ((thirty)) twenty days when the resident is likely to return((-, but if as part of the negotiated service agreement it is determined)) to the boarding home and the department makes payment to the boarding home for holding the bed or unit consistent with WAC 388-105-0045. If, prior to the end of the ((thirty days that the resident will not return to the facility, the facility may discharge (move out) the resident in accordance with subsections (1) and (2) above and release the bed or unit)) twenty days, the department determines, or the contractor determines and the department concurs, that the resident will likely not return to the boarding home:

(a) The department must terminate the bed-hold payment; and (b) The contractor may rent that bed or unit to another resident.

(7) Not seek third-party payment for the first twenty days of retaining the bed for a resident who is hospitalized or discharged to a nursing home.

(a) The contractor may seek third-party payment consistent with RCW 18.20.290 and chapter 388-105 WAC to hold a bed or unit for the time following the first twenty days of a resident's absence for hospitalization or nursing home care.

(b) If third-party payment is not available, the contractor must readmit the resident to the first available and appropriate bed or unit if the resident:

(i) Continues to meet the boarding home's admission criteria; and

(ii) Chooses to return to the boarding home.

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-120 Resident personal funds. (1) Upon the death of a resident, the ~~((facility shall))~~ contractor must promptly convey the resident's personal funds held by the ((facility)) boarding home with a final accounting of such funds to the department or to the individual or probate jurisdiction administering the resident's estate no later than forty-five calendar days after the date of the resident's death:

(a) When the personal funds of the deceased resident ((shall)) must be paid to the state of Washington, those funds and the final accounting shall be made payable to the secretary, department of social and health services, and sent to the Office of Financial Recovery, Estate Recovery Unit, P.O. Box 9501, Olympia, Washington 98507-9501, or such address as may be directed by the department in the future;

(b) The check and final accounting accompanying the payment ((shall)) must contain the name and Social Security number of the deceased individual from whose personal funds account the monies are being paid; and

(c) The department of social and health services shall establish a release procedure for use of funds necessary for burial expenses.

(2) In situations where the resident is absent from the ~~((facility))~~ boarding home for an extended time without notifying the ~~((facility))~~ boarding home, and the resident's whereabouts is unknown:

(a) The ~~((facility shall))~~ contractor must make a reasonable effort to find the missing resident; and

(b) If the resident cannot be located after ninety days, the ~~((facility shall))~~ contractor must notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.29 RCW. The ~~((facility shall))~~ contractor must deliver to the department of revenue the balance of the resident's personal funds within twenty days following such notification.

(3) Prior to the change of contractor of the ~~((facility))~~ boarding home business, the contractor ~~((shall))~~ must:

(a) Provide each resident with a written accounting of any personal funds held by the ~~((facility))~~ boarding home;

(b) Provide the new contractor with a written accounting of all resident funds being transferred; and

(c) Obtain a written receipt for those funds from the new operator.

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-140 Assisted living services facility structural requirements. (1) In a boarding home with an assisted living services contract, the contractor must ensure each resident ~~((shall have))~~ has a private apartment-like unit ~~((with a private bathroom. Each unit shall))~~ meeting the requirements of a type 'B' dwelling unit as defined by the International Code Council A117.1. Except as provided in subsection (3) of this section, each unit must have at least the following:

(a) ~~((In an existing facility, an individual unit with))~~ A minimum area of one hundred eighty square feet ~~((including counters, closets and built-ins, and excluding the bathroom. In a new facility, an individual unit with a minimum of))~~ in an existing boarding home, and two hundred twenty square feet ~~((including))~~ in a new boarding home. The minimum area may include counters, closets and built-ins, ~~((and excluding))~~ but must exclude the bathroom;

(b) A separate private bathroom, which includes a sink, toilet, and a shower or bathtub. In a new ~~((facility, a minimum of fifty percent of resident bathrooms shall be wheelchair accessible and have a roll-in shower))~~ boarding home, the contractor must provide a minimum of one wheelchair accessible bathroom with a roll-in shower that is at least forty-eight inches by thirty inches for every two residents whose care is partially or fully funded by the department through the assisted living contract;

(c) A lockable entry door;

(d) A kitchen area equipped ~~((, at a minimum,))~~ with a refrigerator, a microwave oven or stovetop, and a counter or table for food preparation. In a new ~~((facility, a))~~ boarding home, the kitchen area must also be equipped with a ~~((sink and counter area, and))~~ storage space for utensils and sup-

plies, and a counter surface, a minimum of thirty inches wide by twenty-four inches in depth, a maximum height of thirty-four inches, and a knee space beneath at least twenty-seven inches in height; and

(e) A living area wired for telephone and, where available in the geographic location, wired for television service.

(2)(a) For purposes of this section, a new boarding home is:

(i) A new building to be used as a boarding home or part of a boarding home, for which plans are submitted to the department of health for construction review on or after June 8, 1996; or

(ii) An addition, modification, or alteration to an existing licensed boarding home, for which plans are submitted to the department of health for construction review on or after June 8, 1996.

(A) The department may, in consultation with the office of construction review services in the department of health, exempt from selected new boarding home contract construction requirements, a limited addition, modification, or alteration to an existing licensed boarding home that will improve the quality of life for residents, if compliance with all new boarding home contract construction requirements would otherwise make the limited addition, modification, or alteration cost prohibitive. A limited addition, modification, or alteration means any physical change to an existing licensed boarding home that does not affect the structural integrity of the building, does not affect fire and life safety, and does not increase the boarding home's maximum facility capacity as defined in WAC 388-78A-2020.

(B) A major addition, modification, or alteration to an existing licensed boarding home must meet new boarding home contract construction requirements for applicable portions of the building. A major addition, modification, or alteration means any physical change within a room or area in an existing licensed boarding home that results in reconstruction to structural or other building systems.

(b) All boarding homes that are not new boarding homes under subsection (2)(a) of this section, are existing boarding homes. An existing building, or portion thereof, that is converted to boarding home use must be considered an existing boarding home unless there is an addition, modification or alteration to the existing building.

(3) If a boarding home submitted plans to the department of health for construction review on or after June 8, 1996, and the boarding home had an assisted living contract as of September 1, 2004, then the boarding home is "grandfathered" under the contracting rules for structural requirements that were in effect at the time of contracting and is considered to meet the assisted living structural requirements of subsection (1) of this section. However, if the same boarding home submits plans to the department of health for construction review for an addition, modification or alteration of the boarding home after September 1, 2004, then the boarding home must meet the current new boarding home requirements of subsection (1) for the applicable portions of the building.

(4) Married couples may share an apartment-like unit under an assisted living contract if:

(a) Both residents understand they are each entitled to live in a separate private unit; and

(b) Both residents mutually request to share a single apartment-like unit.

(5) In a new ((facility)) boarding home, the contractor ((shall)) must provide a private accessible mailbox in which the resident may receive mail.

((3)) (6) The contractor ((shall)) must provide home-like smoke-free common areas with sufficient space for socialization designed to meet resident needs. Common areas ((shall)) must be available for resident use at any time provided such use does not disturb the health or safety of other residents. ((When possible,)) The contractor must make access to outdoor areas ((shall be made)) available to all residents.

((4)) (7) The contractor ((shall)) must provide a space for residents to meet with family and friends outside the resident's living unit.

((5)(a) For purposes of this section, a new facility is:

(i) A new building to be used as a boarding home or part of a boarding home, for which plans are submitted to the department of health for construction review, as required by WAC 246-316-070, on or after the effective date of this chapter; or

(ii) An addition, modification, or alteration to an existing building, for which plans are submitted to the department of health for construction review, as required by WAC 246-316-070, on or after the effective date of this chapter.

(b) All facilities that are not new facilities under subsection (5)(a) of this section, are existing facilities. An existing building, or portion thereof, that is converted to boarding home use shall be considered an existing facility unless there is an addition, modification or alteration to the existing building.)

(8) The department may grant an exemption to the requirements of this section as they apply to a specified resident when it is in the best interest of the specific resident.

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-150 Assisted living service standards. In a boarding home with an assisted living contract, the contractor must meet the requirements of parts I and II of this chapter, and for residents served under the assisted living contract:

(1) ((The contractor shall)) Ensure that both the physical environment and the delivery of assisted living services are designed to enhance autonomy in ways which reflect personal and social values of dignity, privacy, independence, individuality, choice and decision-making of residents. The contractor ((shall)) must provide ((the)) resident services ((in a manner which:

(a) Makes the services available)) in a homelike environment for residents ((with)) who may have a range of needs and preferences((;

(b) Facilitates aging in place by providing flexible services in an environment that accommodates and supports the resident's individuality;

(c) Supports managed risk which includes the resident's right to take responsibility for the risks associated with decision-making; and

(d) Develops a formal written, negotiated plan to decrease the probability of a poor outcome when a resident's decision or preference places the resident or others at risk, leads to adverse consequences, or conflicts with other residents' rights or preferences.

(2) Building on the department's assessment and service plan completed before admission, the contractor shall complete a negotiated service agreement within thirty days of move in. The contractor shall involve the following persons in the negotiation and renegotiation of the agreement:

(a) The resident to the greatest extent practicable;

(b) Appropriate facility staff;

(c) The department's case manager; and

(d) If the resident chooses, the resident's family or any other person the resident wants included.

(3) The contractor shall ensure the negotiated service agreement:

(a) Includes recognition of the resident's capabilities and choices, and defines the division of responsibility in the implementation of services;

(b) Addresses, at a minimum, the following elements: assessed health care needs; social needs and preferences; personal care tasks; and if applicable, limited nursing and medication services, including frequency of service and level of assistance;

(c) Is signed and approved by the resident, the contractor, and the department case manager; and

(d) Includes the date the agreement was approved.

(4) The contractor shall provide the resident and case manager with a copy of the agreement, and place a copy in the resident's record.

(5) The contractor shall update the agreement when there are changes in the services the resident needs and wants to receive. At a minimum, the contractor shall review and update the negotiated service agreement semiannually.

(6) The contractor shall provide personal care services based on the resident's negotiated service agreement.

(7) The contractor shall provide the range of services required to meet the increasing or changing needs of residents as they age in place to the maximum extent permitted by the boarding home regulations.

(8) The contractor shall provide or arrange for limited nursing services to meet the needs of residents who require nursing services, at no additional cost to the resident.

(9) The contractor shall provide written policies and procedures that ensure the facility will provide limited nursing services and will allow additional on-site health care services to the maximum extent allowed under chapter 246-316 WAC, and if requested, shall assist the resident to obtain the additional on-site health care services.

(10) If requested or needed by the resident, the contractor shall assist the resident to obtain, arrange, and coordinate services such as: transportation to medical services and recreational activities; ancillary services for medically related care (e.g., physician, pharmacist, mental health services, physical or occupational therapy, hospice, home health care, podiatry); barber/beauty services; and other services necessary to support and assist the resident in maintaining as much independence as possible.

(11) The contractor shall).

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(2) Must provide or arrange for, at no additional cost to the resident and consistent with chapter 388-78A WAC:

- (a) Intermittent nursing services;
- (b) Medication administration;
- (c) Personal care services; and
- (d) Supportive services that promote independence and self-sufficiency.

(3) Make available and offer at no additional cost to the resident generic personal care items needed by the resident such as soap, shampoo, toilet paper, toothbrush, toothpaste, deodorant, sanitary napkins, and disposable razors. This does not include items covered by medical coupons or preclude residents from choosing to purchase their own personal care items.

~~((12) The contractor shall)~~

(4) Provide all residents with access to an on-site washing machine and dryer for resident use.

~~((13) The contractor shall)~~

(5) Make beverages and snacks available to residents.

~~((14) The contractor shall develop written policies and procedures to be followed by staff and shared with residents which illustrate how employees shall deliver services to residents while ensuring resident's privacy, dignity, choice, independence, individuality and decision-making ability.))~~

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-220 Enhanced adult residential care service standards. (1) ~~((The contractor shall complete a negotiated service agreement within thirty days of move-in with participation from the resident and the department's case manager, consistent with the general service standards set forth in WAC 388-110-070.~~

~~(2) The agreement shall include what services shall be provided, who will provide the services, and when and how the services will be provided.~~

~~(3) The service agreement shall support the principles of dignity, privacy, choice in decision-making, individuality, and independence.~~

~~(4) At a minimum, the contractor shall review and update the negotiated service agreement semi-annually, give a copy of the agreement to the resident and case manager, and keep a copy in the resident's record.~~

~~(5) The contractor shall provide personal care services based on the resident's negotiated service agreement.~~

~~(6) The contractor shall provide or arrange for limited nursing services to meet the needs of residents who require nursing services, at no additional cost to the resident.~~

~~(7) The contractor shall allow a maximum of two residents per room))~~ In a boarding home with an enhanced adult residential care contract, the contractor must meet the requirements of parts I and III of this chapter, and for residents served under the enhanced adult residential care contract:

(a) Develop for each resident a negotiated service agreement that supports the principles of dignity, privacy, choice in decision making, individuality, and independence.

(b) Provide or arrange for, at no additional cost to the resident and consistent with the resident's negotiated service agreement and chapter 388-78A WAC:

- (i) Intermittent nursing services;
- (ii) Medication administration;
- (iii) Personal care services; and
- (iv) Supportive services that promote independence and self-sufficiency; and

(c) Not allow more than two residents per room.

(2) An enhanced adult residential care-specialized dementia care services contract is a distinct contract, separate from an enhanced adult residential care contract. In a boarding home with an enhanced adult residential care-specialized dementia care services contract, the contractor must:

(a) Meet the requirements of parts I and III of this chapter.

(b) Meet the requirements of subsection (1) of this section, and

(c) Maintain an enhanced adult residential care services contract or an assisted living services contract in addition to the enhanced adult residential care-specialized dementia care services contract.

(3) In a boarding home with an enhanced adult residential care-specialized dementia care services contract, for residents served under that contract, the contractor must:

(a) Complete a full re-assessment of residents as specified in chapter 388-78A WAC, at a minimum, on a semi-annual basis;

(b) Maintain awake staff twenty-four hours per day. The contractor must provide staffing that is adequate to respond to the assessed sleeping and waking patterns and needs of residents;

(c) Develop and implement policies and procedures:

(i) To manage residents who may wander;

(ii) To outline actions to be taken in case a resident elopes; and

(iii) To obtain consultative resources to address behavioral issues for residents. The contractor must include a plan that identifies the professional (i.e., clinical psychologist, psychiatrist, psychiatric nurse practitioner, or other behavioral specialist familiar with care of persons with dementia with complex or severe problems) who will provide the consultation, and when and how the consultation will be utilized.

(d) Ensure that each staff who works directly with residents has at least six hours of continuing education per year related to dementia, including Alzheimer's disease. This six hours of continuing education may be part of the ten hours of continuing education required by WAC 388-112-0205. Appropriate topics include, but are not limited to:

(i) Aggressive behaviors and catastrophic reactions;

(ii) Agitation: Caregiving strategies;

(iii) Delusions and hallucinations;

(iv) Dementia problem-solving strategies;

(v) Depression and dementia;

(vi) Fall prevention for dementia;

(vii) Personal care as meaningful activity;

(viii) Promoting pleasant and purposeful activity; and

(ix) Resistance to care: Caregiving strategies.

(e) Provide all necessary physical assistance with bathing and toilet use for residents who require caregivers to per-

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form these activities and subtasks of these activities, and required oversight and supervision, encouragement and cuing. For the purposes of this subsection:

(i) "Bathing" has the same meaning as described in WAC 388-72A-0035; and

(ii) "Toilet use" has the same meaning as described in WAC 388-72A-0035.

(f) Provide extensive assistance with eating as necessary, including required oversight and supervision, encouragement and cuing. The contractor must also provide all necessary physical assistance with eating on an occasional basis for residents who require total feeding assistance. However, the contractor is not required to provide tube feedings or intravenous nutrition nor provide total feeding assistance for an extended or indefinite period.

(i) "Eating" has the same meaning as described in WAC 388-72A-0035, except that the contractor is not required to provide tube feedings or intravenous nutrition;

(ii) "Extensive assistance" has the same meaning as described in WAC 388-72A-0040.

(g) Provide daily activities consistent with the functional abilities, interests, habits and preferences of the individual residents. The contractor must support the participation of residents and the resident council, if there is one, in the development of recreational and activity programs that reflect the needs and choices of residents. On a daily basis, the contractor must provide residents access to:

(i) Opportunities for independent, self-directed, activities.

(ii) Individual activities, in which a staff person or volunteer engages the resident in a planned and/or spontaneous activity of interest. Activities may include personal care activities that provide opportunities for purposeful and positive interactions; and

(iii) Group activities.

(h) Offer opportunities for activities that accommodate variations in a resident's mood, energy and preferences. The contractor must make appropriate activities available based upon the resident's individual schedule and interests. For example, individuals up at night must have access to staff support, food and appropriate activities;

(i) Make available multiple common areas, at least one of which is outdoors, that vary by size and arrangement such as: various size furniture groupings that encourage social interaction; areas with environmental cues that may stimulate activity, such as a resident kitchen or workshop; areas with activity supplies and props to stimulate conversation; a garden area; and paths and walkways that encourage exploration and walking. These areas must accommodate and offer opportunities for individual or group activity;

(j) Ensure that the outdoor area for residents:

(i) Is accessible to residents without staff assistance;

(ii) Is surrounded by walls or fences at least seventy-two inches high;

(iii) Has areas protected from direct sunshine and rain throughout the day;

(iv) Has walking surfaces that are firm, stable, slip-resistant and free from abrupt changes, and are suitable for individuals using wheelchairs and walkers;

(v) Has suitable outdoor furniture;

(vi) Has plants that are not poisonous or toxic to humans; and

(vii) Has areas for appropriate outdoor activities of interest to residents, such as walking paths, raised garden or flower beds, bird feeders, etc.

(k) Ensure that areas used by residents have a residential atmosphere, and residents have opportunities for privacy, socialization, and wandering behaviors;

(l) Ensure any public address system in the area of specialized dementia care services is used only for emergencies;

(m) Encourage residents' individualized spaces to be furnished and or decorated with personal items based on resident needs and preferences;

(n) Ensure residents have access to their own rooms at all times without staff assistance; and

(o) Make available and offer at no additional cost to the resident generic personal care items needed by the resident such as soap, shampoo, toilet paper, toothbrush, toothpaste, deodorant, sanitary napkins, and disposable razors. This does not include items covered by medical coupons or preclude residents from choosing to purchase their own personal care items.

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-240 Adult residential care service standards. ~~((1) The contractor shall complete a negotiated service agreement within thirty days of move-in with participation from the resident and the department's case manager, consistent with the general service standards set forth in WAC 388-110-070.~~

~~(2) The agreement shall include what services shall be provided, who will provide the services, and when and how the services will be provided.~~

~~(3) The)) In a boarding home with an adult residential care contract, the contractor must meet the requirements of parts I and IV of this chapter, and for residents served under the adult residential care contract:~~

~~(1) Develop for each resident a negotiated service agreement ((shall support)) that supports the principles of dignity, privacy, choice in decision making, individuality, and independence((-~~

~~(4) At a minimum, the contractor shall review and update the negotiated service agreement semi-annually, give a copy of the agreement to the resident and case manager, and keep a copy in the resident's record.~~

~~(5) The contractor shall)); and~~

~~(2) Provide personal care services based on the resident's negotiated service agreement.~~

PART V

REMEDIES FOR ASSISTED LIVING, ENHANCED ADULT RESIDENTIAL CARE, ((AND)) ENHANCED ADULT RESIDENTIAL CARE—SPECIALIZED

DEMENTIA CARE, AND ADULT RESIDENTIAL CARE

AMENDATORY SECTION (Amending WSR 96-21-050, filed 10/11/96, effective 11/11/96)

WAC 388-110-260 Remedies. (1) The department may take one or more of the actions listed in subsection (3)(a) of this section in any case in which the department finds that a contractor of assisted living services, enhanced adult residential care services, enhanced residential care-specialized dementia care services, or adult residential care services has:

(a) Failed or refused to comply with the applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW, chapter 388-78A WAC or of this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a contract or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2)(a) For failure or refusal to comply with any applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW, chapter 388-78A WAC or of this chapter, the department may provide consultation ~~((and shall allow the contractor a reasonable opportunity to correct))~~ before imposing remedies under subsection (3)(a) unless the violations pose a serious risk to residents, are recurring or have been uncorrected.

(b) When violations of this chapter pose a serious risk to a resident, are recurring or have been uncorrected, the department ~~((shall))~~ **must** impose a remedy or remedies listed under subsection (3)(a). In determining which remedy or remedies to impose, the department ~~((shall))~~ **must** take into account the severity of the impact of the violations on residents and which remedy or remedies are likely to improve resident outcomes and satisfaction in a timely manner.

(3)(a) Actions and remedies the department ~~((may))~~ **is authorized to** impose include:

(i) Refusal to enter into a contract;

(ii) Imposition of reasonable conditions on a contract, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(iii) Imposition of civil penalties of not more than one hundred dollars per day per violation;

(iv) Suspension, termination, or refusal to renew a contract; or

(v) Order stop placement of persons under the contract.

(b) When the department orders stop placement, the ~~((facility shall))~~ **boarding home must** not admit any person under the contract until the stop placement order is terminated. The department may approve readmission of a resident to the ~~((facility))~~ **boarding home** from a hospital or nursing home during the stop placement. The department ~~((shall))~~ **must** terminate the stop placement when the department determines that:

(i) The violations necessitating the stop placement have been corrected; and

(ii) The provider exhibits the capacity to maintain adequate care and service.

(c) Conditions the department may impose on a contract include, but are not limited to the following:

(i) Correction within a specified time;

(ii) Training related to the violations; and

(iii) Discharge of any resident when the department determines discharge is needed to meet that resident's needs or for the protection of other residents.

(d) When a contractor fails to pay a fine when due under this chapter, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from the contract payment.

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-270 Notice, hearing rights, effective dates relating to imposition of remedies. (1) Chapter 34.05 RCW applies to department actions under this chapter and chapter 74.39A RCW, except that orders of the department imposing ~~((contracts))~~ **contract** suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending any hearing.

(2) Civil monetary penalties shall become due twenty eight days after the contractor is served with a notice of the penalty unless the contractor requests a hearing in compliance with chapter 34.05 RCW and RCW 43.20A.215. If a hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Interest shall accrue beginning thirty days after the department serves the contractor with notice of the penalty at a rate of one percent per month in accordance with RCW 43.20B.695.

(3) A person contesting any decision by the department to impose a remedy ~~((shall))~~ **must** within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the ~~((Office))~~ **Board of Appeals, PO Box ((2465)) 45803**, Olympia, WA 98504; and

(b) Include in or with the application:

(i) The grounds for contesting the department decision; and

(ii) A copy of the contested department decision.

(4) Administrative proceedings shall be governed by chapter 34.05 RCW, RCW 43.20A.215, where applicable, this section, and chapter ~~((388-08))~~ **388-02 WAC**. If any provision in this section conflicts with chapter ~~((388-08))~~ **388-02 WAC**, the provision in this section governs.

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-280 Dispute resolution. (1) When a contractor disagrees with the department's finding of a violation under this chapter, the contractor shall have the right to have the violation reviewed under the department's dispute resolution process. Requests for review ~~((shall))~~ **must** be made to the department within ten days of receipt of the written finding of a violation.

(2) When requested by a contractor, the department ((shall)) **must** expedite the dispute resolution process to review violations upon which a department order imposing contract suspension, stop placement, or a contract condition is based.

(3) Orders of the department imposing contracts suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending dispute resolution.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-110-060 Resident rights.
- WAC 388-110-080 Social and recreational activities.
- WAC 388-110-170 Education and training requirements.
- WAC 388-110-180 Nurse delegation training and registration.
- WAC 388-110-190 Performance of delegated nursing care tasks.
- WAC 388-110-200 Nurse delegation—Penalties.

**WSR 04-17-002
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed August 4, 2004, 3:28 p.m., effective September 4, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: These rules provide an opportunity for members of PERS Plan 3, SERS Plan 3, and TRS Plan 3 to irrevocably waive their 1% defined benefit. Members may wish to waive this right in order to qualify to purchase service credit for the same time period from another state retirement system.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.40.787 (PERS), 41.35.612 (SERS), and 41.32.837 (TRS).

Adopted under notice filed as WSR 04-13-036 on June 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 3, 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.

Date Adopted: July 28, 2004.

John Charles
Director

NEW SECTION

WAC 415-108-990 May I waive my Plan 3 one percent retirement benefit? (1) Why would I want to waive my Plan 3 one percent retirement benefit? Some state retirement systems have provisions that allow members to purchase service credit earned elsewhere. If you are employed by one of these states and wish to purchase service credit for time worked in Washington, you may be required by that state to show proof that you have waived all of your rights to retirement benefits from Washington as a condition for purchasing the service credit.

(2) **Do I qualify to waive my Plan 3 one percent retirement benefit?** You may irrevocably waive your Plan 3 one percent retirement benefit if:

- (a) You are separated from all Plan 3 eligible employment;
- (b) You withdrew your funds in your Plan 3 member account or are receiving distributions from your Plan 3 member account;
- (c) Your spouse consents to the waiver if you are married;
- (d) There is not a court order or administrative order that affects your right to waive your benefits; and
- (e) You have not received, or are not receiving, a defined benefit payment.

(3) **How do I waive my one percent retirement benefit?** You may waive your right to this benefit by submitting a properly completed form, available through the department. The date of the waiver will be the date the department receives your form.

(4) **Will I get service credit for eligible time if it is discovered after I sign a waiver?** If periods of employment, prior to or within the waived time period, are discovered after you sign a waiver, you will not be credited for the service. However, your employer will be billed for employer contributions for any such period.

(5) **May I retract or withdraw my waiver in the future?** No. You irrevocably give up all rights to any retirement benefits when you submit your signed waiver.

(6) **What are my retirement options if I return to work in a (PERS/SERS/TRS) eligible position?** You will be a member of Plan 3 and will begin accumulating service credit from your new date of hire. You will not be entitled to purchase back any of the Plan 3 service credit you waived.

NEW SECTION

WAC 415-110-817 May I waive my Plan 3 one percent retirement benefit? (1) Why would I want to waive my Plan 3 one percent retirement benefit? Some state retirement systems have provisions that allow members to

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purchase service credit earned elsewhere. If you are employed by one of these states and wish to purchase service credit for time worked in Washington, you may be required by that state to show proof that you have waived all of your rights to retirement benefits from Washington as a condition for purchasing the service credit.

(2) Do I qualify to waive my Plan 3 one percent retirement benefit? You may irrevocably waive your Plan 3 one percent retirement benefit if:

(a) You are separated from all Plan 3 eligible employment;

(b) You withdrew your funds in your Plan 3 member account or are receiving distributions from your Plan 3 member account;

(c) Your spouse consents to the waiver if you are married;

(d) There is not a court order or administrative order that affects your right to waive your benefits; and

(e) You have not received, or are not receiving, a defined benefit payment.

(3) How do I waive my one percent retirement benefit? You may waive your right to this benefit by submitting a properly completed form, available through the department. The date of the waiver will be the date the department receives your form.

(4) Will I get service credit for eligible time if it is discovered after I sign a waiver? If periods of employment, prior to or within the waived time period, are discovered after you sign a waiver, you will not be credited for the service. However, your employer will be billed for employer contributions for any such period.

(5) May I retract or withdraw my waiver in the future? No. You irrevocably give up all rights to any retirement benefits when you submit your signed waiver.

(6) What are my retirement options if I return to work in a (PERS/SERS/TRS) eligible position? You will be a member of Plan 3 and will begin accumulating service credit from your new date of hire. You will not be entitled to purchase back any of the Plan 3 service credit you waived.

NEW SECTION

WAC 415-112-150 May I waive my Plan 3 one percent retirement benefit? **(1) Why would I want to waive my Plan 3 one percent retirement benefit?** Some state retirement systems have provisions that allow members to purchase service credit earned elsewhere. If you are employed by one of these states and wish to purchase service credit for time worked in Washington, you may be required by that state to show proof that you have waived all of your rights to retirement benefits from Washington as a condition for purchasing the service credit.

(2) Do I qualify to waive my Plan 3 one percent retirement benefit? You may irrevocably waive your Plan 3 one percent retirement benefit if:

(a) You are separated from all Plan 3 eligible employment;

(b) You withdrew your funds in your Plan 3 member account or are receiving distributions from your Plan 3 member account;

(c) Your spouse consents to the waiver if you are married;

(d) There is not a court order or administrative order that affects your right to waive your benefits; and

(e) You have not received, or are not receiving, a defined benefit payment.

(3) How do I waive my one percent retirement benefit? You may waive your right to this benefit by submitting a properly completed form, available through the department. The date of the waiver will be the date the department receives your form.

(4) Will I get service credit for eligible time if it is discovered after I sign a waiver? If periods of employment, prior to or within the waived time period, are discovered after you sign a waiver, you will not be credited for the service. However, your employer will be billed for employer contributions for any such period.

(5) May I retract or withdraw my waiver in the future? No. You irrevocably give up all rights to any retirement benefits when you submit your signed waiver.

(6) What are my retirement options if I return to work in a (PERS/SERS/TRS) eligible position? You will be a member of Plan 3 and will begin accumulating service credit from your new date of hire. You will not be entitled to purchase back any of the Plan 3 service credit you waived.

WSR 04-17-016

PERMANENT RULES

TACOMA COMMUNITY COLLEGE

[Filed August 6, 2004, 8:57 a.m., effective September 6, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 132V-130 WAC, Hazing policy, prohibits hazing at Tacoma Community College.

Citation of Existing Rules Affected by this Order: Amending chapter 132V-130 WAC.

Statutory Authority for Adoption: SSB 5075 (1993).

Adopted under notice filed as WSR 04-09-016 on April 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 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.

Date Adopted: June 3, 2004.

August 5, 2004
Dr. April Retherford
Interim 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 04-17-017

PERMANENT RULES

TACOMA COMMUNITY COLLEGE

[Filed August 6, 2004, 8:59 a.m., effective September 6, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 132V-120 WAC, Code of student rights and responsibilities, 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.

Citation of Existing Rules Affected by this Order: Amending chapter 132V-120 WAC.

Statutory Authority for Adoption: RCW 28B.50.140 (13).

Adopted under notice filed as WSR 04-09-017 on April 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 4, Amended 28, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 28, 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.

Date Adopted: June 3, 2004.

August 5, 2004
Dr. April Retherford
Interim 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.

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(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 pro-

cess 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 harass-

ment, 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, gender identity, 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 out-

lined 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 ~~((certi-~~

~~ified))~~ 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.

PERMANENT

(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 commit-

tee 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 services 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 grievance), 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 representatives, 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 04-17-021

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed August 9, 2004, 12:03 p.m., effective September 9, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amendments were made to sections within the Washington Dry Pea and Lentil Commission's Marketing Order, chapter 16-536 WAC. During past legislative sessions, significant amendments were made to the commission's enabling statute, chapter 15.65 RCW. These statutory changes prompted the proposed amendments to chapter 16-536 WAC. The changes achieve consistency with the statute, as well as, improve the readability and clarity of the marketing order.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-536-030; and amending WAC 16-536-010, 16-536-020, 16-536-040, and 16-536-060.

Statutory Authority for Adoption: RCW 15.65.047 and chapter 34.05 RCW.

Adopted under notice filed as WSR 04-04-107 on February 4, 2004.

Changes Other than Editing from Proposed to Adopted Version: The department will not be adopting the assessment increase as proposed in WAC 16-536-040 (1)(a). The assessment rate will remain as currently written.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 4, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 2, Amended 4, Repealed 1.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 4, Repealed 1.

Date Adopted: August 9, 2004.

Valoria Loveland
Director

NEW SECTION

WAC 16-536-005 Marketing order for Washington dry peas and lentils—Policy statement. (1) The marketing of dry peas and lentils 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 dry peas and lentils be properly promoted by:

(a) Enabling producers of dry peas and lentils to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the dry peas and lentils they produce; and

(b) Working towards stabilizing the agricultural industry by increasing consumption of dry peas and lentils within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the dry peas and lentils industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that dry peas and lentils be promoted individually, and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's dry peas and lentils.

(b) Increase the sale and use of Washington state's dry peas and lentils in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's dry peas and lentils.

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's dry peas and lentils and products.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of dry peas and lentils produced 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 dry pea and lentil 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 dry peas and lentils under the provisions of this marketing order.

NEW SECTION

WAC 16-536-006 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, ensuring a fair regulatory environment; or increasing per capita consumption of dry peas and lentils in Washington state. The Washington state dry pea and lentil commodity board is designated by the director to conduct the following programs in accordance with chapter 15.65 RCW:

(1) To carry out the purposes of the order, the board shall provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for marketing, sales, promotion and/or other programs for maintaining present markets and/or creating new or larger markets for dry peas and/or lentils. Such programs shall be directed toward increasing the sale of dry peas and/or lentils without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims on behalf of dry peas and/or lentils nor disparage the quality, value, sale or use of any other agricultural commodity.

(b) Provide for research in the production, processing, irrigation, transportation, handling, and/or distribution of dry peas and/or lentils and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried out by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules for:

(i) Establishing uniform grades and standards of quality, condition, maturity, size, weight, pack, packages and/or label for dry peas and/or lentils or any products thereof.

(ii) Requiring producers, handlers and/or other persons to conform to such grades and/or standards in packing, packaging, processing, labeling, selling or otherwise commercially disposing of dry peas and/or lentils and/or in offering, advertising and/or delivering it therefor.

(iii) Providing for inspection and enforcement to ascertain and effectuate compliance.

(iv) Providing that the board shall carry out inspection and enforcement of, and may (within the general provisions of the order) establish detailed provisions relating to, such standards and grades and such rules and regulations: Provided, That any modification not of a substantial nature, such as the modification of standards within a certain grade may be made without a hearing, and shall not be considered an amendment for the purposes of the act and order.

(d) Conduct programs for the purpose of providing information and education including:

(i) Marketing information and services for producers of dry peas and/or lentils for the verification of grades, standards, weights, tests, and sampling of quality and quantity of dry peas and/or lentils purchased by handlers from affected producers.

(ii) Information and services enabling producers to meet their resource conservation objectives.

(iii) Dry peas and lentils-related education and training.

(e) Subject to the provisions of the act, provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of dry peas and/or lentils produced in Washington state to any elected official or officer or employee of any agency.

(2) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for advertising and promotion of dry peas and/or lentils; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of dry peas and/or lentils may be encouraged, expanded, improved, or made more efficient.

AMENDATORY SECTION (Amending Order 1768, filed 7/13/82)

WAC 16-536-010 Definitions ((of terms)). Definitions for terms used in this chapter are also found in chapter 15.65 RCW, Washington State Agricultural Commodity Boards Act. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his or her 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, dry peas and/or lentils in the state of Washington.

(6) "Commercial quantity" means all the dry peas and/or lentils produced for market 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 dry peas and/or lentils not produced by him or her. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(8) "Dry pea and lentil commodity board" hereinafter referred to as "board" or "commission" means the dry pea and lentil commodity board formed under the provisions of WAC 16-536-020.

(9) "Dry peas" means and includes all kinds and varieties of dry peas grown in the state of Washington, including chick peas/garbanzo beans and commercially grown wrinkled peas raised for seed: Provided, That it shall not include dry peas used by the producer thereof on his or her premises for feed, seed and personal consumption: Provided further, That the inclusion of commercially grown wrinkled peas raised for

seed will not become effective until approved by a referendum vote of the affected commercial wrinkled pea seed producers.

(10) "Lentils" means and includes all kinds and varieties of lentils grown in the state of Washington: Provided, That it shall not include lentils used by the producers thereof on his or her premises for feed, seed, and personal consumption.

(11) "Marketing season" or "fiscal year" means the twelve month period beginning with July 1 of any year and ending with the last day of June, both dates being inclusive.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to dry peas and/or lentils. A producer-handler shall be deemed to be a producer with respect to the dry peas and/or lentils which he or she produces, and a handler with respect to the dry peas and/or lentils which he or she handles, including those produced by himself or herself. "To produce" means to act as a producer. For purposes of the dry peas and lentils 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 seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(13) "Affected 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, have in possession for sale, exchange, barter or trade.

(15) "Affected unit" means one hundred pounds of ~~((cleaned))~~ dry peas and/or lentils.

AMENDATORY SECTION (Amending Order 5079, filed 8/23/95, effective 9/23/95)

WAC 16-536-020 The dry pea and lentil board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of ten members. Eight members shall be affected producers ~~((elected))~~ appointed as provided in this ~~((article))~~ marketing order. One member shall be an affected handler ~~((elected))~~ appointed as provided in this ~~((article))~~ marketing order. The director shall appoint 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) For the purpose of nomination and ~~((election))~~ appointment of producer members of the board, the affected area of the state of Washington shall be divided into four representative districts as follows:

(i) District I shall have three board members, being positions 1, 2 and 3 and shall include the county of Whitman.

(ii) District II shall have two board members, being positions 4 and 5 and shall include the county of Spokane.

(iii) District III shall have one board member being position 6 and shall include the counties of Walla Walla, Garfield, Columbia and Asotin.

(iv) District IV shall have two board members, being positions 7 and 8 and shall include all other counties of the state of Washington ~~((located east of the summit of the Cascade Mountains))~~: Provided, That the addition of another member, being position 8, shall not become effective until approved by a referendum vote of the affected commercial wrinkled pea seed producers.

(3) Board membership qualifications.

(a) The ~~((affected))~~ producer members of the board ~~((shall))~~ must be practical producers of dry peas and/or lentils in the district in and for which they are nominated and ~~((elected))~~ appointed and 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 dry peas and/or lentils within the state of Washington for a period of five years and has during that time derived a substantial portion of his or her income therefrom and ~~((who))~~ is not engaged in business, directly or indirectly, as a handler or other dealer.

(b) The ~~((affected))~~ handler member of the board ~~((shall))~~ must be a practical handler of dry peas and/or lentils and shall be a citizen and resident of the state ~~((of Washington))~~, over the age of ~~((twenty-five))~~ eighteen years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership, association or cooperative actually engaged in handling dry peas and/or lentils 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 shall be three years, and one-third of the membership as nearly as possible shall be ~~((elected))~~ appointed each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through ~~((seven))~~ eight, the affected handler shall have position ~~((eight))~~ nine and the member ~~((appointed by))~~ representing the director position ~~((nine))~~ ten.

(c) The term of office for the initial board members shall be as follows:

Positions ~~((one, two and three))~~ seven, eight, nine, and ten - one year

Positions four, five and six - two years

Positions ~~((seven, eight, nine, and ten))~~ one, two, and three - three years

~~((No elected))~~ (d) Except for the director's representative, no appointed member of the board may 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 shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

(5) Nomination ~~((and election))~~ of director-appointed board members.

(a) For the purpose of nominating candidates for ~~((election))~~ appointment to board membership the director shall call separate meetings of affected producers and affected handlers.

(b) Each year the director shall call ~~((for))~~ a nomination meeting(s) for director-appointed board members in those districts whose board members term is about to expire. ~~((Such))~~ The meeting(s) shall be held at least thirty days in advance of the date set by the director for the ((election)) advisory vote of board members.

(c) Notice of ~~((every such))~~ a nomination meeting shall be published in newspapers of general circulation within the affected district not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers within such affected district and handlers according to the list maintained by the ~~((director pursuant to RCW 15.65.200 of the act))~~ board pursuant to RCW 15.65.295.

(d) Nonreceipt of notice by any interested person shall not invalidate the proceedings at ~~((such))~~ a nomination meeting.

(e) Any qualified affected producer or handler may be nominated orally for membership on the board at ~~((such))~~ a nomination meeting(s). Nominations may also be made within five days after ~~((any such))~~ the meeting by written petition filed with the director signed by not less than five affected producers or affected handlers.

(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 and handlers. Nominating petitions for producers and handlers shall be signed by not less than five affected producers and handlers. Final date for filing nominations shall be not less than twenty days after the notice was mailed.

(g) When only one nominee is nominated for a director-appointed position, RCW 15.65.250 shall apply.

(6) ~~((Election))~~ Advisory vote of board members.

~~((Members of the board shall be elected by secret mail ballot within the month of May))~~ An advisory vote shall be conducted by secret ballot under the supervision of the director within the month of May. Each affected producer and affected handler shall be entitled to one vote. ((Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer shall be entitled to one vote. The affected handler member of the board shall be elected by a majority of votes cast by the affected handlers. Each affected handler shall be entitled to one vote.))

(b) ~~((If a nominee does not receive a majority of the votes on the first ballot a runoff election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.))~~ An advisory vote shall be conducted for board members appointed by the director under the provisions 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, an advisory vote may not be

held and the candidates' names shall be forwarded to the director for potential appointment.

(c) Notice of every ~~((election))~~ advisory vote for board membership shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of ~~((such election))~~ the advisory vote. Not less than ten days prior to every ~~((election))~~ advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer and affected handler entitled to vote whose name appears upon the list of such affected producers and affected handlers maintained by the ~~((director in accordance with RCW 15.65.200))~~ board pursuant to RCW 15.65.295. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his or her qualifications.

(d) Nonreceipt of a ballot by an affected producer or affected handler shall not invalidate the ~~((election))~~ advisory vote of any board member.

(7) ~~((Vacancies (prior to election). (In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.))~~ In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member ~~((shall receive ten dollars for each day in actual attendance on or traveling to and from meetings of the board or on special assignment for the board, together with subsistence and traveling expense at the rate allowed by law to state employees. Provided, That the method of determining whether per diem rates or actual subsistence and lodging shall be allowed shall be determined by resolution or rule of the board in advance of the incurrence of such expenses by a board member))~~ may be compensated in accordance with RCW 43.03.230 and shall be reimbursed for subsistence, lodging, and mileage in accordance with RCW 43.03.050 and 43.03.060, as provided for in RCW 15.65.270. 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.

(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 such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such 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 carry out 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. Such expenses and costs may be paid by check, draft or

voucher in such form and in such 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 in order to defray the costs of formulating the order: Provided, That the total reimbursement to all applicants shall not exceed two thousand dollars.

(f) To establish a "dry pea and lentil board marketing revolving fund" and such fund to be deposited 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 pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof 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 shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(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 fifteen 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 as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules (~~and regulations~~) of a technical or administrative nature for the operation of the board, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such 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 upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of

federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(p) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order.

(q) 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.

(r) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies.

(s) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of dry peas and lentils.

(t) 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 the attorney general.

(u) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this order.

(v) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of dry peas and lentils including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(w) 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.

(x) To maintain a list of the names and addresses of persons who handle dry peas and lentils within the affected area and data on the amount and value of the dry peas and lentils handled for a minimum three-year period by each person pursuant to RCW 15.65.280.

(y) To maintain a list of the names and addresses of all affected persons who produce dry peas and lentils and the amount, by unit, of dry peas and lentils produced during the past three years pursuant to RCW 15.65.295.

(z) To maintain a list of all persons who handle dry peas and lentils and the amount of dry peas and lentils handled by each person during the past three years pursuant to RCW 15.65.295.

(aa) 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 thereof to be fixed by resolution of the board and the meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act). The 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 shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting through regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: Provided, That the notice to a member of any special meeting may be waived by a waiver ((thereof by each)) from that member of the board. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

AMENDATORY SECTION (Amending Order 1895, filed 7/3/86, effective 8/4/86)

WAC 16-536-040 Assessments and collections. (1) Assessments.

(a) The assessment on all varieties of dry peas and dry lentils subject to this marketing order shall be one percent of the net receipts at the first point of sale and shall be deducted by the first purchaser from the price paid to the grower. Such assessment shall be remitted to the commission board in accordance with procedures adopted by the commission board: Provided, That ((such)) an assessment on commercial wrinkled pea seed shall not become effective unless approved by a referendum vote of the affected wrinkled pea seed producers.

(b) ((Such)) Assessments shall not be payable on any such dry peas and/or lentils used by the producer thereof on his premises for feed, seed and personal consumption.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of ((the)) this order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of ((such)) this marketing ((agreement or)) order, to all persons from whom ((such)) moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate ((such)) the policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and ((the)) this order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the ((same)) unpaid assessment to defray the cost of enforcing the collecting of ((the same)) it. In the event of failure of such person or persons to pay any ((such)) due and payable assessment or other such sum, the board may bring a

civil action against ((such)) the person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent ((thereon)), and ((such)) the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

AMENDATORY SECTION (Amending Marketing Order Article VI, filed 3/26/65)

WAC 16-536-060 Termination of the order. ((The order shall be terminated if the director finds that fifty one percent by numbers and fifty one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.)) Termination shall be accomplished pursuant to RCW 15.65.183 through 15.65.193.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-536-030 Marketing order purposes.

WSR 04-17-022

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed August 9, 2004, 1:35 p.m., effective September 9, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule explains the application of business and occupation, retail sales, and use taxes to the business activities of dentists and other health care providers, dental laboratories, and dental technicians. The proposed rule incorporates changes to RCW 82.08.0283 and 82.12.0277 dealing with the sales and use tax exemption for prosthetic devices under legislation implementing the national streamlined sales and use tax agreement (chapter 168, Laws of 2003 and chapter 153, Laws of 2004). Effective July 1, 2004, RCW 82.08.0283 and 82.12.0277 will no longer provide an explicit exemption for the sale or use of "dental appliances, devices, restorations, and substitutes, and the components thereof, including but not limited to full and partial dentures, crowns, inlays, fillings, braces, and retainers." Instead, the sale or use of dental prostheses, to the extent they meet the statute's definition of "prosthetic device," are exempt from sales tax. The proposed rule also deletes outdated information on the taxability of dental laboratories and dental technicians on income earned prior to October 1, 1998.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-151 Dentists and other health care providers, dental laboratories, and dental technicians.

PERMANENT

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 04-11-042 on May 13, 2004.

Changes Other than Editing from Proposed to Adopted Version: Subsection (2)(c) of the proposed rule provided, in part, as follows: Exempt items include, but are not limited to, full and partial dentures, crowns, inlays, fillings, braces, and retainers(~~(, collars, wire, screws, bands, splints, night guards, gold, silver, alloys, acrylic materials, filling material, reline material, cement, cavity liner, pins, and endo post)~~).

The adopted version of the rule is changed to read as follows: Exempt items include, but are not limited to, full and partial dentures, crowns, inlays, fillings, braces, retainers, collars, wire, screws, bands, splints, night guards, gold, silver, alloys, acrylic materials, filling material, reline material, cement, cavity liner, pins, and endo post.

The intent in deleting "collars, wire, screws, bands, splints, night guards, gold, silver, alloys, acrylic materials, filling material, reline material, cement, cavity liner, pins, and endo post" from subsection (2)(c) was to eliminate what seemed to be redundant information. However, to eliminate the possibility that persons may assume that these items are no longer exempt from tax, these items will remain in subsection (2)(c) in the adopted version of the rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 9, 2004.

Russell W. Brubaker
Assistant Director
Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 02-21-080, filed 10/17/02, effective 11/17/02)

WAC 458-20-151 Dentists and other health care providers, dental laboratories, and dental technicians. (1) **Introduction.** This rule explains the application of business and occupation (B&O), retail sales, and use taxes to the business activities of dentists and other health care providers, dental laboratories, and dental technicians. For purposes of this rule, a "health care provider" is a person who is licensed under the provisions of Title 18 RCW to provide health care services to humans in the ordinary course of business or practice of a profession. The department of revenue (department) has adopted other rules dealing with the taxability of various

activities relating to the provision of health care. Readers may want to refer to the following rules for additional information:

(a) WAC 458-20-150 (Optometrists, ophthalmologists, and opticians);

(b) WAC 458-20-168 (Hospitals, medical care facilities, and adult family homes);

(c) WAC 458-20-18801 (Prescription drugs, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen); and

(d) WAC 458-20-233 (Tax liability of medical and hospital service bureaus and associations and similar health care organizations).

(2) **Tax-reporting information for dentists and other health care providers.** This subsection provides specific tax-reporting information for dentists and more generalized tax-reporting information for other health care providers. Dentists who employ dental technicians to produce or fabricate dental appliances, devices, restorations, substitutes, or other dental laboratory products should refer to subsection (3)(b) and ~~((e))~~ (d) of this rule for additional information. Dental appliances, devices, restorations, substitutes, or other dental laboratory products are also referred to as "dental prostheses" throughout this rule.

(a) **Taxability of dental and other health care services.** Dentists and other health care providers are subject to the service and other activities B&O tax on their gross income from performing dental and other health care services. The term "gross income" includes any separate charge for drugs, medicines, and other substances administered or provided to a patient as part of the dental or other health care services delivered to the patient. "Gross income" also includes any separate charges for ~~((orthotic devices,))~~ prosthetic devices, ~~((and dental appliances, devices, restorations, substitutes, or other dental laboratory products))~~ including dental prostheses, that are provided as part of the dental or other health care services delivered to patients.

For purposes of this rule, "prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for a prosthetic device, worn on or in the body to artificially replace a missing portion of the body, prevent or correct a physical deformity or malfunction, or support a weak or deformed portion of the body.

(b) **Sales of tangible personal property apart from dental and other health care services.** A dentist or other health care provider may make sales of tangible personal property such as drugs, medicines, and bandages as a convenience to a buyer apart from any health care services provided to the buyer. These are sales of tangible personal property only when the dentist or other health care provider does not supply or administer the drug, medicine, or other item in the course of delivering ~~((health health))~~ health care services to the buyer. The gross proceeds of these retail sales of tangible personal property are subject to the retailing B&O tax. In addition, the dentist or other health care provider must collect and remit retail sales tax, unless the sale is specifically exempt by law. See WAC 458-20-18801 for detailed information regarding retail sales tax exemptions available for sales of items commonly associated with health care services. Adequate records must be kept by the dentist or other health

care provider to distinguish items of tangible personal property that are supplied or administered to patients as part of health care services from those that are sold apart from health care services delivered to the buyer.

Purchases of tangible personal property for resale without intervening use are not subject to the retail sales tax. A dentist or other health care provider purchasing tangible personal property for resale must furnish a resale certificate in the usual form to the seller to document the wholesale nature of the sale. Resale certificates can be obtained from the department's website at <http://dor.wa.gov>, or by calling the department's telephone information center at 1-800-647-7706. For additional information regarding resale certificates, refer to WAC 458-20-102 (Resale certificates).

(c) **Equipment and supplies used by dentists and other health care providers.** Purchases of equipment and supplies used by dentists and other health care providers in performing dental or other health care services are purchases at retail and subject to retail sales tax unless specifically exempt by law. If the seller does not collect retail sales tax, the dentist or other health care provider must remit the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department unless specifically exempt by law. Deferred sales or use tax should be reported on the buyer's excise tax return. However, the excise tax return does not have a separate line for reporting deferred sales tax. Consequently, deferred sales tax liability should be reported on the use tax line of the buyer's excise tax return. For detailed information regarding the use tax, refer to WAC 458-20-178 (Use tax).

Dental (~~(appliances, devices, restorations, and substitutes, or the components of these items,))~~ prostheses are exempt from retail sales and use taxes if the dental prosthesis meets the definition of "prosthetic device" in subsection (2)(a) of this rule. RCW 82.08.0283 and 82.12.0277. Exempt items include, but are not limited to, full and partial dentures, crowns, inlays, fillings, braces, retainers, collars, wire, screws, bands, splints, night guards, gold, silver, alloys, acrylic materials, filling material, relining material, cement, cavity liner, pins, and endo post.

(d) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) Dr. A is a physician who specializes in the treatment of allergies. Dr. A treats many (~~(of her))~~ patients with injections of allergy extracts (antigens). Dr. A separately itemizes the charges for the antigen, the administration of the injection, and the office call in (~~(her))~~ patients' billings. Dr. A is subject to service and other activities B&O tax on the entire charge for the antigen, administration of the injection, and office call. Even though Dr. A separately itemizes the charges for antigens, these are not retail sales because Dr. A administers the antigens to (~~(her))~~ the patients.

(ii) Dr. B made mail-order purchases of a computer, books, and magazines for use in (~~(her))~~ Dr. B's dental practice. Dr. B did not pay retail sales tax to the sellers on these purchases. Therefore, Dr. B (~~(is liable for))~~ must remit to the department deferred retail sales or use tax on the computer,

books, and magazines (~~(, and must remit the tax directly to the department)).~~

(3) **Tax-reporting information for dental laboratories and dental technicians.** This subsection provides tax-reporting information for dental laboratories and dental technicians.

(a) **Producing or fabricating dental (~~(laboratory products))~~ prostheses for sale.** The production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by dental laboratories and dental technicians is a manufacturing activity. RCW 82.04.120 (~~(and chapter 168, Laws of 1998)).~~ Thus, dental laboratories and dental technicians are subject to manufacturing B&O tax on the value of the dental (~~(laboratory products))~~ prostheses they manufacture. The value of products manufactured is generally the gross proceeds of sales of such manufactured products. For additional information about the manufacturing B&O tax, refer to WAC 458-20-136 (Manufacturing, processing for hire, fabricating).

(i) **Sales of dental (~~(laboratory products))~~ prostheses manufactured by dental laboratories and dental technicians.** Dental laboratories and dental technicians who make sales within this state of dental (~~(laboratory products))~~ prostheses they have manufactured are subject to either the retailing or wholesaling B&O tax, as the case may be. In such cases, the dental laboratory or dental technician must report under the manufacturing B&O tax classification as well as the wholesaling and/or retailing B&O tax classifications. However, a multiple activities tax credit (MATC) may be claimed. For detailed information about the MATC, refer to WAC 458-20-19301 (Multiple activities tax credits). Dental laboratories or dental technicians making wholesale sales must obtain a resale certificate from the buyer to document the wholesale nature of the sale. For additional information regarding resale certificates, refer to WAC 458-20-102.

As noted above in subsection (2)(c) of this rule, sales of dental (~~(appliances, devices, restorations, and substitutes, and their components,))~~ prostheses including, but not limited to, full and partial dentures, crowns, inlays, fillings, braces, and retainers are exempt from retail sales tax if the dental prosthesis meets the definition of "prosthetic device" in subsection (2)(a) of this rule. RCW 82.08.0283.

(ii) (~~(Taxability of income earned by dental laboratories and dental technicians prior to October 1, 1998. Gross income earned by dental laboratories and dental technicians prior to October 1, 1998, is subject to service and other activities B&O tax. Prior to October 1, 1998, dental laboratories and dental technicians were considered to be providing professional services rather than engaging in manufacturing activities. The products produced by a dental laboratory or dental technician were considered the tangible representation of these professional services.))~~ Dental casts, models, and other articles of tangible personal property manufactured by dental laboratories and dental technicians for commercial or industrial use. Dental laboratories and dental technicians may manufacture dental casts, models, or other articles of tangible personal property that they use in producing or fabricating dental prostheses. In such cases, the dental laboratory or dental technician is manufacturing a product for commercial or industrial use and is subject to the

manufacturing B&O tax on the value of the dental cast, model, or other article of tangible personal property. (See WAC 458-20-112 (Value of products) for information regarding the value of products.) As the consumer of the dental cast, model, or other article of tangible personal property manufactured for commercial or industrial use, the dental laboratory or dental technician is also liable for use tax on the value of the dental cast, model, or other article of tangible personal property, unless the use is specifically exempt by law.

(b) In-house manufacturing of dental ((laboratory products)) prostheses by dentists. As noted ((above)) in this rule, the production or fabrication of dental ((appliances, devices, restorations, substitutes, or other dental laboratory products)) prostheses by dental laboratories and dental technicians is a manufacturing activity. However, the production or fabrication of dental ((laboratory products)) prostheses by dentists in the course of providing dental care services to their patients is not a manufacturing activity under the law and, therefore, manufacturing B&O tax does not apply to this activity. A dentist may personally produce or fabricate dental ((appliances, devices, restorations, substitutes, or other dental laboratory products)) prostheses, or the dentist may have an employee who is a dental technician produce or fabricate the dental ((laboratory products)) prostheses. These dental ((laboratory products)) prostheses are considered a tangible representation of professional services ((that the dentist provides to his or her)) provided to the dentist's patients. Dentists who manufacture impressions, dental casts, models, or other articles of tangible personal property that they use in producing or fabricating dental ((appliances, devices, restorations, substitutes, or other dental laboratory products)) prostheses should refer to subsection (3)((d))(a)(ii) of this rule for tax reporting instructions applicable to this activity.

The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) Example. Jane Doe, an employee of Dentist A, fabricates dental ((appliances, devices, restorations, and substitutes)) prostheses. Dentist A provides these products to patients in the course of rendering dental care services. Dentist A is subject to service and other activities B&O tax on the gross income ((she receives)) received for providing dental care services, including any charge for the dental ((appliances, devices, restorations, and substitutes)) prostheses even if Dentist A separately charges ((her)) patients for the dental ((laboratory products)) prostheses. (See subsection (2)(a) of this rule.)

(ii) Example. The facts are the same as in the previous example except that Dentist A also sells to Dentist B dental ((appliances, devices, restorations, and substitutes)) prostheses produced by Jane Doe in the course of ((her)) Jane's employment with Dentist A. For these sales of dental ((laboratory products)) prostheses to Dentist B, Dentist A is acting as a dental laboratory and, therefore, is liable for both manufacturing B&O tax and retailing B&O tax with respect to the manufacture and sale of dental ((appliances, devices, restorations, and substitutes)) prostheses to Dentist B. Dentist A

may also claim a MATC (see subsection (3)(a) and (a)(i) of this rule.) The sales to Dentist B are exempt from retail sales tax under RCW 82.08.0283 if the items qualify as a prosthetic device as defined above in subsection (2)(a) of this rule.

(c) Equipment and supplies used by dental laboratories and dental technicians. Purchases of equipment and supplies by dental laboratories and dental technicians for use in manufacturing dental ((appliances, devices, restorations, substitutes, or other dental laboratory products)) prostheses are generally purchases at retail and subject to retail sales tax unless specifically exempt by law. If the seller does not collect retail sales tax, the dental laboratory or dental technician must remit the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department((;)) unless specifically exempt by law. Deferred sales or use tax should be reported on the buyer's excise tax return. However, the excise tax return does not have a separate line for reporting deferred sales tax. Consequently, deferred sales tax liability should be reported on the use tax line of the buyer's excise tax return. For detailed information regarding use tax, refer to WAC 458-20-178.

(i) Components of dental prostheses produced for sale. Purchases of supplies that become components of dental ((appliances, devices, restorations, and substitutes)) prostheses that are produced for sale are ((exempt from retail sales and use taxes. RCW 82.08.0283 and 82.12.0277. For detailed information regarding the use tax, refer to WAC 458-20-178)) purchases at wholesale and are not subject to retail sales tax if the buyer provides the seller with a properly completed resale certificate to document the wholesale nature of the transaction. WAC 458-20-102.

((For example,)) **(ii) Example.** The following example identifies a number of facts and then states a conclusion. This example should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances. A dental lab purchases equipment and supplies including gold, silver, alloys, artificial teeth, cement, and tools. The purchases of gold, silver, alloys, artificial teeth, and cement that become components of dental ((laboratory products)) prostheses are ((exempt from retail sales and use taxes)) wholesale purchases and are not subject to retail sales tax if the buyer provides the seller with a properly completed resale certificate. The tools are subject to retail sales or use tax unless they qualify for the manufacturing machinery and equipment sales and use tax exemption. Additional information about this exemption is provided below in subsection (3)((e))(d) of this rule.

(d) ((Dental casts, models, and other articles of tangible personal property manufactured by dental laboratories and dental technicians for commercial or industrial use. Dental laboratories and dental technicians may manufacture dental casts, models, or other articles of tangible personal property that they use in producing or fabricating dental appliances, devices, restorations, substitutes, or other dental laboratory products. In such cases, the dental laboratory or dental technician is manufacturing a product for commercial or industrial use and is subject to the manufacturing B&O tax on the value of the dental cast, model, or other article of tangible personal property. (See WAC 458-20-112 for information regarding the value of products.) As the consumer of the

~~dental cast, model, or other article of tangible personal property manufactured for commercial or industrial use, the dental laboratory or dental technician is also liable for use tax on the value of the dental cast, model, or other article of tangible personal property, unless the use is specifically exempt by law.~~

(e)) **Sales and use tax exemptions for manufacturing machinery and equipment.** A retail sales and use tax exemption is provided by RCW 82.08.02565 and 82.12.-02565 for sales to or use by manufacturers of certain machinery and equipment used directly in a manufacturing operation. This exemption is limited to machinery and equipment used to manufacture products for sale as tangible personal property. Thus, dental laboratories and dental technicians manufacturing dental (~~appliances, devices, restorations, substitutes, or other dental laboratory products~~) protheses for sale may be eligible for this exemption. The exemption is not available if these products are produced or fabricated by a dentist or an employee of a dentist and are provided to patients in the course of delivering dental care services to the patients (as is the case in the example provided in subsection (3)(b)(i) of this rule). Refer to WAC 458-20-13601 (Manufacturers and processors for hire—Sales and use tax exemption for machinery and equipment) for detailed information regarding this exemption.

WSR 04-17-023

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed August 9, 2004, 1:36 p.m., effective September 9, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule explains the application of business and occupation, retail sales, and use taxes to the business activities of optometrists, ophthalmologists, and opticians. It explains the tax liability resulting from the rendering of professional services and the sale of prescription lenses, frames, and other optical merchandise.

The amended rule incorporates recent legislation (chapter 168, Laws of 2003 and chapter 153, Laws of 2004) implementing provisions of the national streamlined sales and use tax agreement. Under the legislation, sales of prescription eyeglasses, including frames, are exempt from sales tax under RCW 82.08.0283 as a prosthetic device effective July 1, 2004. Prior to July 1, 2004, prescription lenses, but not frames, are exempt from sales tax under RCW 82.08.0281.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-150 Optometrists, ophthalmologists, and opticians.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 04-11-041 on May 13, 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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 9, 2004.

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 93-19-020, filed 9/2/93, effective 10/3/93)

WAC 458-20-150 Optometrists, ophthalmologists, and opticians. (1) **Introduction.** (~~This section explains Washington's B&O and retail sales tax applications to sales and services provided by optometrists, ophthalmologists, and opticians. It explains the tax liability resulting from the rendering of professional services and the sale of prescription lenses, frames, and other optical merchandise. It also discusses the retail sales tax exemption provided by RCW 82.08.0281 to the sale of prescription lenses.~~

(2) **Definitions.** The following definitions apply to this section:

(a) ~~The term "professional services" is defined as the examination of the human eye, the examination and identification of any defects of the human vision system and the analysis of the process of vision. It includes the use of any diagnostic instruments or devices for the measurement of the powers or range of vision, or the determination of the refractive powers of the eye or its functions. It does not include the preparation or dispensing of lenses or eye glasses.~~

(b) ~~"Prescription lens" means any lens, including contact lenses, with power or prism correction for human vision, which has been prescribed in writing by a physician or optometrist. The term "prescription lens" includes all ingredients and component parts of the lens itself, including color, scratch-resistant or ultra-violet coating, and fashion tints. It does not include miscellaneous service or repair charges other than the replacement or repair of the prescription lens itself.~~

(c) ~~The term "optical merchandise" includes frames, springs, bows, cases, and sundry items or accessories to be worn or used with lenses. It also includes nonprescription lenses or eyeglasses. "Optical merchandise" does not include prescription lens as defined above.~~

(3) ~~**Business and occupation tax.** Persons providing or selling any combination of professional services, prescription lenses, and/or optical merchandise are required to segregate and separately account for the income derived from each source. For example, persons performing eye examinations and selling prescription eyeglasses must segregate and separately account for the income attributable to eye examinations, sales of prescription lenses, and sales of frames.~~

PERMANENT

~~(a) Service and other business activities.—The service B&O tax applies to the gross proceeds received for providing professional services.~~

~~(b) Retailing.—Sales of prescription lenses and optical merchandise are subject to the retailing tax, when made to consumers.~~

~~(4) Retail sales tax.—Sales to consumers of optical merchandise, as that term is herein defined, are subject to the retail sales tax. The retail sales tax does not, however, apply to income received for providing professional services.~~

~~A retail sales tax exemption for the sale of prescription lenses is available under RCW 82.08.0281, provided the lenses are dispensed by an optician licensed under the provisions of chapter 18.34 RCW or by a physician or optometrist pursuant to a prescription written by a physician or optometrist. To claim a retail sales tax exemption under RCW 82.08.0281, persons providing or selling any combination of professional services, prescription lenses, and/or optical merchandise must segregate and separately account for the income derived from each source. (Also see WAC 458-20-18801.)~~

~~(5) Deferred sales or use tax.—If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.~~

~~(a) The purchase of eyeglasses, lenses, frames, springs, bows, and other articles which are resold to customers or patients are purchases for resale and not subject to the retail sales tax.~~

~~(b) The retail sales or use tax applies to the purchase of office supplies and equipment. This includes subscriptions to magazines and technical publications.~~

~~(c) Purchases of supplies which are consumed in rendering a professional service are subject to the retail sales tax.~~

~~(d) Prescription drugs may be purchased without payment of retail sales or use tax by optometrists, ophthalmologists, and opticians when those drugs will be used for the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans. Refer to WAC 458-20-18801.~~

~~(e) Optometrists, ophthalmologists, and opticians are required to pay use tax on any samples, with the exception of prescription drug samples, which they acquire or give away unless retail sales or use tax has been previously paid on these samples. However, these taxpayers are not required to pay retail sales or use tax on items which will be given to customers as part of a sale of eyeglasses or contact lenses, such as cleaning supplies, carrying cases, etc. These items are considered to be sold along with the eyeglasses or contact lenses.~~

~~(6) Examples.—The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.~~

~~(a) DM is an optometrist who performs eye examinations and sells prescription eyeglasses and contact lenses. All sales of prescription lenses are made pursuant to written prescription. DM segregates the income attributable to the eye examinations, the sale of prescription lenses, and the sale of optical merchandise in its books of account. Retail sales tax is collected on the sale of the optical merchandise.~~

The income derived from the eye examinations is subject to the service B&O tax. Retailing B&O tax is due on the gross proceeds of sales of the prescription lenses and the optical merchandise. When reporting the retail sales tax liability, DM may claim a deduction for the sales of prescription lenses, but must remit the retail sales tax collected on the sales of optical merchandise.

~~(b) DM purchases nonprescription saline and cleaning solutions for contact lenses, and carrying cases for eyeglasses and contact lenses. The saline and cleaning solutions are consumed when DM performs eye examinations. The eyeglass and contact lens carrying cases are provided to customers at the time they purchase a pair of eyeglasses or contact lenses.~~

~~DM incurs no retail sales or use tax liability on the purchase of the eyeglass and contact lens carrying cases. These cases are considered to be purchased for resale, and sold to the customer along with the eyeglasses or contact lenses. The purchase of the saline and cleaning solutions is, however, subject to the retail sales tax. These solutions are consumed while providing professional services, and cannot be considered to be purchased for resale. They also do not qualify for sales tax exemption as prescription drugs. If DM has not paid retail sales tax at the time of purchase, it must remit use tax directly to the department.~~

~~(c) AB Inc. is a retail drugstore which includes preassembled "off the shelf" reading glasses in its sales inventory. These eyeglasses have lenses with power or prism correction. These glasses are sold without a written prescription.~~

~~Sales of such "off the shelf" reading glasses are subject to the retail sales tax, measured by the gross proceeds of sale. Even had AB segregated the charge between the frame and lenses, the gross proceeds of sales would be subject to the retail sales tax. The conditions and requirements necessary to qualify for exemption under RCW 82.08.0281 have not been satisfied.)~~ This rule explains the application of Washington's business and occupation (B&O), retail sales, and use taxes to the business activities of optometrists, ophthalmologists, and opticians. It explains the tax liability resulting from the rendering of professional services and the sale of prescription lenses, frames, and other optical merchandise. It also discusses the retail sales tax exemption for the sale of prescription lenses. The department of revenue (department) has adopted other rules dealing with the taxability of various activities relating to the provision of health care. Readers may want to refer to the following rules for additional information.

(a) WAC 458-20-151 (Dentists and other health care providers, dental laboratories, and dental technicians);

(b) WAC 458-20-168 (Hospitals, medical care facilities, and adult family homes);

(c) WAC 458-20-18801 (Prescription drugs, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen); and

(d) WAC 458-20-233 (Tax liability of medical and hospital service bureaus and associations and similar health care organizations).

(2) Taxability of professional services. Optometrists and ophthalmologists are subject to the service and other activities B&O tax on their gross income from providing professional services. For the purposes of this rule, "profes-

sional services" means the examination of the human eye, the examination and identification of any defects of the human vision system, and the analysis of the process of vision. It includes the use of any diagnostic instruments or devices for the measurement of the powers or range of vision, or the determination of the refractive powers of the eye or its functions. It does not include the preparation or dispensing of lenses or eyeglasses.

(3) Purchases and sales of optical merchandise by optometrists, ophthalmologists, and opticians. Sales of optical merchandise to consumers are subject to retailing B&O tax. In addition, the seller must collect retail sales tax unless the sale is specifically exempt by law. For the purposes of this rule, "optical merchandise" includes prescription lenses, frames, springs, bows, cases, and other items or accessories to be worn or used with lenses. It also includes nonprescription lenses or eyeglasses. For purposes of this rule, "prescription lens" means any lens, including contact lens, with power or prism correction for human vision, which has been prescribed in writing by a physician or optometrist. The term "prescription lens" includes all ingredients and component parts of the lens itself, including color, scratch resistant or ultraviolet coating, and fashion tints. It also includes repair parts and replacement parts.

Purchases of optical merchandise by optometrists, ophthalmologists, and opticians for resale without intervening use as a consumer are not subject to the retail sales tax. Thus, optometrists, ophthalmologists, and opticians are not required to pay retail sales or use tax on items which will be given to customers as part of a sale of eyeglasses or contact lenses, such as cleaning supplies, carrying cases, and the like. The department considers these items to be sold along with the eyeglasses or contact lenses. An optometrist, ophthalmologist, or optician purchasing tangible personal property for resale must furnish a properly completed resale certificate to the seller to document the wholesale nature of the sale. Resale certificates can be obtained from the department's website at <http://dor.wa.gov>, or by calling the department's telephone information center at 1-800-647-7706. For additional information regarding resale certificates, refer to WAC 458-20-102 (Resale certificates).

(a) Are sales of prescription lenses and frames exempt from retail sales tax? As a result of legislation to implement the national Streamlined Sales and Use Tax Agreement, effective July 1, 2004, sales of prescription lenses and frames for prescription lenses are exempt from retail sales tax as a prosthetic device under RCW 82.08.0283.

Before July 1, 2004, sales of prescription lenses were exempt from retail sales tax under RCW 82.08.0281, if the lenses were dispensed by an optician licensed under chapter 18.34 RCW or by a physician or optometrist under a prescription written by a physician or optometrist. Sales of frames for prescription lenses did not qualify for a sales tax exemption. Thus, before July 1, 2004, when prescription lenses were sold with frames, only the prescription lenses were exempt from sales tax.

(b) Are repairs of prescription lenses and frames subject to retail sales tax? Beginning July 1, 2004, charges for the repair of prescription lenses or to prescription eyeglass frames, whether the frames are the original frames or replace-

ment frames, are exempt from retail sales tax under RCW 82.08.0283. Before July 1, 2004, charges for the repair of prescription lenses were exempt from retail sales tax. Charges for the repair of frames, however, were subject to retail sales tax.

(c) Segregation of income from different sources. To claim a retail sales tax exemption under RCW 82.08.0281 or 82.08.0283, persons providing or selling any combination of professional services, prescription lenses, or other optical merchandise must segregate and separately account for the income derived from each source.

(d) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(i) Taxpayer is an optometrist who performs eye examinations and sells prescription eyeglasses, contact lenses, and other optical merchandise. All sales of prescription lenses are made under written prescription. Income attributable to the eye examinations, the sale of prescription lenses, and the sale of other optical merchandise is segregated in Taxpayer's books of account.

The income derived from the eye examinations is subject to service and other activities B&O tax. The gross proceeds of sales of the prescription lenses and other optical merchandise are subject to retailing B&O tax. The sales of prescription lenses, including contact lenses, are exempt from retail sales tax. Beginning July 1, 2004, sales of eyeglass frames with prescription lenses are exempt from retail sales tax. Taxpayer, however, must collect retail sales tax on sales of other optical merchandise, including eyeglass frames sold with prescription lenses before July 1, 2004, and remit the tax to the department.

(ii) Taxpayer is a retail drugstore that sells preassembled "off-the-shelf" reading glasses. These eyeglasses have lenses with power or prism correction and are sold without a prescription. In addition, Taxpayer sells magnifiers, binoculars, monoculars, and sunglasses. These items are also sold without a prescription.

The gross proceeds of sales of these items are subject to retailing B&O tax. In addition, Taxpayer must collect retail sales tax on sales of these items and remit the tax to the department. Because these items are not sold under a prescription, nor are they prescribed, fitted, or furnished for the buyer by a person licensed under the laws of this state to prescribe, fit, or furnish prosthetic devices, they are not exempt from retail sales tax under either RCW 82.08.0281 or 82.08.0283.

(4) Equipment and supplies used by optometrists, ophthalmologists, and opticians. Purchases of equipment and supplies used by optometrists, ophthalmologists, and opticians are purchases at retail and are subject to retail sales tax unless specifically exempt by law. If the seller does not collect retail sales tax, the optometrist, ophthalmologist, or optician must remit the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department unless specifically exempt by law. Deferred sales or use tax should be reported on the buyer's excise tax return. The excise tax return does not have a separate line for reporting

deferred sales tax. Consequently, deferred sales tax liability should be reported on the use tax line of the buyer's excise tax return. For detailed information about use tax, refer to WAC 458-20-178 (Use tax).

(a) Prescription drugs. "Prescription drugs," as defined in RCW 82.08.0281, may be purchased without payment of retail sales or use tax by optometrists and ophthalmologists if all requirements for the exemption are met. For additional information regarding prescription drugs, refer to WAC 458-20-18801.

(b) Samples. Optometrists, ophthalmologists, and opticians are required to pay use tax on any samples, with the exception of prescription drug samples that they acquire unless retail sales or use tax has been previously paid on these samples.

(c) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(i) Taxpayer is an ophthalmologist who performs eye examinations, laser surgery, and cataract surgery. Taxpayer purchases equipment and supplies that are used in performing these services such as surgical instruments, eye shields, cotton swabs, sterile dressings, bandages, and gauze. Taxpayer also purchased a computer, technical publications, and magazines by mail order and over the internet.

Taxpayer is subject to retail sales tax on these purchases. If the seller does not collect sales tax, Taxpayer is liable for deferred sales tax or use tax and must remit the tax directly to the department.

(ii) Taxpayer is an optometrist who performs eye examinations and sells prescription eyeglasses, contact lenses, and other optical merchandise. Taxpayer purchases nonprescription saline and cleaning solutions for contact lenses and carrying cases for eyeglasses and contact lenses. The saline and cleaning solutions are consumed when Taxpayer performs eye examinations. The eyeglass and contact lens carrying cases are provided to customers at the time they purchase eyeglasses or contact lenses.

The purchases of the eyeglass and contact lens carrying cases are purchases for resale and are, therefore, not subject to sales tax if Taxpayer provides the seller with a properly completed resale certificate. The purchases of the saline and cleaning solutions are, however, subject to the retail sales tax. These solutions are consumed while providing professional services and cannot be considered to be purchased for resale. They also do not qualify for a sales tax exemption under RCW 82.08.0281 as prescription drugs. If retail sales tax was not paid on the saline and cleaning solutions at the time of purchase, Taxpayer must remit deferred sales tax or use tax directly to the department.

Purpose: This rule explains the conditions under which a buyer may furnish a resale certificate to a seller, and explains the information and language required on both paper and nonpaper certificates. It also provides tax reporting information to persons who purchase articles or service for dual purposes, i.e., for both resale and consumption. This rule also explains the penalty for a buyer's misuse of the resale certificate privilege.

The amended rule incorporates provisions of chapter 168, Laws of 2003, which enacted portions of the national streamlined sales and use tax agreement (SSTA). This legislation eliminated the good faith requirement when a seller takes a resale certificate from a buyer and provides that there is no signature requirement for certificates taken in a format other than paper.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-102 Resale certificates.

Statutory Authority for Adoption: RCW 82.32.300, 82.32.291, and 82.01.060(2).

Adopted under notice filed as WSR 04-11-035 on May 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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 9, 2004.

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 94-13-031, filed 6/6/94, effective 7/7/94)

WAC 458-20-102 Resale certificates. (1) Introduction. This ~~((section))~~ rule explains the conditions under which a buyer may furnish a resale certificate to a seller, and explains the information and language required on the resale certificate. This ~~((section))~~ rule also provides tax reporting information to persons who purchase articles or services for dual purposes (i.e., for both resale and consumption). ~~((Sellers and buyers should note that amendments to RCW 82.04.470 required changes to the information and language contained on the resale certificate. These changes became effective on July 1, 1993. (See chapter 25, Laws of Washington 1993 s.p.s.))~~ In 2003, the legislature enacted legislation conforming state law to portions of the national Streamlined Sales and Use Tax Agreement (chapter 168, Laws of 2003), which eliminates the good faith requirement when the seller

WSR 04-17-024

PERMANENT RULES

DEPARTMENT OF REVENUE

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Effective Date of Rule: Thirty-one days after filing.

takes from the buyer a resale certificate and also eliminates signature requirements for certificates provided in a format other than paper. These changes apply to resale certificates taken on and after July 1, 2004.

(2) What is a resale certificate ((use))? The resale certificate is a document or combination of documents ((which)) that substantiates the wholesale nature of a sale. The resale certificate cannot be used for purchases ((which)) that are not purchases at wholesale, or where a more specific certificate((s)), affidavit((s)), or other documentary evidence is required by statute or other section of chapter 458-20 WAC. While the resale certificate may come in different forms, all resale certificates must satisfy the language and information requirements of RCW 82.04.470.

(a) What is the scope of a resale certificate? Depending on the statements made on the resale certificate, the resale certificate may authorize the buyer to purchase at wholesale all products or services being purchased from a particular seller, or may authorize only selected products or services to be purchased at wholesale. The provisions of the resale certificate may be limited to a single sales transaction, or may apply to all sales transactions for a period not to exceed four years from the effective date. Whatever its form and/or purpose, the resale certificate must be completed in its entirety((-)) and signed by a person who is authorized to make such a representation on behalf of the buyer.

(b) Who may issue and sign certificates? The buyer may authorize any person in its employ to issue and sign resale certificates on the buyer's behalf. The buyer is, however, responsible for the information contained on the resale certificate. A resale certificate is not required to be completed by every person ordering or making the actual purchase of articles or services on behalf of the buyer. For example, a construction company ((which)) that authorizes only its bookkeeper to issue resale certificates on its behalf may authorize both the bookkeeper and a job foreman to purchase items under the provisions of the resale certificate. The construction company is not required to provide, nor is the seller required to obtain, a resale certificate signed by each person making purchases on behalf of the construction company.

((e)) The buyer is responsible for educating all persons authorized to issue and/or use the resale certificate on the proper use of the buyer's resale certificate privileges.

(3) Resale certificate renewal. Resale certificates must be renewed at least every four years. In addition, the buyer must renew its resale certificate whenever a change in the ownership of the buyer's business requires a new ("registrations and licenses document.") tax registration. (See WAC 458-20-101 ((e)) Tax registration and tax reporting.) The buyer may not make purchases under the authority of a resale certificate bearing a tax registration number ((which)) that has been cancelled or revoked by the department of revenue (department).

~~((Sellers who have resale certificates on file without the additional language and information required by the July 1, 1993, amendment to RCW 82.04.470 are required to obtain revised resale certificates for sales made after June 30, 1993. However, the old resale certificates must be retained to substantiate the wholesale nature of sales made prior to July 1,~~

~~1993. These "old" certificates must be retained for at least five years from their last effective date. For example, a seller making its last wholesale sale to a particular buyer on April 1, 1991, must retain the "old" resale certificate until March 31, 1996, five years from the last sale subject to the provisions of that resale certificate. (See also WAC 458-20-254 on record-keeping requirements.))~~

(4) Sales at wholesale. All sales are treated as retail sales unless the seller takes from the buyer a properly executed resale certificate. Resale certificates may only be used for sales at wholesale and may not be used as proof of entitlement to ((other)) retail sales tax exemptions otherwise provided by law((-, such as certain sales to Indians (see WAC 458-20-192), interstate motor carriers (see WAC 458-20-174), artistic and cultural organizations (see WAC 458-20-249), etc)).

(a) When may a buyer issue a resale certificate? The buyer may ((only)) issue a resale certificate only when the property or services purchased are:

((e)) (i) For resale in the regular course of the buyer's business without intervening use by the buyer; ((e

(b)) (ii) To be used as an ingredient or component part of a new article of tangible personal property to be produced for sale; ((e

(e)) (iii) A chemical to be used in processing an article to be produced for sale (see WAC 458-20-113 on chemicals used in processing); ((e

(d)) (iv) To be used in processing ferrosilicon ((which)) that is subsequently used in producing magnesium for sale; ((e

(e)) (v) Provided to consumers as a part of competitive telephone service, as defined in RCW 82.04.065; ((e

(f)) (vi) Feed, seed, seedlings, fertilizer, spray materials, or agents for enhanced pollination including insects such as bees for use in the federal conservation reserve program or its successor administered by the United States Department of Agriculture; or

((g)) (vii) Feed, seed, seedlings, fertilizer, spray materials, or agents for enhanced pollination including insects such as bees for use by a farmer for producing for sale any agricultural product. (See ((also)) WAC ((458-20-122)) 458-20-210 on sales to and by farmers.)

(b) Required information. All resale certificates, whether paper or nonpaper format, must contain the following information:

(i) The name and address of the buyer;

(ii) The uniform business identifier or tax registration number of the buyer, if the buyer is required to be registered with the department;

(iii) The type of business;

(iv) The categories of items or services to be purchased at wholesale, unless the buyer is in a business classification that may present a blanket resale certificate as provided by the department by rule;

(v) The date on which the certificate was provided;

(vi) A statement that the items or services purchased either are purchased for resale in the regular course of business or are otherwise purchased at wholesale; and

(vii) A statement that the buyer acknowledges that the buyer is solely responsible for purchasing within the category

ries specified on the certificate and that misuse of the resale certificate subjects the buyer to a penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law.

(c) Additional requirements for paper certificates. In addition to the requirements stated in subsection (4)(b) of this rule, paper certificates must contain the following:

(i) The name of the individual authorized to sign the certificate, printed in a legible fashion;

(ii) The signature of the authorized individual; and

(iii) The name of the seller. RCW 82.04.470.

(5) Seller's responsibilities for acceptance of resale certificates. When a seller receives and accepts from the buyer a resale certificate at the time of the sale, or has a resale certificate on file at the time of the sale, or obtains a resale certificate from the buyer within a reasonable time after the sale, the seller is relieved of liability for retail sales tax with respect to the sale covered by the resale certificate. The seller may accept a legible fax ~~((or))~~, a duplicate copy of an original resale certificate, or a certificate in a format other than paper. ~~((In all cases, the resale certificate must be accepted in good faith by the seller.))~~ The resale certificate will be considered to be obtained within a reasonable time of the sale if it is received within one hundred twenty days of the sale or sales in question. However, refer to ~~((d))~~ (e) of this subsection in event of an audit situation.

(a) Timing requirements for single orders with multiple billings. If a single order or contract will result in multiple billings to the buyer, and the appropriate resale certificate was not obtained or on file at the time the order was placed or the contract entered, the resale certificate must be received by the seller within one hundred twenty days after the first billing to be considered obtained within a reasonable time of the sale. For example, a subcontractor entering into a construction contract for which it has not received a resale certificate must obtain the certificate within one hundred twenty days of the initial construction draw request to consider the resale certificate obtained in a reasonable time after the sale, even though the construction project may not be completed at that time and additional draw requests will follow.

(b) Requirements for resale certificates obtained after reasonable time has passed. If the resale certificate is obtained more than one hundred twenty days after the sale or sales in question, the resale certificate must be specific to the sale or sales. The certificate must specifically identify the sales in question on its face, or be accompanied by other documentation signed by the buyer specifically identifying the sales in question and stating that the provisions of the accompanying resale certificate apply. A nonspecific resale certificate ~~((which))~~ that is not obtained within a reasonable period of time is generally not, in and of itself, acceptable proof of the wholesale nature of the sales in question. The resale certificate and/or required documentation must be obtained within the statutory time limitations provided by RCW 82.32.050.

(c) Examples. The following examples explain the seller's documentary requirements in typical situations when obtaining a resale certificate more than one hundred twenty days after the sale. These examples should be used only as a general guide. The tax results of other situations must be

determined after a review of all of the facts and circumstances.

(i) Beginning in January of ~~((1994))~~ year 1, MN Company regularly makes sales to ABC Inc. In June of ~~((1994))~~ the same year, MN discovers ABC has not provided a resale certificate. MN requests a resale certificate from ABC and, as the resale certificate will not be received within one hundred twenty days of many of the past sales transactions, requests that the resale certificate specifically identify those past sales subject to the provisions of the certificate. MN receives a legible fax copy of an original resale certificate from ABC on July 1 ~~((1994))~~st of that year. Accompanying the resale certificate is a memo providing a list of the invoice numbers for all past sales transactions through May 15 ~~((1994))~~th of that year. This memo also states that the provisions of the resale certificate apply to all past and future sales, including those listed. MN Company has satisfied the requirement that it obtain a resale certificate specific to the sales in question. As the provisions of this resale certificate apply to both past and future sales transactions, the certificate must be renewed no later than December 31 ~~((1997))~~st four years from the date the resale certificate became effective.

(ii) XYZ Company makes three sales to MP Inc. in October of ~~((1993))~~ year 1 and does not charge retail sales tax. In the review of its resale certificate file in April of ~~((1994))~~ the following year, XYZ discovers it has not received a resale certificate from MP Inc. and immediately requests a certificate. As the resale certificate will not be received within one hundred twenty days of the sales in question, XYZ requests that MP provide a resale certificate identifying the sales in question. MP provides XYZ with a resale certificate ~~((which))~~ that does not identify the sales in question, but simply states "applies to all past purchases." XYZ Company has not satisfied its responsibility to obtain an appropriate resale certificate. As XYZ failed to secure a resale certificate within a reasonable period of time, XYZ must obtain a certificate specifically identifying the sales in question or prove through other facts and circumstances that these sales are wholesale sales. (Refer to ~~((e))~~ (d) of this subsection for information on how a seller can prove through other facts and circumstances that a sale is a wholesale sale.) It remains the seller's burden to prove the wholesale nature of the sales made to a buyer if the seller has not obtained a valid resale certificate within one hundred twenty days of the sale.

~~((e))~~ (d) **Seller's liability.** If the seller has not obtained an appropriate resale certificate or other acceptable documentary evidence (see subsection (8) of this ~~((section))~~ rule), the seller is personally liable for the tax due unless it can sustain the burden of proving through facts and circumstances that the property was sold for one of the purposes set forth in subsection (4)(a) ~~((through (g)))~~ of this ~~((section))~~ rule. The department ~~((of revenue))~~ will consider all evidence presented by the seller, including the circumstances of the sales transaction itself, when determining whether the seller has met its burden of proof. This evidence must be presented within the statutory time limitations provided by RCW 82.32.060. It is the seller's responsibility to provide the information necessary to evaluate the facts and circumstances of all sales transactions for which resale certificates are not obtained. Facts and circumstances ~~((which))~~ that should be

considered include, but are not necessarily limited to, the following:

(i) The nature of the buyer's business. The items being purchased at wholesale must be consistent with the buyer's business. For example, a buyer having a business name of "Ace Used Cars" would generally not be expected to be in the business of selling furniture(-);

(ii) The nature of the items sold. The items sold must be of a type ~~((which))~~ that would normally be purchased at wholesale by the buyer(-);

(iii) The quantity and frequency of items sold. The number of items sold and the frequency of sales must indicate that the buyer is purchasing such items at wholesale(-); and

(iv) Additional documentation. Other available documents, such as purchase orders and shipping instructions, should be considered in determining whether they support a finding that the sales are sales at wholesale.

~~((d))~~ (e) Additional time to secure documentation after audit. If in event of an audit ~~((it is discovered))~~ the department discovers that the seller has not secured the necessary resale certificates and/or documentation, the seller will generally be allowed thirty days in which to obtain and present appropriate resale certificates and/or documentation, or prove by facts and circumstances the sales in question are wholesale sales. The time allotted to the seller shall commence from the date the auditor initially provides the seller with the results of the auditor's wholesale sales review. The processing of the audit report will not be delayed as a result of the seller's failure within the allotted time to secure and present appropriate documentation, or its inability to prove by facts and circumstances that the sales in question were wholesale sales. The audit report will also not be delayed because the time allotted to the seller expires prior to one hundred twenty days from the date of the sale or sales in question.

~~((e))~~ (f) Seller's personal liability. If the seller is unable to provide proper documentation, or unable to prove by facts and circumstances that the sales in question are wholesale sales, the seller becomes personally liable for the taxes in question. If the seller is required to make payment to the department, and later is able to present the department with proper documentation or prove by facts and circumstances that the sales in question are wholesale sales, the seller may in writing request a refund of the taxes paid along with the applicable interest. Both the request and the documentation or proof that the sales in question are wholesale sales must be submitted to the department within the statutory time limitations provided by RCW 82.32.060. (See ~~((also))~~ WAC 458-20-229.)

(6) Penalty for improper use. Any buyer who uses a resale certificate to purchase items or services without payment of sales tax and who is not entitled to use the certificate for the purchase ~~((shall))~~ will be assessed a penalty of fifty percent of the tax due on the improperly purchased item or service(-). This penalty is in addition to all other taxes, penalties, and interest due, and can be imposed even if there was no intent to evade the payment of retail sales tax. The penalty ~~((shall))~~ will be assessed by the department ~~((of revenue))~~ and ~~((will apply))~~ applies only to the buyer. ~~((The penalty applies to purchases made after June 30, 1993, and can apply~~

~~even if there was no intent to evade the payment of the tax-))~~ However, see subsection (12) of this ~~((section))~~ rule for situations in which the department may waive the penalty.

Persons who purchase articles or services for dual purposes (i.e., some for their own consumption and some for resale) should refer to subsection (11) of this ~~((section))~~ rule to determine whether they may give a resale certificate to the seller.

(7) Resale certificate - ~~((required information))~~ suggested form. While there may be different forms of the resale certificate, all resale certificates must satisfy the language and information requirements provided by RCW 82.04.470. The resale certificate may be in the suggested form shown below, which is available on the department's home page at <http://dor.wa.gov>, or may be in any other form ~~((which substantially))~~ that contains substantially the following information and language, except that certificates provided in a format other than paper are not required to include the printed name of the person authorized to sign the certificate, the signature of the authorized individual, or the name of the seller:

The undersigned buyer hereby certifies that the tangible personal property or services specified below will be purchased for: (a) ~~((for))~~ Resale in the regular course of business without intervening use by the buyer, ~~((or))~~ (b) ~~((for))~~ use as an ingredient or component part of a new article of tangible personal property to be produced for sale, ~~((or))~~ (c) ~~((is))~~ use as a chemical to be used in processing a new article of tangible personal property to be produced for sale, or (d) ~~((for))~~ use as feed, seed, fertilizer, or spray materials in its capacity as a farmer as defined in chapter 82.04 RCW. This certificate shall be considered a part of each order ~~((which))~~ that I may ~~((hereafter))~~ give to you on or after the effective date of this certificate, unless otherwise specified, and ~~((shall be))~~ is valid until revoked by me in writing. This certificate is given with full knowledge that the buyer is solely responsible for purchasing within the categories specified on the certificate, and that misuse of the resale privilege claimed on the certificate is subject to the legally prescribed penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law.

Name of Seller Effective Date
Name of Buyer
Address
UBI/~~((Revenue))~~ Tax Registration #
Type of Business
Items or item categories purchased at wholesale
.
Authorized agent for buyer (printed)
Authorized Signature
Title

(a) ~~((The 1993 legislative changes to))~~ Buyer's responsibility to specify products or services purchased at

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wholesale. RCW 82.04.470 requires the buyer making purchases at wholesale to specify the kinds of products or services subject to the provisions of the resale certificate. A buyer who will purchase some of the items at wholesale, and consume and pay tax on some other items being purchased from the same seller, must use terms specific enough to clearly indicate to the seller what kinds of products or services the buyer is authorized to purchase at wholesale.

(i) The buyer may list the particular products or services to be purchased at wholesale, or provide general category descriptions of these products or services. The terms used to describe these categories must be descriptive enough to restrict the application of the resale certificate provisions to those products or services (~~(which)~~ that the buyer is authorized to purchase at wholesale. The following are examples of terms used to describe categories of products purchased at wholesale, and businesses (~~(which)~~ that may be eligible to use such terms on their resale certificates:

(A) "Hardware" for use by a general merchandise or building material supply store, "computer hardware" for use by a computer retailer(-);

(B) "Paint" or "painting supplies" for use by a general merchandise or paint retailer, "automotive paint" for use by an automotive repair shop(-); and

(C) "Building materials" or "subcontract work" for use by prime contractors performing residential home construction, "wiring" or "lighting fixtures" for use by an electrical contractor.

(ii) The buyer must remit retail sales tax on any taxable product or service not listed on the resale certificate provided to the seller. If the buyer gave a resale certificate to the seller and later used an item listed on the certificate, or if the seller failed to collect the sales tax on items not listed on the certificate, the buyer must remit the deferred sales or use tax due directly to the department.

(iii) RCW 82.08.050 provides that each seller shall collect from the buyer the full amount of retail sales tax due on each retail sale. If the department finds that the seller has engaged in a consistent pattern of failing to properly charge sales tax on items not purchased at wholesale (i.e., not listed on the resale certificate), it may hold the seller liable for (~~(such)~~ the uncollected sales tax. (~~(However, a seller accepting a resale certificate in good faith is not required to verify that the buyer has properly listed only those items the buyer is authorized to purchase at wholesale.)~~)

(iv) Persons having specific questions regarding the use of terms to describe products or services purchased at wholesale may submit (~~(such)~~ their questions to the department (~~(of revenue)~~) for ruling. The department may be contacted on the internet at <http://dor.wa.gov/> or by writing:

Department of Revenue

Taxpayer Services

P.O. Box 47478

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(b) **Blanket resale certificates.** A buyer who will purchase at wholesale all of the products or services being purchased from a particular seller will not be required to specifically describe the items or item categories on the resale certificate. If the certificate form provides for a description of the products or services being purchased at wholesale (as

does the suggested form provided (~~(above)~~ in this rule), the buyer may specify "all products and/or services" (or make a similar designation). A resale certificate completed in this manner is often described as a blanket resale certificate.

The resale certificate used by the buyer must, in all cases, be completed in its entirety. A resale certificate in which the section for the description of the items being purchased at wholesale is left blank by the buyer will not be considered a properly executed resale certificate.

(c) **Resale certificates for single transactions.** If the resale certificate is used for a single transaction, the language and information required of a resale certificate may be written or stamped upon a purchase order or invoice. The language contained in a "single use" resale certificate should be modified to delete any reference to subsequent orders or purchases.

(d) **Examples.** The following examples explain the proper use of types of resale certificates in typical situations. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

(i) ABC is an automobile repair shop purchasing automobile parts for resale and tools for its own use from DE Supply. ABC must provide DE Supply with a resale certificate limiting the certificate's application to automobile part purchases. However, should ABC withdraw parts from inventory to install in its own tow truck, deferred retail sales tax or use tax must be remitted directly to the department (~~(of revenue)~~). The buyer has the responsibility to report deferred retail sales tax or use tax upon any item put to its own use, including items for which it gave a resale certificate and later used for its own use.

(ii) X Company is a retailer selling lumber, hardware, tools, automotive parts, and household appliances. X Company regularly purchases lumber, hardware, and tools from Z Distributing. While these products are generally purchased for resale, X Company (~~(may)~~ occasionally withdraws some of these products from inventory for its own use. X Company may provide Z Distributing with a resale certificate specifying "all products purchased" are purchased at wholesale. However, whenever X Company removes any product from inventory to put to its own use, deferred retail sales tax or use tax must be remitted to the department (~~(of revenue)~~).

(iii) TM Company is a manufacturer of electric motors. When making purchases from its suppliers, TM issues a paper purchase order. This purchase order contains (~~(substantially all the language and)~~ the information required of a resale certificate and a signature of the person ordering the items on behalf of TM. This purchase order includes a box (~~(which)~~ that, if marked, indicates to the supplier that all or certain designated items purchased are being purchased at wholesale.

When the box indicating the purchases are being made at wholesale is marked, the purchase order can be accepted as a resale certificate. (~~(A resale certificate is not required to be in any particular form, it must simply contain substantially all the required information and language contained in the suggested resale certificate form described above.)~~) As TM Company's purchase orders are being accepted as resale certificates, they must be retained by the seller for at least five

years. (See ~~((also))~~ WAC 458-20-254 ~~((on))~~ Recordkeeping (requirements)).

(8) **Other documentary evidence.** Other documentary evidence may be used by the seller and buyer in lieu of the resale certificate form described ~~((above))~~ in this rule. However, this documentary evidence must collectively contain the information and language generally required of a resale certificate. The conditions and restrictions applicable to the use of resale certificates apply equally to other documentary evidence used in lieu of the ~~((above-mentioned))~~ resale certificate form in this rule. The following are examples of documentary evidence ~~((which))~~ that will be accepted to show that sales were at wholesale:

(a) **Combination of documentary evidence.** A combination of documentation kept on file, such as a membership card or application, and a sales invoice or "certificate" taken at the point of sale with the purchases listed, provided:

(i) The documentation kept on file contains all information ~~((generally))~~ required on a resale certificate, including, for paper certificates, the names and signatures of all persons authorized to make purchases at wholesale; and

(ii) The sales invoice or "certificate" taken at the point of sale must contain the following:

(A) Language certifying the purchase is made at wholesale, with acknowledgement of the penalties for the misuse of resale certificate privileges, as generally required of a resale certificate; and

(B) The name and registration number of the buyer/business, and, if a paper certificate, an authorized signature.

(b) **Contracts of sale.** A contract of sale ~~((which))~~ that within the body of the contract provides the language and information generally required of a resale certificate. The contract of sale must specify the products or services subject to the resale certificate privileges.

(c) **Other preapproved documentary evidence.** Any other documentary evidence ~~((which))~~ that has been approved in advance and in writing by the department ~~((of revenue))~~.

(9) **Sales to nonresident buyers.** If the buyer is a nonresident who is not engaged in business in this state, but buys articles here for the purpose of resale in the regular course of business outside this state, the seller must take from ~~((such a))~~ the buyer a resale certificate as described ~~((above))~~ in this rule. The seller may accept a resale certificate from ~~((a))~~ an unregistered nonresident buyer with the registration number information omitted, provided the balance of the resale certificate is completed in its entirety. The resale certificate should contain a statement that the items are being purchased for resale outside Washington.

(10) **Sales to farmers.** Farmers selling agricultural products only at wholesale are not required to register with the department ~~((of revenue))~~. (See ~~((also))~~ WAC 458-20-101 ~~((on))~~ Tax registration and tax reporting.) When making wholesale sales to farmers (including farmers operating in other states), the seller must take from the farmer a resale certificate as described ~~((above))~~ in this rule. Farmers not required to be registered with the department ~~((of revenue))~~ may provide, and the seller may accept, resale certificates with the registration number information omitted, provided the balance of the certificates are completed in full. Persons

making sales to farmers should also refer to WAC ~~((458-20-122))~~ 458-20-210 (Sales of tangible personal property for farming—Sales of agricultural products by farmers).

(11) **Purchases for dual purposes.** A buyer normally engaged in both consuming and reselling certain types of tangible personal property, and not able to determine at the time of purchase whether the particular property purchased will be consumed or resold, must purchase according to the general nature of his or her business. RCW 82.08.130. If the buyer principally consumes the articles in question, the buyer should not give a resale certificate for any part of the purchase. If the buyer principally resells the articles, the buyer may issue a resale certificate for the entire purchase. For the purposes of this subsection, the term "principally" means greater than fifty percent.

(a) **Deferred sales tax liability.** If the buyer gives a resale certificate for all purchases and thereafter consumes some of the articles purchased, the buyer must set up in his or her books of account the value of the article used and remit to the department ~~((of revenue))~~ the applicable deferred sales tax. The deferred sales tax liability should be reported under the use tax classification on the buyer's excise tax return.

(i) Buyers making purchases for dual purposes under the provisions of a resale certificate must remit deferred sales tax on all products or services they consume. If the buyer fails to make a good faith effort to remit this tax liability, the penalty for the misuse of resale certificate privileges may be assessed. This penalty will apply to the unremitted portion of the deferred sales tax liability.

A buyer will generally be considered to be making a good faith effort to report its deferred sales tax liability if the buyer discovers a minimum of eighty percent of the tax liability within one hundred twenty days of purchase, and remits the full amount of the discovered tax liability upon the next excise tax return. However, if the buyer does not satisfy this eighty percent threshold and can show by other facts and circumstances that it made a good faith effort to report the tax liability, the penalty will not be assessed. Likewise, if the department can show by other facts and circumstances that the buyer did not make a good faith effort in remitting its tax liability the penalty will be assessed, even if the eighty percent threshold is satisfied.

(ii) ~~((Example-))~~ The following example illustrates the use of a resale certificate for dual-use purchases. This example should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances. BC Contracting operates both as a prime contractor and speculative builder of residential homes. BC Contracting purchases building materials from Seller D ~~((which))~~ that are principally incorporated into projects upon which BC acts as a prime contractor. BC provides Seller D with a resale certificate and purchases all building materials at wholesale. BC must remit deferred sales tax upon all building materials incorporated into the speculative projects to be considered to be properly using its resale certificate privileges. The failure to make a good faith effort to identify and remit this tax liability may result in the assessment of the fifty percent penalty for the misuse of resale certificate privileges.

(b) **Tax paid at source deduction.** If the buyer has not given a resale certificate, but has paid retail sales tax on all ~~((purchases of such))~~ articles of tangible personal property and subsequently resells a portion ~~((thereof))~~ of the articles, the buyer must collect the retail sales tax from its retail customers as provided by law. When reporting these sales on the excise tax return, the buyer may then claim a deduction in the amount the buyer paid for the property ~~((thus))~~ resold.

(i) This deduction may be claimed under the retail sales tax classification only. It must be identified as a "taxable amount for tax paid at source" deduction on the deduction detail worksheet, which must be filed with the excise tax return. Failure to properly identify the deduction may result in the disallowance of the deduction. When completing the local sales tax portion of the tax return, the deduction must be computed at the local sales tax rate paid to the seller, and credited to the seller's tax location code.

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(ii) ~~((Example-))~~ The following example illustrates the tax paid at source deduction. This example should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances. Seller A is located in Spokane, Washington and purchases equipment parts for dual purposes from a supplier located in Seattle, Washington. Seller A does not issue a resale certificate for the purchase, and remits retail sales tax to the supplier at the Seattle tax rate. A portion of these parts are sold to Customer B, with retail sales tax collected at the Spokane tax rate. Seller A must report the amount of the sale to Customer B on its excise tax return, compute the local sales tax liability at the Spokane rate, and code this liability to the location code for Spokane (3210). Seller A would claim the tax paid at source deduction for the cost of the parts resold to Customer B, compute the local sales tax credit at the Seattle rate, and code this deduction amount to the location code for Seattle (1726).

(iii) Claim for deduction will be allowed only if the taxpayer keeps and preserves records in support ~~((thereof which))~~ of the deduction that show the names of the persons from whom such articles were purchased, the date of the purchase, the type of articles, the amount of the purchase and the amount of tax ~~((which))~~ that was paid.

(iv) Should the buyer resell the articles at wholesale, or under other situations where retail sales tax is not to be collected, the claim for the tax paid at source deduction on a particular excise tax return may result in a credit. In such cases, the department will issue a credit notice ~~((which))~~ that may be used against future tax liabilities. However, a taxpayer may request in writing a refund ~~((will be issued upon written request))~~ from the department.

(12) **Waiver of penalty for resale certificate misuse.** The department may waive the penalty imposed for resale certificate misuse upon finding that the use of the certificate to purchase items or services by a person not entitled to use the certificate for that purpose was due to circumstances beyond the control of the buyer. However, the use of a resale certificate to purchase items or services for personal use outside of the business ~~((shall))~~ does not qualify for the waiver or cancellation of the penalty. The penalty will not be waived merely because the buyer was not aware of either the proper

use of the resale certificate or the penalty. In all cases the burden of proving the facts is upon the buyer.

(a) **Considerations for waiver.** Situations under which a waiver of the penalty will be considered by the department include, but are not necessarily limited to, the following:

(i) The resale certificate was properly used to purchase products or services for dual purposes; or the buyer was eligible to issue the resale certificate; and the buyer made a good faith effort to discover all of its deferred sales tax liability within one hundred twenty days of purchase; and the buyer remitted the discovered tax liability upon the next excise tax return. (Refer to subsection (11)(a)(i) of this ~~((section))~~ rule for an explanation of what constitutes "good faith effort.")

(ii) The certificate was issued and/or purchases were made without the knowledge of the buyer, and had no connection with the buyer's business activities. However, the penalty for the misuse of resale certificate privileges may be applied to the person actually issuing and/or using the resale certificate without knowledge of the buyer.

(b) **One-time waiver of penalty for inadvertent or unintentional resale certificate misuse.** The penalty prescribed for the misuse of the resale certificate may be waived or cancelled on a one time only basis if such misuse was inadvertent or unintentional, and the item was purchased for use within the business. If the department ~~((of revenue))~~ does grant a one time waiver of the penalty, the buyer ~~((shall))~~ will be provided written notification at that time.

(c) **Examples.** The following are examples of typical situations where the fifty percent penalty for the misuse of resale privileges will or will not be assessed. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

(i) ABC Manufacturing purchases electrical wiring and tools from X Supply. The electrical wiring is purchased for dual purposes, i.e., for resale and for consumption, with more than fifty percent of the wiring purchases becoming a component of items ~~((which))~~ that ABC manufactures for sale. ABC Manufacturing issues a resale certificate to X Supply specifying "electrical wiring" as the category of items purchased for resale. ABC regularly reviews its purchases and remits deferred sales tax upon the ~~((consumed))~~ wiring it uses as a consumer.

ABC is subsequently audited by the department ~~((of revenue))~~ and it is discovered that ABC Manufacturing failed to remit deferred sales tax upon three purchases of wiring for consumption. The unreported tax liability attributable to these three purchases is less than five percent of the total deferred sales tax liability for wiring purchases made from X Supply. It is also determined that the failure to remit deferred sales tax upon these purchases was merely an oversight. The fifty percent penalty for the misuse of resale certificate privileges does not apply, even though ABC failed to remit deferred sales tax on these purchases. The resale certificate was properly issued, and ABC remitted to the department more than eighty percent of the deferred sales tax liability for wiring purchases from X Supply.

(ii) During a routine audit examination of a jewelry store, the department ~~((of revenue))~~ discovers that a dentist has provided a resale certificate for the purchase of a necklace. This

resale certificate indicates that in addition to operating a dentistry practice, the dentist also sells jewelry. ~~((There is no indication that the jewelry store did not accept the resale certificate in good faith.))~~ The resale certificate contains the information required under RCW 82.04.470.

Upon further investigation, the department ~~((of revenue))~~ finds that the dentist is not engaged in selling jewelry. ~~((As the jewelry store accepted the resale certificate in good faith.))~~ The department will look to the dentist for payment of the applicable retail sales tax. In addition, the dentist will be assessed the fifty percent penalty for the misuse of resale certificate privileges. The penalty will not be waived or cancelled as the dentist misused the resale certificate privileges to purchase a necklace for personal use.

(iii) During a routine audit examination of a computer dealer, it is discovered that a resale certificate was obtained from a bookkeeping service. The resale certificate was completed in its entirety and accepted ~~((in good faith))~~ by the dealer. Upon further investigation it is discovered that the bookkeeping service had no knowledge of the resale certificate, and had made no payment to the computer dealer. The employee who signed the resale certificate had purchased the computer for personal use, and had personally made payment to the computer dealer.

The fifty percent penalty for the misuse of the resale certificate privileges will be waived for the bookkeeping service. The bookkeeping service had no knowledge of the purchase or unauthorized use of the resale certificate. However, the department ~~((of revenue))~~ will look to the employee for payment of the taxes and the fifty percent penalty for the misuse of resale certificate privileges.

(iv) During an audit examination it is discovered that XYZ Corporation, a duplicating company, purchased copying equipment for its own use. XYZ Corporation issued a resale certificate to the seller despite the fact that XYZ does not sell copying equipment. XYZ also failed to remit either the deferred sales or use tax to the department ~~((of revenue))~~. As a result of a previous investigation by the department ~~((of revenue))~~, XYZ had been informed in writing that retail sales and/or use tax applied to all such purchases. The fifty percent penalty for the misuse of resale certificate privileges will be assessed. XYZ was not eligible to provide a resale certificate for the purchase of copying equipment, and had previously been so informed. The penalty will apply to the unremitted deferred sales tax liability.

(v) AZ Construction issued a resale certificate to a building material supplier for the purchase of "pins" and "loads." The "pins" are fasteners ~~((which))~~ that become a component part of the finished structure. The "load" is a powder charge ~~((which))~~ that is used to drive the "pin" into the materials being fastened together. AZ Construction is informed during the course of an audit examination that ~~((AZ Construction))~~ it is considered the consumer of the "loads" and may not issue a resale certificate for ~~((the))~~ its purchase thereof. AZ Construction indicates that it was unaware that a resale certificate could not be issued for the purchase of "loads," and there is no indication that AZ Construction had previously been so informed.

The failure to be aware of the proper use of the resale certificate is not generally grounds for waiving the fifty per-

cent penalty for the misuse of resale certificate privileges. However, AZ Construction does qualify for the "one time only" waiver of the penalty as the misuse of the resale certificate privilege was unintentional and the "loads" were purchased for use within the business.

WSR 04-17-025

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed August 9, 2004, 1:38 p.m., effective September 9, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 458-20-208 explains the application of the B&O tax exemption provided by RCW 82.04.422 which exempts the sale of a new motor vehicle between new car dealers selling the same make of vehicle. The rule also discusses the B&O tax exemption for accommodation sales provided by RCW 82.04.425 and explains the circumstances under which an exchange of fungible goods qualifies the accommodation sale exemption. The revised rule incorporates chapter 81, Laws of 2004, by eliminating the requirements that the sale occur for inventory adjustment purposes and that the amount paid by the purchasing dealer not exceed the amount paid by the selling dealer in the acquisition of the new motor vehicle.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-208 Exemptions for wholesale sales of new motor vehicles between new car dealers and for accommodation sales.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 04-11-020 on May 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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 9, 2004.

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 03-07-066, filed 3/17/03, effective 4/17/03)

WAC 458-20-208 Exemptions for ~~((adjustments))~~ wholesale sales of new motor vehicles ~~((inventory))~~ between new car dealers and for accommodation sales. (1) **Introduction.** This rule discusses the business and occupation (B&O) tax exemptions for certain wholesale sales of new motor vehicles between new car dealers ~~((and))~~. The rule also discusses the B&O tax exemption for accommodation sales ~~((The rule also))~~ and clarifies the applicability of the accommodation sale exemption to exchanges of fungible products, such as gasoline and oil.

(2) ~~((Inventory adjustments))~~ **Wholesale sales of new motor vehicles by new car dealers.** Effective July 1, 2001, RCW 82.04.422 provides a B&O tax exemption for wholesale sales of new motor vehicles by new car dealers ~~((for purposes of adjusting inventory levels))~~. This exemption does not apply to amounts derived by a manufacturer, distributor, or factory branch as defined in chapter 46.70 RCW.

New car dealers will in most cases find the statutory requirements of this exemption to be less restrictive than those of the accommodation sales exemption discussed in subsection (3) of this rule. Unlike the exemption for accommodations sales, there is no restriction on the amount that the selling dealer can charge the buying dealer, nor is there any requirement that the sale be made to fill an existing order from a customer. While these circumstances may be present in a particular transaction, there is no need to use or rely upon the B&O tax exemption for accommodation sales when the requirements for the exemption for wholesale sales between new car dealers are met. The exemption for wholesale sales of new motor vehicles between new car dealers provided by RCW 82.04.422 is subject to the following conditions ~~((must be satisfied for the exemption to apply))~~.

(a) **New motor vehicle.** The property sold must be a new motor vehicle. For the purposes of this rule, "new motor vehicle" means every motor vehicle that is self-propelled and is required to be registered and titled under Title 46 RCW, has not been previously titled to a retail purchaser, and is not a "used motor vehicle" as defined under RCW 46.04.660. RCW 46.70.011. Examples of motor vehicles include passenger cars, trucks, motorcycles, and motor homes.

(b) **Wholesale sale between new car dealers selling the same make of new motor vehicles.** The sale must be a wholesale sale and must occur between new car dealers selling the same make of vehicle. For purposes of determining whether the exemption applies to transactions involving trades, the trade of each new motor vehicle is considered a separate sale.

(i) **Example 1.** A new car dealer sells a new light pickup truck, Make A, to another new car dealer. The purchasing dealer also sells new Make A passenger vehicles. This sale qualifies for the exemption.

(ii) **Example 2.** New Car Dealer ABC and New Car Dealer XYZ both sell new motor vehicles by Make A and Make X. New Car Dealer ABC sells Make A passenger vehicle to Dealer XYZ. Dealer XYZ sells Make X passenger vehicle to Dealer ABC. Both dealers regularly engage in the

business of selling both new motor vehicle makes. Both sales qualify for the exemption.

(iii) **Example ((2)) 3.** A new car dealer sells a new passenger vehicle, Make X, to another new car dealer. The purchasing dealer is not regularly engaged in the business of selling new Make X vehicles. This sale does not qualify for the exemption.

~~((e)) Amount paid by the purchasing dealer may not exceed amount paid by selling dealer. The amount paid by the purchasing dealer cannot exceed the amount the selling dealer paid in the acquisition of the new motor vehicle, although the selling dealer may add reasonable expenses for preparing the vehicle for sale or transfer. Actual freight or delivery costs incurred by the seller and billed as such to the buyer may also be added.~~

~~((i)) What are reasonable expenses for preparation? Reasonable expenses for preparing the vehicle for sale or transfer include, but are not limited to, the actual cost of additional accessories installed by the selling dealer, such as wheel/tire upgrades, and pin-striping.~~

~~Questions concerning whether the exemption is available when other costs are included should be submitted to the department for determination at:~~

Department of Revenue
Taxpayer Services
P.O. Box 47478
Olympia, WA 98504-7478

~~((ii)) What is the effect of holdbacks or discounts on amount paid? The amount paid by the selling dealer may not be reduced by the amount of any manufacturer's holdbacks or discounts received after an article has been sold to adjust inventory levels even though the seller may retain such holdbacks or discounts.~~

~~For the following examples, presume a new car dealer receives two new motor vehicles from the manufacturer on June 1st. The manufacturer's sales invoice indicates an invoice price of \$16,600 and a holdback of \$500 for each vehicle. The dealer is entitled to receive the holdback on July 1st, thirty days after being billed for the vehicle by the manufacturer.~~

~~(A) Example 1. The new car dealer sells one of the vehicles to another new car dealer on June 10th. The amount paid by the selling dealer in the acquisition of the vehicle is \$16,600.~~

~~(B) Example 2. The new car dealer sells the other vehicle to another new car dealer on July 18th. The amount paid by the selling dealer in the acquisition of the vehicle is \$16,100.)~~

~~(iv) Example 4. New Car Dealer DEF sells new motor vehicles by Make A and Make X. New Car Dealer LMN sells new motor vehicles by Make A and Make Y. New Car Dealer DEF sells Make A passenger truck to New Car Dealer LMN. New Car Dealer LMN sells Make Y passenger truck to New Car Dealer DEF. Both dealers regularly engage in the business of selling Make A new motor vehicles while only New Car Dealer DEF engages in the business of selling Make Y. The sale of new motor vehicle Make A by Dealer DEF qualifies for the exemption while the sale of Make Y by Dealer LMN does not.~~

~~(c) Documentation. A person claiming the B&O tax exemption under RCW 82.04.422 for a wholesale sale of a~~

new motor vehicle must maintain sufficient documentation to verify the exemption. The documentation should identify:

- (i) The buyer's name and address;
- (ii) The seller's name and address;
- (iii) The buyer's UBI/tax registration number;
- (iv) The make, model, and serial number of the motor vehicle;
- (v) The date of purchase;
- (vi) That the buyer and seller both regularly engage in making sales of the same make of new motor vehicle; and
- (vii) The buyer's signature and title.

(3) Accommodation sales. RCW 82.04.425 provides a B&O tax exemption for wholesale sales of tangible personal property by persons who regularly engage in making sales of the type of property so sold to other persons who similarly engage in the business of selling such property.

The following conditions must be satisfied for the exemption to apply.

(a) Amount paid by buyer may not exceed amount paid by seller. The amount the buyer pays to the seller may not exceed the amount the seller paid to the seller's vendor in the acquisition of the property. Thus, a seller who manufactured the property sold cannot claim the exemption because the property has not been acquired from a vendor.

~~(The instructions in subsection (2)(c) of this rule regarding additional expenses for preparation and the effect of holdbacks and discounts equally apply to the accommodation sale B&O tax exemption provided by RCW 82.04.425.)~~

(i) Expenses associated with preparing property for sale. A seller may add reasonable expenses for preparing the property for sale, such as actual freight or delivery costs incurred by the seller and billed as such to the buyer. Questions concerning whether the exemption is available when other costs are included should be submitted to the department for determination at:

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(ii) What is the effect of holdbacks or discounts on amount paid? The amount paid by the seller may not be reduced by the amount of any manufacturer's holdbacks or discounts received after an article has been sold to adjust inventory levels even though the seller may retain such holdbacks or discounts.

For the following examples, presume an equipment dealer receives two tractors from the manufacturer on June 1st. The manufacturer's sales invoice indicates an invoice price of \$16,600 and a holdback of \$500 for each tractor. The dealer is entitled to receive the holdback on July 1st, thirty days after being billed for the tractors by the manufacturer.

(A) Example 1. The equipment dealer sells one of the tractors to another equipment dealer on June 10th. The amount paid by the selling dealer in the acquisition of the vehicle is \$16,600.

(B) Example 2. The equipment dealer sells the other tractor to another equipment dealer on July 18th. The amount paid by the selling dealer in the acquisition of the vehicle is \$16,100.

(b) Sale is an accommodation to fill an existing order. The sale must occur as an accommodation to allow the buyer to fill a bona fide existing order of a customer or occur within fourteen days to reimburse in-kind a previous accommodation sale by the buyer to the seller. A bona fide existing order is present if there is a commitment by the buyer's customer to purchase the property. The buyer must retain records demonstrating the customer's commitment to purchase, such as a written agreement or deposit.

For example, Recreational Vehicle Dealer A purchases a fifth-wheel trailer from Recreational Vehicle Dealer B as an accommodation. Ten days later, Dealer A sells a travel trailer to Dealer B as reimbursement in-kind of the previous accommodation sale. For Dealer A to claim the B&O tax exemption for the sale of the travel trailer to Dealer B, Dealer A must keep sufficient records to document a bona fide existing customer order for the fifth-wheel trailer purchased from Dealer B.

(c) Documentation. A person claiming the exemption for an accommodation sale must maintain sufficient documentation to verify the exemption. In addition to the documentation noted above establishing, where pertinent, the existence of a bona fide existing customer order, this documentation must include:

- (i) The buyer's name and address;
- (ii) The seller's name and address;
- (iii) The buyer's UBI/tax registration number;
- (iv) Description of the property purchased, including make, model, and serial numbers as appropriate;
- (v) The date of purchase and the purchase price;
- (vi) A statement by the buyer as to whether the purchase is to fill a bona fide existing order or to reimburse a previous in-kind accommodation sale, including information identifying the previous accommodation sale; and
- (vii) The buyer's signature and title.

(4) Exchanges of fungible products. Persons engaged in the selling and distributing of fungible products often enter into exchange agreements. An exchange is a sale regardless of whether it results in a profit because a transfer of the ownership of, title to, or possession of property for valuable consideration occurs. RCW 82.04.040. Exchanges are subject to the B&O tax unless otherwise exempt by law.

(a) What is a fungible product? Fungible products are products that lose their physical identity to the point that they cannot be distinguished from like-kind items when commingled. Examples of fungible products include gasoline, bulk oil products, grains, logs, wood chips, fruits, and vegetables.

(b) What is an exchange? Under typical exchange agreements, a person is required to furnish products to another person selling and distributing the same products, sometimes receiving payment in-kind or with a substitute product at a later date. Exchange agreements may require the person to arrange for direct delivery from his or her vendor to the third party distributor. In some cases, actual title and/or possession of the product may pass directly from the vendor to the third-party distributor.

Persons exchanging fungible products often do so on a regular and continuing basis to cover shortages occurring because of a lack of storage or production facilities, and/or to effect savings in transportation costs. Exchanges may be car-

ried as loans on the books of account (in which case the exchanges are often referred to as "intercompany loans"). Products acquired via an exchange may or may not be carried as regular inventory on the books of account.

(c) **May an exchange of fungible products qualify as an accommodation sale?** The fact that the product sold is a fungible product does not preclude a claim that the sale is exempt as an accommodation sale. However, such a claim will be recognized only if the statutory requirements of RCW 82.04.425 are met.

WSR 04-17-026

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 9, 2004, 2:37 p.m., effective September 9, 2004]

Effective Date of Rule: Thirty-one days after filing.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The landscape architect exam will be administered on December 6 and 7, 2004, and this rule change will be in effect by that date.

Purpose: WAC 308-13-150, sets registration and examination fees, those examination fees to be collected and passed on to the examination vendor.

Citation of Existing Rules Affected by this Order: Amending WAC 308-13-150.

Statutory Authority for Adoption: RCW 18.96.080 Applications—Contents—Fees.

Other Authority: RCW 43.24.086.

Adopted under notice filed as WSR 04-13-143 on June 22, 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 1, Repealed 0.

Date Adopted: August 5, 2004.

Mykel D. Gable
Assistant Director

AMENDATORY SECTION (Amending WSR 03-11-074, filed 5/20/03, effective 6/20/03)

WAC 308-13-150 Landscape architect fees and charges. The following fees will be collected from the candidates:

Title of Fee	Fee
Application fee	\$150.00
Reexamination administration fee	50.00
Exam proctor	100.00
Renewal (2 years)	300.00
Late renewal penalty	100.00
Duplicate license	25.00
Initial registration (2 years)	300.00
Reciprocity application fee	200.00
Certification	45.00
Replacement wall certificate	20.00

~~((Those charges))~~ The following charges assessed by the Council of Landscape Architectural Registration Boards (CLARB), collected from candidates for the costs of the examinations shall be paid to CLARB.

Examination and Sections	Charges
Entire examination	(((\$770.00)) <u>\$470.00</u>)
((Examination sections:	
Section A: Legal and administrative aspects of practice	65.00
Section B: Analytical aspects of practice	105.00))
Section C:	
Planning and site design	((215.00)) <u>235.00</u>)
((Section D:	
 Structural considerations and materials and methods of construction	170.00))
Section E:	
Grading, drainage and storm water management	((215.00)) <u>235.00</u>)

The following sections of the examination will only be administered by CLARB:

- Section A:
Legal and administrative aspects of practice
- Section B:
Analytical aspects of practice
- Section D:
Structural considerations and materials and methods of construction

PERMANENT

WSR 04-17-035

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed August 10, 2004, 10:49 a.m., effective September 10, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends chapter 16-481

WAC by:

- Adding the vine mealybug to the current grape phylloxera quarantine;
- Retitling the chapter so the title more accurately describes the chapter's contents;
- Repealing the violations - penalties section (since penalties are addressed in the enabling statute); and
- Clarifying existing language so that it is easier to read and understand.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-481-075; and amending WAC 16-481-010, 16-481-015, 16-481-020, 16-481-025, 16-481-030, 16-481-050, 16-481-060, and 16-481-070.

Statutory Authority for Adoption: Chapters 15.13, 17.24, and 34.05 RCW.

Adopted under notice filed as WSR 04-13-147 on June 23, 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 8, Repealed 1.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 8, Repealed 1.

Date Adopted: August 10, 2004.

Valoria H. Loveland
Director

Chapter 16-481 WAC

GRAPE ((PHYLLOXERA)) INSECT PESTS

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-481-010 Establishing quarantine. Grape phylloxera (~~((*Daktulosphaira vitifoliae* (Fitch)) is an)) and the vine mealybug are insect pests injurious to ((grape plants that)) grapevines. Grape phylloxera can cause severe reductions in grape yield and ultimately the death of the ((grape plant)) grapevine. This pest is widely distributed throughout the United States and the world. ((Introductions of the pest into the state of Washington through infested grape plants, rootstock, and plant cuttings or on contaminated grape culti-~~

~~vation or harvesting equipment could have a severe economic impact on the Washington grape industry. To prevent this)) The vine mealybug injures grapevines by damaging grape bunches and transmitting grape viruses. Introductions of these pests into the state of Washington through infested grapevines, rootstock, and plant cuttings or on contaminated grape cultivation or harvesting equipment could have a severe economic impact on the Washington grape industry. The director, under the authority provided in chapters 17.24 and 15.13 RCW, has established a quarantine to prevent ((the)) their introduction ((of this pest)) into the state.~~

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-481-015 Definitions. ~~((1)) "Pest" means the insect of the order Homoptera and family Phylloxeridae, grape phylloxera (*Daktulosphaira vitifoliae* (Fitch)).~~

~~((2)) "Infested area" means all states and territories of the United States and all areas outside the United States.~~

~~((3)) "Area known to be free of grape phylloxera" means a specific property of a person or firm or a specific nursery stock growing ground surveyed by the department of agriculture of the shipping state.~~

~~((4)) "Department" means the Washington state department of agriculture.~~

~~((5)) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.~~

~~((6)) "Grape phylloxera" means the insect *Daktulosphaira vitifoliae* (Fitch) of the order Homoptera and family Phylloxeridae.~~

~~"Hardwood cutting" means a cutting from a ((grape plant)) grapevine taken during the period of dormancy and not including portions of the trunk of the plant produced during previous growing seasons.~~

~~((7)) "Infested area" means all states and territories of the United States and all areas outside the United States.~~

~~"Softwood cutting" means any cutting taken when the grape plant is not fully dormant.~~

~~((8)) "Susceptible varieties" means grape plants that may serve as host to grape phylloxera and which show symptoms of decline when infested.~~

~~((9)) "Nonsusceptible varieties" means grape plants that may serve as host to grape phylloxera but which do not show symptoms of decline when infested. Nonsusceptible varieties include concord varieties and vinifera varieties on resistant rootstock.) "Vine mealybug" means the insect *Planococcus ficus* (Signoret) of the order Homoptera and family Pseudococcidae.~~

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-481-020 Quarantine area. There is established under this chapter, an external quarantine area for grape phylloxera and vine mealybug including all states and territories of the United States and all territories outside the United States.

PERMANENT

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-481-025 Regulated products. Products regulated under the grape (~~(phylloxera)~~) insect pests quarantine include:

(1) All (~~(grape plants)~~) grapevines, rootstock, and softwood cuttings, rooted or not. Hardwood cuttings meeting the definition in WAC 16-481-016(~~((6))~~) and dried (~~(grape vines)~~) grapevines used for ornamental purposes are exempt from the requirements in this chapter.

(2) All equipment that has been used for cultivation or harvesting of grapes in a quarantine area.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-481-030 Conditions governing shipments—External. (1) Each shipment of (~~(grape plants)~~) grapevines, grape rootstock and/or softwood cuttings from an infested area must be accompanied by a certificate (~~((signed by a duly authorized inspector of the department of agriculture of the state of origin of the shipment, or by a duly authorized inspector of the United States Department of Agriculture, Animal and Plant Health Inspection Service,)) issued by the plant protection organization in the state or country of origin~~) stating that:

(a) The (~~(grape plants)~~) grapevines, rootstock and/or softwood cuttings were grown in and shipped from an area known to be free from grape phylloxera and vine mealybug; or

(b) The (~~(grape plants)~~) grapevines, rootstock or softwood cuttings were grown under an approved sterile media system; or

(c) For small shipments (five hundred articles or less), softwood cuttings were carefully inspected by an authorized inspector and were found to be free from grape phylloxera and vine mealybug; or

(d) The (~~(grape plants)~~) grapevines, rootstock, and/or softwood cuttings were subject to one of the two treatments outlined in subsection (2) of this section or such additional methods as may be determined to be effective and are approved in writing by the director and were stored in a manner after treatment that would prevent reinfestation.

(2) Acceptable treatments shall include:

(a) Hot water treatment. Dormant, rooted (~~(grape plants)~~) grapevines or rootstock shall be washed to remove all soil or other propagative media. Dormant rooted plants or rootstock shall be immersed in a hot water bath for a period of not less than three minutes nor more than five minutes at a temperature of not less than 125 degrees F. (52 degrees C.) nor more than 130 degrees F. (55 degrees C.) at any time during immersion; or

(b) Methyl bromide fumigation. (~~(Grape plants)~~) Grapevines, rootstock or softwood cuttings may be treated by methyl bromide fumigation. Fumigation shall be in an approved gastight fumigation chamber, equipped with a heating unit, fan for dispersal of gas and clearing the chamber of gas after fumigation, and interior thermometer readable from the outside. Fumigation shall be with a dosage of two pounds (0.908 kg.) of methyl bromide per one thousand cubic feet

(twenty-eight cubic meters) for a period of three hours at a temperature of between 65 degrees F. (18.3 degrees C.) and 70 degrees F. (21.1 degrees C.). The fan shall be operated for a period of ten minutes after the injection of the gas.

(3) All shipments of (~~(grape plants)~~) grapevines, rootstock and/or softwood cuttings from an infested area shall be plainly marked with the contents on the outside of the package or container as "~~(grape plants)~~ grapevines," "grape rootstock," or "grape cuttings."

(4) Notification requirements of WAC 16-481-060 are met.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-481-050 Equipment cleaning requirements.

(1) All equipment used for cultivation or harvesting of grapes in grape (~~(phylloxera)~~) insect pests quarantine areas outside the state or infested properties within the state must be thoroughly washed or steam cleaned to remove all soil and plant material prior to entry into the state of Washington. Such equipment shall be subject to inspection by authorized inspectors of the department of agriculture.

(2) Any equipment found to be in violation of the (~~(sanitation)~~) cleaning requirement shall be subject to detention by the department until such equipment is thoroughly cleaned at the expense of the owner or shipper or provision made to transport the equipment directly out of the state.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-481-060 Notification requirements. The plant (~~(services)~~) protection division of the department of agriculture shall be notified by United States mail or (~~(telex)~~) telefacsimile to: Plant Protection Division, Washington State Department of Agriculture, 1111 Washington St. S.E., P.O. Box 42560, Olympia, WA 98504-2560; fax 360-902-2094, prior to the shipment of (~~(grape plants)~~) grapevines and/or cuttings under the grape (~~(phylloxera)~~) insect pests quarantine into this state from an infested area. Such notice shall include, but not be limited to, the approximate number of the (~~(grape plants)~~) grapevines, rootstock and/or softwood cuttings; the shipper; the consignee; the method of treatment used, if applicable; and the approximate date of delivery.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-481-070 Disposition of products shipped in violation of this quarantine—Violations. Any shipment of (~~(grape plants)~~) grapevines, rootstock, and/or softwood shipped into or entering the state of Washington from an infested area and not accompanied by the required certificate and/or not complying with the (~~(notice)~~) notification requirement in WAC 16-481-060 shall be returned to the point of origin, or destroyed at the option and expense of the owner or owners, or their responsible agent or agents.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-481-075 Violations—Penalties.

WSR 04-17-036

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed August 10, 2004, 10:51 a.m., effective September 10, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends WAC 16-470-912 and 16-470-917 by increasing the plant pathology laboratory diagnostic fees, hourly fees, and post entry inspection fee by 3.03%, which is the OFM fiscal growth factor for fiscal year 2005.

Citation of Existing Rules Affected by this Order: Amending WAC 16-470-912 and 16-470-917.

Statutory Authority for Adoption: Chapters 17.24 and 34.05 RCW.

Adopted under notice filed as WSR 04-13-148 on June 23, 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 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 0, Amended 2, Repealed 0.

Date Adopted: August 10, 2004.

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 03-21-166, filed 10/22/03, effective 11/22/03)

WAC 16-470-912 Schedule of fees and charges—Applicable fees and charges. (1) Hourly rate.

	((Effective July 1, 2003))
Hourly rate - business hours	\$((30.20)) <u>31.10</u>
Hourly rate - nonbusiness hours	\$((38.60)) <u>39.70</u>

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Plant pathology laboratory diagnostic fees are as follows:

Effective July 1, 2003

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+ samples
virus (ELISA)	At cost	At cost	10.30 ea	5.10 ea	2.95 ea
bacteria	(40.05) <u>41.20</u> ea	(38.65) <u>39.80</u> ea	(36.25) <u>37.30</u> ea	(35.05) <u>36.10</u> ea	(35.05) <u>36.10</u> ea
fungus	(42.35) <u>43.60</u> ea	(36.25) <u>37.30</u> ea	(35.05) <u>36.10</u> ea	(33.85) <u>34.80</u> ea	(31.40) <u>32.30</u> ea
nematode	(31.40) <u>32.30</u> ea	(28.95) <u>29.80</u> ea	(26.55) <u>27.30</u> ea	(25.90) <u>26.60</u> ea	(24.15) <u>24.80</u> ea

Note: To receive volume rates, samples must be submitted as a unit and identification requests must be for one specific virus, bacterium, fungus, or nematode. Samples tested for multiple pathogens will be considered as multiple samples unless all pathogens can be detected in a single test without additional inputs.

(4) The department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate for projects with at least one of the following characteristics:

- (a) Projects greater than one hundred samples;
- (b) Projects requiring materials not readily available; or
- (c) Projects requiring special handling or prolonged incubation periods.

The rate charged shall not be less than the cost to the department of performing the tests.

AMENDATORY SECTION (Amending WSR 03-21-166, filed 10/22/03, effective 11/22/03)

WAC 16-470-917 Schedule of fees and charges—Fees for post entry inspection services. (1) Post entry site inspection and/or permit review and approval((: Effective July 1, 2003)). \$((~~60.50~~)) 62.30

(2) Subsequent inspections of post entry plant materials are provided at the applicable hourly rate.

(3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.

WSR 04-17-037

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed August 10, 2004, 10:54 a.m., effective September 10, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends WAC 16-401-027 by increasing the nursery inspection fees by 3.03%, which is the OFM fiscal growth factor for fiscal year 2005. The amendment does not increase the fees for retail nursery dealer licenses or wholesale nursery dealer licenses.

PERMANENT

Citation of Existing Rules Affected by this Order: Amending WAC 16-401-027.

Statutory Authority for Adoption: Chapters 15.13, 15.14, and 34.05 RCW.

Adopted under notice filed as WSR 04-13-146 on June 23, 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 1, Repealed 0.

Date Adopted: August 10, 2004.

Valoria H. Loveland
Director

agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.

(4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treatment (steam cleaning, hydro-washing, etc.) is charged at the applicable hourly rate.

(5) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee.

(6) The department may issue a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection.

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate applies. One certificate for one service is issued at no charge.

AMENDATORY SECTION (Amending WSR 03-21-166, filed 10/22/03, effective 11/22/03)

WAC 16-401-027 Schedule of fees and charges—Applicable rates and charges. The following rates apply for requested inspection services:

(1) Fee or Charge:	((Effective July 1, 2003))
Hourly rate—business hours	\$((30.20)) <u>31.10</u>
Hourly rate—nonbusiness hours	\$((38.60)) <u>39.70</u>
Certificate issued at time if inspection	No charge
Certificate issued more than twenty-four hours after the inspection	\$((14.40)) <u>14.80</u>
Additional certificates	\$((4.60)) <u>4.70</u>
Fumigation lot or container fee	\$((12.05)) <u>12.40</u>
Certificate of plant health for noncommercial movement	\$((6.00)) <u>6.10</u>
Compliance agreement	\$((30.20)) <u>31.10</u>
Inspection tags or stickers (lots of 250)	\$((6.00)) <u>6.10</u> per lot
Inspection tags or stickers (minimum 10)	\$0.28 each

(2) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be prorated among applicants if more than one applicant is provided service during a workday or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry entity, university, or public

WSR 04-17-038

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed August 10, 2004, 10:56 a.m., effective September 10, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends WAC 16-333-041 by increasing the hourly inspection fee for caneberry planting stock certification to equal the hourly inspection fee for other nursery services and slightly decreasing the caneberry certification application fee. The increase in the hourly inspection fee, which exceeds the fiscal growth rate factor for 2005, was authorized by section 309(2), chapter 25, Laws of 2003 1st sp.s. Section 309(2) reads: "Fees and assessments approved by the department in the 2003-05 biennium are authorized to exceed the fiscal growth rate factor under RCW 43.135.055."

Citation of Existing Rules Affected by this Order: Amending WAC 16-333-041.

Statutory Authority for Adoption: Chapters 15.13, 15.14, and 34.05 RCW.

Adopted under notice filed as WSR 04-13-149 on June 23, 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.

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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.

Date Adopted: August 10, 2004.

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 03-21-166, filed 10/22/03, effective 11/22/03)

WAC 16-333-041 Caneberry certification fees. The caneberry certification fees are as follows:

	((Effective July 1, 2003
Application fee	\$140.70
Hourly inspection rate	\$28.10))

(1) Certification application fee. The applicant must furnish all information requested on the application form furnished by the department, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington 98504-2560 by May 15 each year and be accompanied by the application fee of \$140.00.

(2) Inspection fees. The department will conduct certification inspections at the hourly inspection rate established in chapter 16-401 WAC, plus mileage charged at a rate established by the state office of financial management. Testing fees will be charged at the rate established in chapter 16-470 WAC. Inspection and testing fees are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

WSR 04-17-039

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed August 10, 2004, 10:58 a.m., effective September 10, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends WAC 16-328-011 by increasing the hourly inspection fee for strawberry planting stock certification to equal the hourly inspection fee for other nursery services and slightly decreasing the strawberry certification application fee. The increase in the hourly

inspection fee, which exceeds the fiscal growth rate factor for 2005, was authorized by section 309(2), chapter 25, Laws of 2003 1st sp.s. Section 309(2) reads: "Fees and assessments approved by the department in the 2003-05 biennium are authorized to exceed the fiscal growth rate factor under RCW 43.135.055."

Citation of Existing Rules Affected by this Order: Amending WAC 16-328-011.

Statutory Authority for Adoption: Chapters 15.14 and 34.05 RCW.

Adopted under notice filed as WSR 04-13-150 on June 23, 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 1, Repealed 0.

Date Adopted: August 10, 2004.

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 03-21-166, filed 10/22/03, effective 11/22/03)

WAC 16-328-011 Strawberry plant certification fees. The strawberry plant certification fees are as follows:

	((Effective July 1, 2003
Application fee	\$140.70
Hourly inspection rate	\$28.10))

(1) Certification application fee. The applicant must furnish all information requested on the application for inspection, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection or testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications for inspection must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington, 98504-2560 by June 15 of each year and be accompanied by the application fee of \$140.00.

(2) Inspection fees. The department will conduct certification inspections at the hourly inspection rate established in chapter 16-401 WAC, plus mileage charged at a rate established by the state office of financial management. Testing

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fees will be charged at the rate established in chapter 16-470 WAC. Inspection and testing fees are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

WSR 04-17-054
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed August 10, 2004, 1:26 p.m., effective September 10, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To change the definition of "established ratio" to conform with 1999 legislation, which changes the bed-to-population ratio from forty-five beds to one thousand to forty beds per one thousand.

Citation of Existing Rules Affected by this Order: Amending WAC 246-310-010 Certificate of need definitions.

Statutory Authority for Adoption: Chapter 70.38 RCW. Adopted under notice filed as WSR 04-10-014 on April 26, 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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 10, 2004.

M. C. Selecky
 Secretary

AMENDATORY SECTION (Amending WSR 98-10-053, filed 4/29/98, effective 5/30/98)

WAC 246-310-010 Definitions. For the purposes of chapter 246-310 WAC, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

"Acute care facilities" means hospitals and ambulatory surgical facilities.

"Affected person" means an interested person meeting the following criteria:

- Is located or resides in the applicant's health service area;

- Testified at a public hearing or submitted written evidence; and
- Requested in writing to be informed of the department's decision.

"Alterations," see "construction, renovation, or alteration."

"Ambulatory care facility" means any place, building, institution, or distinct part thereof not a health care facility as defined in this section and operated for the purpose of providing health services to individuals without providing such services with board and room on a continuous twenty-four-hour basis. The term "ambulatory care facility" includes the offices of private physicians, whether for individual or group practice.

"Ambulatory surgical facility" means any free-standing entity, including an ambulatory surgery center, that operates primarily for the purpose of performing surgical procedures to treat patients not requiring hospitalization. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice.

"Applicant," means:

- Any person proposing to engage in any undertaking subject to review under the provisions of chapter 70.38 RCW.

- Any person or individual with a ten percent or greater financial interest in a partnership or corporation or other comparable legal entity engaging in any undertaking subject to review under the provisions of chapter 70.38 RCW.

"Base year" as used in the kidney dialysis station methodology means the last full calendar year preceding the first year of dialysis station need projections.

"Bed banking" means the process of retaining the rights to nursing home bed allocations which are not licensed as outlined in WAC 246-310-395.

"Bed supply" means within a geographic area the total number of:

- Nursing home beds which are licensed or certificate of need approved but not yet licensed or beds banked under the provisions of RCW 70.38.111 (8)(a) or where the need is deemed met under the provisions of RCW 70.38.115 (13)(b), excluding:

- Those nursing home beds certified as intermediate care facility for the mentally retarded (ICF-MR) the operators of which have not signed an agreement on or before July 1, 1990, with the department of social and health services department of social and health services to give appropriate notice prior to termination of the ICF-MR service;

- New or existing nursing home beds within a CCRC which are approved under the provisions of WAC 246-310-380(5); or

- Nursing home beds within a CCRC which is excluded from the definition of a health care facility per RCW 70.38.025(6); and

- Beds banked under the provisions of RCW 70.38.115 (13)(b) where the need is not deemed met.

- Licensed hospital beds used for long-term care or certificate of need approved hospital beds to be used for long-term care not yet in use, excluding swing-beds.

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"Bed-to-population ratio" means the nursing home bed supply per one thousand persons of the estimated or forecasted resident population age sixty-five and older.

"Capital expenditure" means an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. The costs of any studies, surveys, designs, plans, working drawings, specifications, and other activities (including staff effort, consulting and other services which, under generally accepted accounting principles, are not properly chargeable as an expense of operation and maintenance) shall be considered capital expenditures. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required certificate of need review if the acquisition had been made by purchase, such acquisition shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility, which if acquired directly by such facility, would be subject to review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review.

"Certificate of need" means a written authorization by the secretary's designee for a person to implement a proposal for one or more undertakings.

"Certificate of need program" means that organizational program of the department responsible for the management of the certificate of need program.

"Commencement of the project" means whichever of the following occurs first: In the case of a construction project, giving notice to proceed with construction to a contractor for a construction project provided applicable permits have been applied for or obtained within sixty days of such notice; beginning site preparation or development; excavating or starting the foundation for a construction project; or beginning alterations, modification, improvement, extension, or expansion of an existing building. In the case of other projects, initiating a health service.

"Construction, renovation, or alteration" means the erection, building, remodeling, modernization, improvement, extension, or expansion of a physical plant of a health care facility, or the conversion of a building or portion thereof to a health care facility.

"Continuing care contract" means a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services. The contract is conditioned on the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

"Continuing care retirement community (CCRC)" means any of a variety of entities, unless excluded from the definition of health care facility under RCW 70.38.025(6), which

provides shelter and services based on continuing care contracts with its residents which:

- Maintains for a period in excess of one year a CCRC contract with a resident which provides or arranges for at least the following specific services:
 - Independent living units;
 - Nursing home care with no limit on the number of medically needed days;
 - Assistance with activities of daily living;
 - Services equivalent in scope to either state chore services or Medicaid home health services;
 - Continues a contract, if a resident is no longer able to pay for services;
 - Offers services only to contractual residents with limited exception during a transition period; and
 - Holds the Medicaid program harmless from liability for costs of care, even if the resident depletes his or her personal resources.

"Days" means calendar days. Days are counted starting the day after the date of the event from which the designated period of time begins to run. If the last day of the period falls on a Saturday, Sunday, or legal holiday observed by the state of Washington, a designated period runs until the end of the first working day following the Saturday, Sunday, or legal holiday.

"Department" means the Washington state department of health.

"Effective date of facility closure" means:

- The date on which the facility's license was relinquished, revoked or expired; or
- The date the last resident leaves the facility, whichever comes first.

"End-of-the-year incenter patients" means the number of patients receiving incenter kidney dialysis at the end of the calendar year.

"End-stage renal dialysis (ESRD) service areas" means each individual county, designated by the department as the smallest geographic area for which kidney dialysis station need projections are calculated, or other service area documented by patient origin.

"Enhance the quality of life for residents" means, for the purposes of voluntary bed banking, those services or facility modifications which have a direct and immediate benefit to the residents. These shall include, but not be limited to: Resident activity and therapy facilities; family visiting rooms; spiritual rooms and dining areas. These services or facility modifications shall not include those that do not have direct and immediate benefit to the residents, such as: Modifications to staff offices; meeting rooms; and other staff facilities.

"Established ratio" means a bed-to-population ratio of ~~((forty-five))~~ forty beds per one thousand persons of the estimated or forecast resident population age sixty-five and older established for planning and policy-making purposes. The department may revise this established ratio using the process outlined in WAC 246-310-370.

"Estimated bed need" means the number of nursing home beds calculated by multiplying the planning area's forecasted resident population by the established ratio for the projection year.

"Estimated bed projection" means the number of nursing home beds calculated by the department statewide or within a planning area, by the end of the projection period.

"Ex parte contact" means any oral or written communication between any person in the certificate of need program or any other person involved in the decision regarding an application for, or the withdrawal of, a certificate of need and the applicant for, or holder of, a certificate of need, any person acting on behalf of the applicant or holder, or any person with an interest regarding issuance or withdrawal of a certificate of need.

"Expenditure minimum" means one million dollars for the twelve-month period beginning with July 24, 1983, adjusted annually by the department according to the provisions of WAC 246-310-900.

"Health care facility" means hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers including freestanding dialysis units, ambulatory surgical facilities, continuing care retirement communities, hospices and home health agencies, and includes such facilities when owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include any health facility or institution conducted by and for those who rely exclusively upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination, or any health facility or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy. In addition, the term "health care facility" does not include any nonprofit hospital:

- Operated exclusively to provide health care services for children;
- Which does not charge fees for such services; and
- If not contrary to federal law as necessary to the receipt of federal funds by the state.
- In addition, the term "health care facility" does not include a continuing care retirement community which:
 - Offers services only to contractual residents;
 - Provides its residents a contractually guaranteed range of services from independent living through skilled nursing, including some form of assistance with activities of daily living;
 - Contractually assumes responsibility for costs of services exceeding the resident's financial responsibility as stated in contract, so that, with the exception of insurance purchased by the retirement community or its residents, no third party, including the Medicaid program, is liable for costs of care even if the resident depletes personal resources;
 - Offers continuing care contracts and operates a nursing home continuously since January 1, 1988, or obtained a certificate of need to establish a nursing home;
 - Maintains a binding agreement with the department of social and health services assuring financial liability for services to residents, including nursing home services, shall not fall upon the department of social and health services;
 - Does not operate, and has not undertaken, a project resulting in a number of nursing home beds in excess of one

for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

- Has undertaken no increase in the total number of nursing home beds after January 1, 1988, unless a professional review of pricing and long-term solvency was obtained by the retirement community within the prior five years and fully disclosed to residents.

"Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

- Is a qualified health maintenance organization under Title XIII, Section 1310(d) of the Public Health Service Act; or
- Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, X ray, emergency and preventive services, and out-of-area coverage;
 - Is compensated (except for copayments) for the provision of the basic health care services listed in this subsection to enrolled participants by a payment made on a periodic basis without regard to the date the health care services are provided and fixed without regard to the frequency, extent, or kind of health service actually provided; and
 - Provides physicians' services primarily:
 - Directly through physicians who are either employees or partners of such organization, or
 - Through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

"Health service area" means a geographic region appropriate for effective health planning including a broad range of health services.

"Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services.

"Home health agency" means an entity which is, or has declared an intent to become, certified as a provider of home health services in the Medicaid or Medicare program.

"Hospice" means an entity which is, or has declared an intent to become, certified as a provider of hospice services in the Medicaid or Medicare program.

"Hospital" means any institution, place, building or agency or distinct part thereof which qualifies or is required to qualify for a license under chapter 70.41 RCW, or as a psychiatric hospital licensed under chapter 71.12 RCW.

"Inpatient" means a person receiving health care services with board and room in a health care facility on a continuous twenty-four-hour-a-day basis.

"Interested persons" means:

- The applicant;
- Health care facilities and health maintenance organizations providing services similar to the services under review and located in the health service area;
 - Third-party payers reimbursing health care facilities in the health service area;
 - Any agency establishing rates for health care facilities and health maintenance organizations in the health service area where the proposed project is to be located;

- Health care facilities and health maintenance organizations which, in the twelve months prior to receipt of the application, have submitted a letter of intent to provide similar services in the same planning area;

- Any person residing within the geographic area to be served by the applicant; and

- Any person regularly using health care facilities within the geographic area to be served by the applicant.

"Justified home training station" means a kidney dialysis station designated for home hemodialysis and/or peritoneal dialysis training. When no dialysis stations have been designated for home training at a given dialysis treatment center, one station for every six patients trained for home hemodialysis, and one station for every twenty patients for peritoneal dialysis, will be considered a justified home training station. In no case shall all stations at a given dialysis treatment center be designated as justified home training stations. To request justified home training stations at a new dialysis treatment center, the applicant must document that at least six patients are projected to be trained for home hemodialysis or twenty patients for peritoneal dialysis for each such station requested for each of the first five years of projected operations.

"Kidney disease treatment center" means any place, institution, building or agency or a distinct part thereof equipped and operated to provide services, including outpatient dialysis and/or kidney transplantation, to persons who have end-stage renal disease (ESRD).

"Licensee" means an entity or individual licensed by the department of health or the department of social and health services. For the purposes of nursing home projects, licensee refers to the operating entity and those persons specifically named in the license application as defined under chapter 388-97 WAC.

"Net estimated bed need" means estimated bed need of a planning area changed by any redistribution as follows:

- Adding nursing home beds being redistributed from another nursing home planning area or areas; or

- Subtracting nursing home beds being redistributed to another nursing home planning area or areas.

"New nursing home bed" means a nursing home bed never licensed by the state or beds banked under the provisions of RCW 70.38.115(13), where the applicant must demonstrate need for the previously licensed nursing home beds. This term does not include beds banked under the provisions of RCW 70.38.111(8).

"Nursing home" means any entity licensed or required to be licensed under the provisions of chapter 18.51 RCW or distinct part long-term care units located in a hospital and licensed under chapter 70.41 RCW.

"Obligation," when used in relation to a capital expenditure, means the following has been incurred by or on behalf of a health care facility:

- An enforceable contract has been entered into by a health care facility or by a person on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset; or

- A formal internal commitment of funds by a health care facility for a force account expenditure constituting a capital expenditure; or

- In the case of donated property, the date on which the gift is completed in accordance with state law.

"Offer," when used in connection with health services, means the health facility provides one or more specific health services.

"Over the established ratio" means the bed-to-population ratio is greater than the statewide current established ratio.

"Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

"Planning area" means each individual county designated by the department as the smallest geographic area for which nursing home bed need projections are developed, except as follows:

- Clark and Skamania counties shall be one planning area.

- Chelan and Douglas counties shall be one planning area.

"Predevelopment expenditures" means capital expenditures, the total of which exceeds the expenditure minimum, made for architectural designs, plans, drawings, or specifications in preparation for the acquisition or construction of physical plant facilities. "Predevelopment expenditures" exclude any obligation of a capital expenditure for the acquisition or construction of physical plant facilities and any activity which the department may consider the "commencement of the project" as this term is defined in this section.

"Professional review of continuing care retirement community pricing and long-term solvency" means prospective financial statements, supported by professional analysis and documentation, which:

- Conform to Principles and Practices Board Statement Number 9 of the Healthcare Financial Management Association, "Accounting and Reporting Issues Related to Continuing Care Retirement Communities"; and

- Project the financial operations of the continuing care retirement community over a period of ten years or more into the future; and

- Are prepared and signed by a qualified actuary as defined under WAC 284-05-060 or an independent certified public accountant, or are prepared by management of the continuing care retirement community and reviewed by a qualified actuary or independent certified public accountant who issues a signed examination or compilation report on the prospective financial statements; and

- Include a finding by management that the intended expansion project of the continuing care retirement project is financially feasible.

"Project" means all undertakings proposed in a single certificate of need application or for which a single certificate of need is issued.

"Project completion" for projects requiring construction, means the date the facility is licensed. For projects not requiring construction, project completion means initiating the health service.

"Projection period" means the three-year time interval following the projection year.

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"Projection year" for nursing home purposes, means the one-year time interval preceding the projection period. For kidney dialysis station projection purposes, means the base year plus three years.

"Public comment period" means the time interval during which the department shall accept comments regarding a certificate of need application.

"Redistribution" means the shift of nursing home bed allocations between two or more planning areas or the shift of nursing home beds between two or more nursing homes.

"Replacement authorization" means a written authorization by the secretary's designee for a person to implement a proposal to replace existing nursing home beds in accordance with the eligibility requirements in WAC 246-310-044 and notice requirements in WAC 246-310-396.

"Resident population" for purposes of nursing home projects, means the number of residents sixty-five years of age and older living within the same geographic area which:

- Excludes contract holders living within a recognized CCRC:
- With approval for new nursing home beds under the provisions of WAC 246-310-380(5); or
- Excluded from the definition of a health care facility per RCW 70.38.025(6);
- Is calculated using demographic data obtained from:
- The office of financial management; and
- Certificate of need applications and exemption requests previously submitted by a CCRC.

"Secretary" means the secretary of the Washington state department of health or the secretary's designee.

"State Health Planning and Resources Development Act" means chapter 70.38 RCW.

"Statewide current ratio" means a bed-to-population ratio computed from the most recent statewide nursing home bed supply and the most recent estimate of the statewide resident population.

"Swing beds" means up to the first five hospital beds designated by an eligible rural hospital which are available to provide either acute care or nursing home services.

"Tertiary health service" means a specialized service meeting complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

"Transition period" means the period of time, not exceeding five years, between the date a CCRC is inhabited by a member, and the date it fully meets the requirements of a CCRC.

"Under the established ratio" means the bed-to-population ratio is less than the statewide current established ratio.

"Undertaking" means any action subject to the provisions of chapter 246-310 WAC.

"Working days" excludes Saturdays, Sundays, and legal holidays observed by the state of Washington. Working days are counted in the same way as calendar days.

WSR 04-17-058
PERMANENT RULES
ENERGY FACILITY SITE
EVALUATION COUNCIL

[Filed August 11, 2004, 1:15 p.m., effective September 11, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Update the Energy Facility Site Evaluation Council's (EFSEC's) air rules for energy facilities (chapter 463-39 WAC) to be consistent with ecology's requirements for new source review (NSR), prevention of significant deterioration (PSD), air operating permit (AOP), and acid rain permit programs for air emissions. Update EFSEC's adoption of federal new source performance standards (NSPS). Clarify agency procedures for permit application form, source registration and penalties for consistency with ecology regulations and state laws.

Citation of Existing Rules Affected by this Order: Amending WAC 463-39-005, 463-39-030, 463-39-090, 463-39-100, 463-39-105, 463-39-115, 463-39-135, 463-39-170, and 463-39-230.

Statutory Authority for Adoption: RCW 80.50.040 (1) and (12).

Adopted under notice filed as WSR 04-11-070 on May 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 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 7, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, 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.

Date Adopted: August 10, 2004.

James O. Luce
Chair

AMENDATORY SECTION (Amending WSR 95-17-088, filed 8/21/95, effective 9/21/95)

WAC 463-39-005 Adoption by reference. (1) The energy facility site evaluation council adopts the following ~~((sections or subsections))~~ provisions of chapter 173-400 WAC, in effect on July 1, 2003, by reference.

WAC 173-400-030: Definitions.

WAC 173-400-035: Portable and temporary sources.

WAC 173-400-040: General standards for maximum emissions.

WAC 173-400-050: Emission standards for combustion and incineration units.

- WAC 173-400-060: Emission standards for general process units.
- WAC 173-400-075: Emission standards for sources emitting hazardous air pollutants.
- WAC 173-400-081: Startup and shutdown.
- WAC 173-400-091: Voluntary limits on emissions.
- WAC 173-400-105: Records, monitoring, and reporting.
- WAC 173-400-107: Excess emissions.
- WAC 173-400-110: New source review (NSR).
- WAC 173-400-112: Requirements for new sources in nonattainment areas.
- WAC 173-400-113: Requirements for new sources in attainment or unclassifiable areas.
- WAC 173-400-114: Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.
- WAC 173-400-117: Special protection requirements for federal Class I areas.
- WAC 173-400-120: Bubble rules.
- WAC 173-400-131: Issuance of emission reduction credits.
- WAC 173-400-136: Use of emission reduction credits.
- WAC 173-400-141: Prevention of significant deterioration (PSD).
- WAC 173-400-151: Retrofit requirements for visibility protection.
- WAC 173-400-161: Compliance schedules.
- WAC 173-400-171: Public involvement.
- WAC 173-400-180: Variance.
- WAC 173-400-190: Requirements for nonattainment areas.
- WAC 173-400-200: Creditable stack height and dispersion techniques.
- WAC 173-400-205: Adjustment for atmospheric conditions.

(2) The energy facility site evaluation council adopts the following (~~sections or subsections~~) provisions of chapter 173-401 WAC, in effect on July 1, 2003, by reference.

- WAC 173-401-100: Program overview.
- WAC 173-401-200: Definitions.
- WAC 173-401-300: Applicability.
- WAC 173-401-500: Permit applications.
- WAC 173-401-510: Permit application form.
- WAC 173-401-520: Certification.
- WAC 173-401-530: Insignificant emission units.
- WAC 173-401-531: Thresholds for hazardous air pollutants.

- WAC 173-401-532: Categorically exempt insignificant emission units.
- WAC 173-401-533: Units and activities defined as insignificant on the basis of size or production rate.
- WAC 173-401-600: Permit content.
- WAC 173-401-605: Emission standards and limitations.
- WAC 173-401-610: Permit duration.
- WAC 173-401-615: Monitoring and related record-keeping and reporting requirements.
- WAC 173-401-620: Standard terms and conditions. Except (2)(i).
- WAC 173-401-625: Federally enforceable requirements.
- WAC 173-401-630: Compliance requirements.
- WAC 173-401-635: Temporary sources.
- WAC 173-401-640: Permit shield.
- WAC 173-401-645: Emergency provision.
- WAC 173-401-650: Operational flexibility.
- WAC 173-401-700: Action on application.
- WAC 173-401-705: Requirement for a permit.
- WAC 173-401-710: Permit renewal, revocation and expiration.
- WAC 173-401-720: Administrative permit amendments.
- WAC 173-401-722: Changes not requiring permit revisions.
- WAC 173-401-725: Permit modifications.
- WAC 173-401-730: Reopening for cause.
- WAC 173-401-750: General permits.
- WAC 173-401-800: Public involvement.
- WAC 173-401-810: EPA Review.
- WAC 173-401-820: Review by affected states.

(3) The energy facility site evaluation council adopts the following (~~sections or subsections~~) provisions of chapter 173-406 WAC, in effect on July 1, 2003, by reference.

Part I - GENERAL PROVISIONS

- WAC 173-406-100: Acid rain program general provisions.
- WAC 173-406-101: Definitions.
- WAC 173-406-102: Measurements, abbreviations, and acronyms.
- WAC 173-406-103: Applicability.
- WAC 173-406-104: New units exemption.
- WAC 173-406-105: Retired units exemption.
- WAC 173-406-106: Standard requirements.

Part II - DESIGNATED REPRESENTATIVE

- WAC 173-406-200: Designated representative.
- WAC 173-406-201: Submissions.
- WAC 173-406-202: Objections.

Part III - APPLICATIONS

- WAC 173-406-300: Acid rain permit applications.
- WAC 173-406-301: Requirement to apply.
- WAC 173-406-302: Information requirements for acid rain permit applications.
- WAC 173-406-303: Permit application shield and binding effect of permit application.

Part IV - COMPLIANCE PLAN

- WAC 173-406-400: Acid rain compliance plan and compliance options.
- WAC 173-406-401: General.
- WAC 173-406-402: Repowering extensions.

Part V - PERMIT CONTENTS

- WAC 173-406-500: Acid rain permit.
- WAC 173-406-501: Contents.
- WAC 173-406-502: Permit shield.

Part VI - PERMIT ISSUANCE

- WAC 173-406-600: Acid rain permit issuance procedures.
- WAC 173-406-601: General.
- WAC 173-406-602: Completeness.
- WAC 173-406-603: Statement of basis.
- WAC 173-406-604: Issuance of acid rain permits.
- WAC 173-406-605: Acid rain permit appeal procedures.

Part VII - PERMIT REVISIONS

- WAC 173-406-700: Permit revisions.
- WAC 173-406-701: General.
- WAC 173-406-702: Permit modifications.
- WAC 173-406-703: Fast-track modifications.
- WAC 173-406-704: Administrative permit amendment.
- WAC 173-406-705: Automatic permit amendment.
- WAC 173-406-706: Permit reopenings.

Part VIII - COMPLIANCE CERTIFICATION

- WAC 173-406-800: Compliance certification.
- WAC 173-406-801: Annual compliance certification report.

Part VIII - COMPLIANCE CERTIFICATION

- WAC 173-406-802: Units with repowering extension plans:

Part IX - NITROGEN OXIDES

- WAC 173-406-900: Nitrogen oxides emission reduction program.

Part X - SULFUR DIOXIDE OPT-IN

- WAC 173-406-950: Sulfur dioxide opt-ins.

(4) The energy facility site evaluation council adopts the following (~~sections or subsections~~) provisions of chapter 173-460 WAC, in effect on July 1, 2003, by reference.

- WAC 173-460-010: Purpose.
- WAC 173-460-020: Definitions.
- WAC 173-460-030: Requirements, applicability and exemptions.
- WAC 173-460-040: New source review.
- WAC 173-460-050: Requirement to quantify emissions.
- WAC 173-460-060: Control technology requirements.
- WAC 173-460-070: Ambient impact requirement.
- WAC 173-460-080: Demonstrating ambient impact compliance.
- WAC 173-460-090: Second tier analysis.
- WAC 173-460-100: Request for risk management decision.
- WAC 173-460-110: Acceptable source impact levels.
- WAC 173-460-120: Scientific review and amendment of acceptable source impact levels and lists.
- WAC 173-460-130: Fees.
- WAC 173-460-140: Remedies.
- WAC 173-460-150: Class A toxic air pollutants: Known, probable and potential human carcinogens and acceptable source impact levels.
- WAC 173-460-160: Class B toxic air pollutants and acceptable source impact levels.

AMENDATORY SECTION (Amending WSR 95-17-088, filed 8/21/95, effective 9/21/95)

WAC 463-39-030 Additional definitions. (1) "Council" means the energy facility site evaluation council.

(2) In addition to the definitions contained in WAC 173-400-030, 173-401-200, 173-406-101, "ecology," (~~and~~) "authority," and "permitting agency" shall be synonymous with the energy facility site evaluation council unless a different meaning is plainly required by context.

AMENDATORY SECTION (Amending WSR 95-17-088, filed 8/21/95, effective 9/21/95)

WAC 463-39-090 Permit application form. (1) Applications for air operating permits ~~((shall))~~ may be on the standard form(s) developed by the department of ecology and shall contain the information required pursuant to WAC 173-401-510(2).

(2) Applications for permits under chapter 173-406 WAC shall be on form(s) developed by the department of ecology.

AMENDATORY SECTION (Amending WSR 93-23-035, filed 11/10/93, effective 12/11/93)

WAC 463-39-100 Registration. (1) The owner or operator of each stationary source subject to chapter 80.50 RCW shall register the source with the council. Stationary sources subject to chapter 173-401 WAC are not required to comply with these registration requirements.

Registration shall be on forms which have been adopted for use by the department of ecology within the time specified thereon.

A report of closure shall be filed with the council within ninety days after operations producing emissions permanently ceased at any source within the council's jurisdiction.

(2) The council shall ensure that the following, as it pertains to sources covered under this rule, is passed on to ecology in a timely manner for inclusion in its permit register:

(a) Public meetings or hearings on draft operating permits;

(b) Receipt of complete applications;

(c) Permit appeals;

(d) Issuance or denial of final permit, permit modifications, or renewals;

(e) Authorization for a source to operate without an operating permit by limiting its potential to emit to levels below those that would require the source to obtain an operating permit;

(f) Periodic summaries of enforcement order and changes made without revising the permit pursuant to WAC 173-401-722.

AMENDATORY SECTION (Amending WSR 95-17-088, filed 8/21/95, effective 9/21/95)

WAC 463-39-105 Fees and costs. (1) Holders of air operating permits issued to major energy facilities in accordance with RCW 70.04.422 shall be assessed annual fees, by the council, to recover the costs associated with program development, monitoring, compliance, and administration of the air operating permit program.

(2) All fees recovered under the air operating permit program shall be deposited in the state air operating permit account.

(3) The council shall determine and assess fees for air operating permits based on the following:

(a) Sources which are located in counties having a local air authority shall be assessed fees based upon the fee structure set by that local air authority.

(b) Sources which are located in counties not having a local air authority, or are cogeneration facilities which provide steam and/or electricity to primary industries such as ~~((the))~~ aluminum or pulp and paper mills, shall be assessed fees based upon the fee structure set by the department of ecology.

(c) Radioactive emissions sources shall be assessed fees consistent with the department of health fee structure.

(d) Department of ecology air operating permit program administration costs shall be charged to all sources under council jurisdiction.

(e) The council shall recover its actual costs for program administration as provided in WAC 463-58-050.

AMENDATORY SECTION (Amending WSR 94-16-031, filed 7/26/94, effective 8/26/94)

WAC 463-39-115 Standards of performance for new stationary sources. ~~((Subparts A, D, Da, GG, J, K, Kb, Y, KKK, LLL, QQQ of))~~

(1) Title 40, Code of Federal Regulations, Part 60 (standards of performance for new stationary sources), ((are)) in effect on July 1, 2003, as applicable to new stationary sources subject to chapter 80.50.RCW is by this reference adopted and incorporated herein with the exception ((of sections 60.5 (determination of construction or modification) and 60.6 (review of plans))) listed in subsection (2) of this section. For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the council. The following list is provided for informational purposes only:

<u>Subpart A</u>	<u>General Provisions, except CFR 60.5 and 60.6</u>
<u>Subpart D</u>	<u>Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 350 megawatts</u>
<u>Subpart Da</u>	<u>Electric utility steam generating units for which construction commenced after September 18, 1978, which have greater than 73 megawatts but not greater than 350 megawatts</u>
<u>Subpart J</u>	<u>Petroleum refineries which produce less than 25,000 barrels per day of refined products</u>
<u>Subpart K</u>	<u>Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons</u>
<u>Subpart Ka</u>	<u>Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons</u>

Subpart Kb Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984

Subpart Y Standards for Performance for Coal Preparation Plants

Subpart GG Stationary gas turbines

Subpart XX Bulk gasoline terminals

Subpart GGG Petroleum refineries – compressors and fugitive emission sources

Subpart KKK Equipment leaks of VOC from onshore natural gas processing plants

Subpart LLL Onshore natural gas processing: SO₂ emissions

Subpart NNN VOC emissions from SOCMIs distillation operations

Subpart OOO VOC emissions from petroleum refinery wastewater emissions

Appendix A Test Methods

Appendix B Performance Specifications

Appendix C Determination of Emission Rate Change

Appendix D Required Emission Inventory Information

Appendix F Quality Assurance Procedures

(2) Exceptions to adopting 40 CFR Part 60 by reference.

Sections 60.5 and 60.6 (~~of Title 40, Code of Federal Regulations,~~) are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC 173-400-110, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.

AMENDATORY SECTION (Amending Order 79-1, filed 8/6/79)

WAC 463-39-135 Criminal penalties. Persons in violation of this chapter may be subject to the provisions of chapter 80.50 RCW and RCW 70.94.422.

AMENDATORY SECTION (Amending Order 79-1, filed 8/6/79)

WAC 463-39-170 Conflict of interest. No member of the council shall have received, or has during the previous two years received, a significant portion of his or her income directly or indirectly from permit holders or applicants for a permit under the jurisdiction of this council.

(1) For the purposes of this section, the term "member" includes any individual who has or shares authority to approve permit applications or portions thereof, either in the first instance or on appeal.

(2) For the purpose of this section, the term "permit holder or applicants for a permit" shall not include any department or agency of a state government.

(3) For the purposes of this section, the term "significant portion of his income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age and is receiving such portion pursuant to retirement pension or similar arrangement.

(4) For the purposes of this section, the term "income" includes retirement benefits, consultant fees and stock dividends.

(5) For the purposes of this section, income is not received "directly or indirectly from permit holders or applicants for a permit" if it is derived from mutual fund payments or from other diversified investments over which the recipient does not know the identity of the primary source of income.

AMENDATORY SECTION (Amending WSR 94-16-031, filed 7/26/94, effective 8/26/94)

WAC 463-39-230 Regulatory actions. The council may take any of the following regulatory actions to enforce this chapter to meet the provisions of RCW 80.50.040 or 70.94.422.

(1) Enforcement actions—Notice of violation. At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431 (1) through (7), the council shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or rule or regulation alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the council may require that the alleged violator or violators appear before it for the purpose of providing information to the council (~~information~~) pertaining to the violation or the charges complained of. Every notice of violation shall offer the alleged violator an opportunity to meet with the council prior to the commencement of enforcement action.

(2) Civil penalty.

(a) All penalties assessed as the result of air emission violations shall be consistent with RCW 70.94.332, 70.94.430, 70.94.431 (1) through (7), and 70.94.435. Any person who violates any of the provisions of chapter 70.94 RCW may incur a civil penalty in an amount as set forth in RCW 70.94.431. Each such violation shall be separate and distinct and, for a continuing violation, each day's continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty as set forth by RCW 70.94.431 for each day of continued noncompliance.

(b) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest

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shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amount established in RCW 70.94.431 may be increased annually to account for inflation as determined by the state office of economic and revenue forecast council.

(c) Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 70.94.422.

(d) All penalties recovered under this section by the council shall be paid into the state treasury and credited to the air pollution control account established in RCW 70.94.015.

(e) In addition to other penalties provided by this chapter, persons knowingly under-reporting emission or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(3) Assurance of discontinuance. The chair, or his/her authorized representative, may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions. Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the council, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes. The council may issue such orders as authorized by chapter 80.50 RCW, whenever an air pollution episode forecast is declared.

(6) Compliance orders. The council may issue a compliance order in conjunction with a notice of violation. The order shall require the recipient of the notice of violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated.

WSR 04-17-061
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-207—Filed August 11, 2004, 3:44 p.m., effective September 11, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amending WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures and 232-28-515 Trapping seasons and regulations; adopting WAC 232-28-428 2004-05 Migratory waterfowl seasons and

regulations and 232-16-610 Snipes game reserve; and repealing WAC 232-28-427 2003-04 Migratory waterfowl seasons and regulations and 232-16-270 Moxee game reserve.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-427 and 232-16-270; and amending WAC 232-16-740 and 232-28-515.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-13-171, 04-13-166, and 04-13-168 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: **WAC 232-28-428 2004-05 Migratory waterfowl seasons and regulations.**

After Duck Season Dates:

- Added EXCEPT pintail and canvasback season closed Oct. 23 - Dec. 6, 2004. This change was made to comply with federal rules regarding pintail and canvasback seasons.

Under Duck Season, Written Authorization to Hunt Sea Ducks:

- Delete the statement "No applications will be accepted after October 31, 2004." For the first year of this new hunting authorization, the adjustment will allow the requirement to be better known and not exclude uninformed hunters. A deadline will be proposed for the 2005-06 season.
- Changed the date that the harvest reports are due from January 31 to February 15 to allow more time for reporting.

Under Goose Management Area 2A:

- Change season dates in all areas except Ridgefield NWR from Saturdays and Tuesdays only, Dec. 11, 2004 - Jan. 29, 2005, except closed Dec. 25, 2004 and Jan. 1, 2005, to the following dates: Nov. 27, Dec. 4, 11, 14, 18, 21, 26, 28, 2004; Jan. 1, 4, 8, 11, 15, 18, 22, 2005. Change season dates at Ridgefield NWR from Saturdays, Tuesdays, and Thursdays only, Dec. 11, 2004 - Jan. 29, 2005, except closed Dec. 25, 2004 and Jan. 1, 2005, to the following dates: Saturdays, Tuesdays, and Thursdays only, Nov. 27, 2004 - Jan. 22, 2005. Based on input from hunters and landowners since the regulation was filed, this adjustment will provide the most opportunity for weekend hunting opportunities, while assisting with agricultural damage control.

Under Goose Management Area 2B:

- Change season dates in all areas from Saturdays and Wednesdays only, Nov. 13, 2004 - Jan. 5, 2005, except closed Dec. 25, 2004 and Jan. 1, 2005, to the following dates: Oct. 16, 23, 30, Nov. 6, 13, 20, 27, Dec. 4, 11, 18, 26, 2004; Jan. 2, 8, 15, 2005. Based on public input since the regulation was filed, this adjustment will provide the most opportunity for weekend hunting opportunities.

Under Special Late Canada Goose Season for Goose Management Area 2A:

- Remove references to Area 2B. To provide earlier season hunting days on weekends in Area 2B, this adjustment will eliminate the late season in Area 2B.

No late season damage hunts were conducted in Area 2B last year.

Under Brant Season:

- Change season dates from Dec. 18, 19, 22, 24, and 26, 2004 to Jan. 22, 23, 26, 29, 30, 2005. January dates offer better hunting times and higher brant populations.
- Changed the date that the harvest reports are due from January 31 to February 15 to allow more time for reporting.

Under Falconry Season:

- Change season dates for Goose Management Area 2A from Dec. 11, 2004 - Jan. 29, 2005, except closed Dec. 25, 2004 and Jan. 1, 2005; and Feb. 5 - Mar. 9, 2005 to Nov. 27, Dec. 4, 11, 14, 18, 21, 26, 28, 2004; Jan. 1, 4, 8, 11, 15, 18, 22, 2005; and Feb. 5 - Mar. 9, 2005. This adjustment is necessary to conform to the general season.
- Change season dates for Goose Management Area 2B from Nov. 13, 2004 - Jan. 5, 2005, except closed Dec. 25, 2004 and Jan. 1, 2005; and Feb. 5 - Mar. 9, 2005 to Oct. 16, 23, 30, Nov. 6, 13, 20, 27, Dec. 4, 11, 18, 26, 2004; Jan. 2, 8, 15, 2005. This adjustment is necessary to conform to the general season.

WAC 232-16-610 Snipes game reserve.

In order to provide more clarity to the description the following underlined language is added: WDFW lands within the following boundary of the Sunnyside Wildlife Area: That portion of T9N, R22E, Section 21 lying north and east of the Yakima River; the SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of T9N, R22E, Section 22; and that portion of the SW 1/4 of the SW 1/4 of T9N, R22E, Section 22 lying north and east of the Yakima River.

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 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.

Date Adopted: August 6, 2004.

Susan Yeager
for Will Roehl, Chairman
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 03-175, filed 8/5/03, effective 9/5/03)

WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures. (~~It shall be~~

~~unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:))~~ It shall be unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:

Section 1. Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia river, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

Section 2. Klickitat County - the Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the grain elevator at Roosevelt.

Section 3. The Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Paterson (river channel marker 67), except the hunting of waterfowl, coot, and snipe is permitted from the main shoreline of the Columbia River in this area.

Section 4. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) powerline crossing in Section 30, T13N, R28E, to Vernita Bridge (Highway 24).

Section 5. The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

Section 6. The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to (~~Lower Monumental Dam~~) a line running between shoreline navigation markers 4 and 5 at Levey and Charbonneau Recreation Areas.

Section 7. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

AMENDATORY SECTION (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

WAC 232-28-515 Trapping seasons and regulations.
Trapping Regulations

To be issued your first Washington State trapping license an individual must pass the Washington State trapper education exam.

A trapping license will only be issued to a trapper that has returned the mandatory trapper report of catch postmarked on or before April 10 of the previous year. A trapper that fails to submit a report of catch must wait one year before purchasing another trapping license. False reports will be considered the same as failure to return the catch report.

It is unlawful to: Trap for wild animals before October 1, and after March 15, in western Washington, except that owners

of, or persons legally controlling a property (or their designee) may trap unclassified wild animals that are causing damage or predateding on said property.

It is unlawful to: Place traps or establish drowning wires and weights prior to 7:00 a.m. on the opening date of the trapping season. All opening and closing season dates are inclusive.

Trapping Seasons:

General Western Washington Trapping Seasons (Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom counties):

SPECIES	OPENING DATE	CLOSING DATE
Bobcat((Red-Fox, and Weasel))	November 15, 2003 November 20, 2004 November 19, 2005	February 15, 2004 February ((15)) 28, 2005 February ((15)) 28, 2006
<u>Beaver, River Otter, Red Fox, Weasel, Marten, Mink, Muskrat, and Raccoon</u>	November 15, 2003 November ((29)) 1, 2004 November ((19)) 1, 2005	January 31, 2004 ((January)) March 31, 2005 ((January)) March 31, 2006
((Beaver and River Otter	December 13, 2003 December 11, 2004 December 10, 2005	February 15, 2004 February 15, 2005 February 15, 2006)

Exceptions to General Western Washington Trapping Seasons:

Game Management Unit 522 (Loo-wit) (Cowlitz and Skamania counties) is closed to all trapping.

Island County

The red fox season is closed.

Lewis County

Green River drainage, above and including Miners Creek drainage, is closed to all trapping except for bobcat and coyote.

Skagit and Whatcom counties

Ross Lake National Recreation Area is closed to all trapping. Red fox season is closed, except within the boundaries of Mount Baker-Snoqualmie and Okanogan National Forests.

Skamania County

The following areas are closed to all trapping, except for bobcat and coyote: Muddy River drainage, above and including Bean Creek drainage; Pine Creek drainage above USFS Road 83; and Green River drainage, above and including Miners Creek drainage.

General Eastern Washington Trapping Seasons (Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties):

SPECIES	OPENING DATE	CLOSING DATE
((Badger, Beaver,) Bobcat((Mink, Muskrat, Raccoon, Red-Fox, and Weasel))	November 8, 2003 November ((13)) 20, 2004 November ((12)) 19, 2005	February 28, 2004 February 28, 2005 February 28, 2006
((Marten)	December 15, 2003 December 15, 2004 December 15, 2005	January 31, 2004 January 31, 2005 January 31, 2006)
<u>Badger, Beaver, Mink, Muskrat, Raccoon, Red Fox, Weasel, Marten, River Otter</u> (Season Bag Limit is 6 River Otter in Eastern Washington)	November 8, 2003 November ((13)) 1, 2004 November ((12)) 1, 2005	February 28, 2004 ((February 28)) March 31, 2005 ((February 28)) March 31, 2006

Exceptions to General Eastern Washington Trapping Seasons:

River otter trapping season is closed in all Eastern Washington counties, except that it is open in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens, and Yakima counties, as well as in the Snake and Walla Walla River drainages.

Chelan County

Beaver season is closed in Swakane and Mudd Creek drainages.

Columbia County

Trapping is not allowed on the Umatilla Tribes Rainwater Wildlife Area in Columbia County, as per their management plan.

Kittitas County

Beaver season is closed in the following drainages: North fork of Tarpiscan Creek and Umtanum Creek.

Urban Trapping Areas: Special Regulations and Trap Restrictions

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of body-gripping or kill traps **except** by permit under WAC 232-12-141.

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties: Beginning at the confluence of Snohomish River and Puget Sound; east up Snohomish River to Interstate 5 (I-5); south on I-5 to Interstate 405 (I-405); south on I-405 to I-5; south on I-5 to Pioneer Way; east on Pioneer Way to Waller Road; south on Waller Road to SR 512; west on SR 512 to Highway 7; south on Highway 7 and Highway 507 to Pierce County line; north

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on Pierce County line to Puget Sound; north along coast to mouth of Snohomish River and point of beginning.

NEW SECTION

WAC 232-28-428 2004-05 Migratory waterfowl seasons and regulations.

DUCKS

Statewide

Oct. 16-20, 2004 and Oct. 23, 2004 - Jan. 30, 2005, EXCEPT pintail and canvasback season closed Oct. 23 - Dec. 6, 2004.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 18-19, 2004.

Daily bag limit: 7 ducks, to include not more than 2 hen mallard, 1 pintail, 4 scaup, 1 canvasback, 2 redhead, 1 harlequin, 4 scoter, and 4 long-tailed duck.

Possession limit: 14 ducks, to include not more than 4 hen mallard, 2 pintail, 8 scaup, 2 canvasback, 4 redhead, 1 harlequin, 8 scoter, and 8 long-tailed duck.

Season limit: 1 harlequin

WRITTEN AUTHORIZATION REQUIRED TO HUNT SEA DUCKS.

All persons hunting sea ducks (harlequin, scoter, long-tailed duck) in Western Washington are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters must fill out an application (available at Washington department of fish and wildlife, Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 2004-05 authorization before the season starts. Immediately after taking a sea duck into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By February 15, 2005, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2005-06 sea duck season.

COOT (Mudhen)

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

GEESE (except Brant and Aleutian Canada geese)

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 18-19, 2004, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily bag limit: 4 Canada geese.

Possession limit: 8 Canada geese.

Western Washington Goose Seasons

Goose Management Area 1

Island, Skagit, Snohomish counties.

Oct. 16, 2004 - Jan. 9, 2005 for snow, Ross', or blue geese.

Oct. 16-29, 2004 and Nov. 6, 2004 - Jan. 30, 2005 for other geese (except Brant and Aleutian Canada geese).

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE.

All persons hunting snow geese in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2003-04 authorization and returned the harvest report prior to the deadline will be mailed a 2004-05 authorization in early October. Hunters who did not possess a 2003-04 authorization must fill out an application (available at Washington department of fish and wildlife, Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 2004-05 authorization before the season starts. No applications will be accepted after October 31, 2004. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2005, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2005-06 snow goose season.

Goose Management Area 2A

Cowlitz and Wahkiakum counties, and that part of Clark County north of the Washougal River.

Open in all areas except Ridgefield NWR from 8:00 a.m. to 4:00 p.m. Nov. 27, Dec. 4, 11, 14, 18, 21, 26, 28, 2004; Jan. 1, 4, 8, 11, 15, 18, 22, 2005. Ridgefield NWR open from 8:00 a.m. to 4:00 p.m. Saturdays, Tuesdays, and Thursdays only, Nov. 27, 2004 - Jan. 22, 2005.

Goose Management Area 2B

Pacific and Grays Harbor counties.

Open from 8:00 a.m. to 4:00 p.m. Oct. 16, 23, 30, Nov. 6, 13, 20, 27, Dec. 4, 11, 18, 26, 2004; Jan. 2, 8, 15, 2005.

Bag limits for Goose Management Areas 2A and 2B:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, and not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, and not more than 6 snow, Ross', or blue geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Special Provisions for Goose Management Areas 2A and 2B:

The Canada goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 duskys, to be distributed 10 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County except Ridgefield NWR); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); 10 for Zone 5 (Pacific County); and 5 for Zone 6 (Grays Harbor County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington department of fish and wildlife. Hunters who maintained a valid 2003-04 written authorization will be mailed a 2004-05 authorization card prior to the 2004-05 season. New hunters and those who did not maintain a valid 2003-04 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive written authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a harvest report. Hunters must carry the authorization card and harvest report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the harvest report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report, written authorization will be invalidated and the hunter will not be able to hunt Canada geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late Canada goose season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

Special Late Canada Goose Season for Goose Management Area 2A:

Open to Washington department of fish and wildlife advanced hunter education (AHE) program graduates and youth hunters (15 years of age or under, who are accompanied by an AHE hunter) possessing a valid 2004-05 southwest Washington Canada goose hunting authorization, in areas with goose damage in Goose Management Area 2A on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays and Wednesdays only, Feb. 5 - Mar. 9, 2005.

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Possession limit: 8 Canada geese, to include not more than 1 dusky Canada goose.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm.

Hunters qualifying for the season will be placed on a list for participation in this hunt. Washington department of fish and wildlife will assist landowners with contacting qualified hunters to participate in damage control hunts on specific lands incurring goose damage. Participation in this hunt will depend on the level of damage experienced by landowners. The special late Canada goose season will be closed by emergency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. All provisions listed above for Goose Management Area 2A regarding written authorization, harvest reporting, and checking requirements also apply to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Area 2A.

Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B.

Oct. 16-29, 2004 and Nov. 6, 2004 - Jan. 30, 2005

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

Eastern Washington Goose Seasons

Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Oct. 16-18, 2004, and Saturdays, Sundays, and Wednesdays only during Oct. 23, 2004 - Jan. 23, 2005; Nov. 11, 25, and 26, 2004; Dec. 27, 28, 30, and 31, 2004; and every day Jan. 24-30, 2005.

Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Oct. 16-18, 2004, every day from Oct. 23, 2004 - Jan. 30, 2005.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

BRANT

Open in Skagit and Pacific counties only on the following dates:

Nov. 20, 21, 23, 25, and 26, 2004.

Jan. 22, 23, 26, 29, 30, 2005.

If the 2004-05 pre-season brant population in Skagit County is below 6,000 (as determined by the early January survey), the January 2005 brant season in Skagit County will be canceled.

WRITTEN AUTHORIZATION REQUIRED:

All hunters participating in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2003-04 authorization and reported harvest prior to the deadline will be mailed a 2004-05 authorization in November. Hunters who did not possess a 2003-04 authorization must fill out an application (available at Washington department of fish and wildlife regional offices). Application forms must be delivered to a department office no later than 5:00 p.m. on November 8, or postmarked on or before November 8, after which applicants will be mailed a 2004-05 authorization. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By February 15, 2005, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2005-06 brant season.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.

Possession limit: 4 brant.

ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

FALCONRY SEASONS**DUCKS, COOTS, AND SNIPE (Falconry)**

(Bag limits include geese and mourning doves.)

Oct. 16-20, 2004 and Oct. 23, 2004 - Jan. 30, 2005 statewide.

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Goose Management Area 1: Oct. 16, 2004 - Jan. 9, 2005.

Goose Management Area 2A: Nov. 27, Dec. 4, 11, 14, 18, 21, 26, 28, 2004; Jan. 1, 4, 8, 11, 15, 18, 22, 2005; and Feb. 5 - Mar. 9, 2005.

Goose Management Area 2B: Oct. 16, 23, 30, Nov. 6, 13, 20, 27, Dec. 4, 11, 18, 26, 2004; Jan. 2, 8, 15, 2005.

Goose Management Areas 3, 4, and 5: Oct. 16-18, 2004 and Nov. 6, 2004 - Jan. 30, 2005.

Daily bag limit for all areas: 3 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Possession limit for all areas: 6 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

NEW SECTION

WAC 232-16-610 Snipes game reserve. WDFW lands within the following boundary of the Sunnyside Wildlife Area: That portion of T9N, R22E, Section 21 lying north and east of the Yakima River; the SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of T9N, R22E, Section 22; and that portion of the SW 1/4 of the SW 1/4 of T9N, R22E, Section 22 lying north and east of the Yakima River.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-427

2003-04 Migratory waterfowl seasons and regulations.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-16-270

Moxee Game Reserve.

WSR 04-17-066

PERMANENT RULES

GAMBLING COMMISSION

[Order 433—Filed August 12, 2004, 1:20 p.m., effective September 12, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Filed under expedited adoption to correct field office and headquarters addresses.

Citation of Existing Rules Affected by this Order: Amending WAC 230-02-035 and 230-02-030.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 04-12-038 on May 27, 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 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 0, Amended 2, Repealed 0.

Date Adopted: August 11, 2004.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 294, filed 6/18/96, effective 7/19/96)

WAC 230-02-035 Field offices and operations. The administrative office of the commission and its staff is located at ~~((649 Woodland Square Loop))~~ 4565 7th Avenue, S.E., Lacey, WA 98503((-8124)). The mailing address is: P.O. Box 42400, Olympia, WA 98504-2400. Commission offices located in other cities are as follows:

City	Telephone Number
Eastern Region	
N 901 Monroe, Rm. 240 Spokane 99201	((509) 456-3167) <u>509-329-3666</u>
((502 W. Nob Hill Blvd.)) <u>1703 Creekside Loop</u> Suite ((#4)) 120, Yakima 98902	((509) 575-2820) <u>509-575-2820</u>
((P.O. Box 2067, Wenatchee 98801))	((509) 662-0435)
Northwest Region	
((Fisher Business Center 3500 188th St. SW, Suite 601, Lynnwood 98037)) <u>3501 Colby Avenue</u> <u>Suite 102</u> <u>Everett 98201</u>	((206) 776-6751) <u>425-339-1728</u>
851 Coho Way #201 Bellingham 98225	((360) 738-6203) <u>360-738-6203</u>
<u>451 Southwest 10th St.</u> <u>Plaza 451 Building</u> <u>Suite 218</u> <u>Renton 98055</u>	<u>425-277-7014</u>

City	Telephone Number
Southwest Region	
Tacoma Mall Office Building - 4301 Pine St. #307 Tacoma 98409-7206	((206) 593-2227) <u>253-471-5312</u>

AMENDATORY SECTION (Amending Order 251, filed 5/17/94, effective 7/1/94)

WAC 230-02-030 Normal commission operations—Administrative office address and business hours. (1) The administrative office of the commission is located in Lacey, Washington. Services available are administration, information, licensing, investigation, activity report processing, and public records. Unless specifically provided elsewhere in these rules, applications for licenses, submission of materials or requests for notices or information of any kind, may be made by addressing correspondence to:

Mailing Address	Location Address
Washington State Gambling Commission P.O. Box 42400 Olympia, WA 98504- 2400	Washington State Gambling Commission ((649 Woodland Square Loop)) <u>4565 7th Avenue S.E.</u> Lacey, WA 98503

(2) Normal business hours for the administrative office, unless specifically provided elsewhere in these rules, shall be 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

WSR 04-17-067

PERMANENT RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed August 12, 2004, 1:21 p.m., effective September 12, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Address safety concerns, respond to administrative changes, and incorporate editorial adjustments.

Citation of Existing Rules Affected by this Order: Amending WAC 106-116-203, 106-116-305, 106-116-521, 106-116-603, and 106-116-801.

Statutory Authority for Adoption: RCW 28B.10.528.

Other Authority: RCW 28B.35.120(12).

Adopted under notice filed as WSR 04-14-063 on July 1, 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 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

PERMANENT

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.

Date Adopted: August 10, 2004.

Jerilyn S. McIntyre
President

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-203 Specific parking prohibitions. (1) Parking in areas and places normally used for moving traffic is a specific violation of these regulations.

(2) Parking in such a position with relation to other parked cars or marked parking spaces as to impede, restrict, or prevent free ingress or egress by other automobiles violates these regulations.

(3) Parking in areas marked for a special permit or clearly designated by signing for special use not available to the general public or regular permit holders is prohibited. Examples: Parking in a space marked "disability permit only," or "health center permit only," or "psychology permit only."

(4) Parking and/or driving on sidewalks is prohibited.

(5) Parking or driving on lawns or flower beds is prohibited.

(6) Compact car zones are placed there for safety reasons. These spaces are to be used by small cars only. This does not include pickups (of any size), sport utility vehicles, station wagons or any other large vehicles.

AMENDATORY SECTION (Amending WSR 02-18-077, filed 8/30/02, effective 9/30/02)

WAC 106-116-305 General permits. (1) Daily parking permits are available from the automatic ticket dispensers and cashier's office. These permits must be displayed in clear view on the dash of the vehicle or as instructed on the permit, readable from outside the vehicle.

(2) Thirty-minute "load/unload permits" are available for loading and unloading. Load/unload permits are available to vendors conducting business on campus, service vehicles, and student vehicles. Load/unload permits are available at the public safety and police services department and the parking kiosk.

(3) No permits are available for inoperative or disabled vehicles. Public safety and police services should be contacted if your vehicle becomes disabled in a university-owned parking lot.

(4) Quarterly, academic year, and calendar year permits are available to faculty, staff, and students(~~and alumni~~) through the cashiers' office.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-521 Monetary penalties. (1) The monetary penalties to be assessed for violations of these regulations shall be those detailed in WAC 106-116-603.

(2) The chief of public safety and police services or designee will cause:

(a) These regulations or a reasonable condensation thereof to be prominently displayed in the public safety and police services department.

(b) The amount of the monetary penalty to be written on the parking-violation notices served on alleged violators.

(c) Removal or immobilization of vehicles at owner's expense when infractions remain unpaid.

AMENDATORY SECTION (Amending WSR 02-18-077, filed 8/30/02, effective 9/30/02)

WAC 106-116-603 Monetary penalty schedule.

Offense	Penalty
(1) Improper display of permit	\$ 15.00
(2) Parking faculty-staff area	25.00
(3) Parking yellow stripe or curb	25.00
(4) Parking outside designated parking area	25.00
(5) Obstructing traffic	30.00
(6) Parking at improper angle or using more than one stall	15.00
(7) Violation of the bicycle parking rules in WAC 106-116-901	15.00
(8) Reserved parking area	25.00
(9) No parking area	25.00
(10) Overtime parking	15.00
(11) Using counterfeit, falsely made, or altered permit	150.00 to <u>250.00</u>
(12) Illegal use of permit	150.00 to <u>250.00</u>
(13) No current permit	15.00
(14) Parking service drive	25.00
(15) Parking/driving sidewalks, malls	25.00
(16) Parking/driving lawns	25.00
(17) Parking fire lane	30.00
(18) Parking fire hydrant	30.00
(19) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	15.00
(20) Other violations (of the objectives) of the CWU parking and traffic regulations	15.00 to (25.00) <u>250.00</u>
(21) Parking in a space marked "disabled person permit only"	250.00
(22) Continuous parking	25.00 to <u>200.00</u>
(23) No parking 2:00 a.m. to 6:00 a.m.	25.00

PERMANENT

~~(Parking infraction notices shall qualify for a reduction in monetary penalty if paid to the cashier's office in Barge Hall before close of business on the succeeding work day following issuance of the notice. Parking infraction notices received on the last business day of a week must be paid the first business day of the following week to qualify for a reduction in the monetary penalty. The cashier's office is open Monday through Friday, 8:00 a.m. to 5:00 p.m.)~~

Failure to respond within twenty-eight days will result in doubling of the original monetary penalty and a ~~(((\$2.00))~~ \$5.00 administrative fee. However, in accordance with RCW 46.63.110(3), the penalty for failure to respond shall not exceed \$25.00 for any single infraction. Further failure to respond may result in one or more of the following sanctions:

- (a) Withholding of transcripts;
- (b) Deduction from payroll checks;
- (c) Withholding of parking permits; and/or
- (d) Referral to collection agency.

AMENDATORY SECTION (Amending Order 19, filed 8/22/74)

WAC 106-116-801 Motorcycle regulations. Motorcycle operators will be expected to obey the same traffic, parking, and registration regulations as automobile operators on campus.

Motorcycle operators should use designated motorcycle parking areas when provided.

WSR 04-17-072

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 13, 2004, 8:15 a.m., effective September 13, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend chapter 308-14 WAC, regulating court reporters, the purpose of rule revision is to provide further written clarification and to increase the requirements for examination transcription to meet the national standard of two hundred twenty-five words per minute.

Citation of Existing Rules Affected by this Order: Amending WAC 308-14-085 Examination, 308-14-090 Application, 308-14-130 Standards of professional practice and 308-14-135 Transcript preparation format; and new sections WAC 308-14-010 Definitions, 308-14-115 Wall certificates, and 308-14-190 Exemptions—Court appointed.

Statutory Authority for Adoption: RCW 18.145.050, 43.24.023.

Adopted under notice filed as WSR 04-14-073 on July 2, 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 3, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 4, Repealed 0.

Date Adopted: August 13, 2004.

Trudie Touchette
Administrator

NEW SECTION

WAC 308-14-010 Definitions. "Character" is a letter, numeral, punctuation mark, control character, blank, or other such symbol.

"Standard line" is a line that can be determined by looking at a full line of text and counting from the first letter, including punctuation and spaces, to the last letter of that line. The standard line does not include a "Q" or "A," or the numbers on the left side of the page.

AMENDATORY SECTION (Amending WSR 91-20-002 and 91-20-044, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91)

WAC 308-14-085 Examination. (1) The examination for "court reporter," "shorthand reporter," "certified court reporter," or "certified shorthand reporter" shall be an examination developed, administered, and graded by the department with the advice of the board or any examination prepared by a recognized person (institution, organization, corporation) approved by the department that meets the requirements stated in this regulation.

(2) Recognition of an examination as the Washington certification examination is conditioned upon the examination meeting the following requirements:

(a) Be a timed tape with content, speed, and quality approved by the department with the advice of the board, prior to use;

(b) The examination requires the applicant be able to report and transcribe at least two hundred twenty-five words per minute of two-voice testimony for five consecutive minutes;

(c) At least ninety-five percent accuracy is needed to pass the examination;

(d) Be offered at least twice a year;

(e) The pass/fail scores of the state certification applicants are provided to the department within four weeks of the date of the examination to include a complete list of all the applicants;

(f) Examinations statistics are supplied following each examination: The number scheduled, passed, failed, and failed to appear;

(g) The procedures for security and confidentiality of the examination and applicants must meet the requirements of the department of licensing; and

(h) The department will be supplied with the examination tape and all the individual examination papers with grading marks and comments on them for review. The department

reserves the final authority for examination results. The department may retain the examination papers for thirty days after final determination regarding scores to allow appeals and review of papers. Sixty days after the examination results are released all examination papers will be destroyed, except those under appeal, which will be held until final disposition.

~~(3) (The Washington state statutory examinations which were held April 1990, October 1990, and April 1991, are recognized as the qualifying examinations for state certification as a shorthand or court reporter.~~

~~(4)) State applicants who have previously passed the Washington state department of licensing recognized examination within three years of application may be issued certification without additional examination if certified documentation of the passed examination is provided.~~

~~((5)) (4) Applicants who have failed the examination may apply by submission of a reexamination application and the required fee.~~

AMENDATORY SECTION (Amending WSR 91-20-002 and 91-20-044, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91)

WAC 308-14-090 Application. ~~((4))~~ Applications for ~~((temporary and permanent))~~ certification must be complete in every detail and submitted with the required fee. The applications for examination must be received at least eight weeks prior to the examination. Complete applications will contain the following information:

- ~~((a)) (1) Name and address~~
- ~~((b) Business name and address~~
- ~~((c)) (2) Birth ~~((place and))~~ date~~
- ~~((d)) (3) Social Security number~~
- ~~((e) Educational background~~
- ~~((f) Previous work experience in court reporting~~
- ~~((g) List of references ~~(references must have personal knowledge that the applicant has at least two years of court reporting experience)~~~~

~~((h)) (4) Professional licensure/certification, including any action taken against the license or certificate~~

~~((i)) (5) Personal affidavit~~

~~((j) Copies of school transcripts and/or graduation certificate (if required).~~

~~(2) An applicant holding a temporary certificate must submit a complete updated application and fee for permanent certification. The application must be received at least eight weeks prior to the examination date.)~~

NEW SECTION

WAC 308-14-115 Wall certificates. Upon meeting standards of competency as defined in RCW 18.145.080, an applicant will be issued a wall certificate with the applicant's name, issue date and certificate number. Licensees will be issued one wall certificate, which will provide proof of certification.

AMENDATORY SECTION (Amending WSR 91-20-002 and 91-20-044, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91)

WAC 308-14-130 Standards of professional practice. All certified ~~((shorthand))~~ court reporters ~~((CSR))~~ (CCR) shall comply with the following professional standards except where differing standards are established by court or governmental agency. Failure to comply with the following standards is deemed unprofessional conduct. Certified ~~((shorthand))~~ court reporters shall:

(1) Offer arrangements on a case concerning court reporting services or fees to all parties on equal terms.

(2) Include on all transcripts, business cards, and advertisements their ~~((CSR))~~ CCR reference number.

~~((2)) (3) Prepare transcripts in accordance with the transcript preparation guidelines established by WAC 308-14-135 or court.~~

~~((3)) (4) Preserve and file ~~((their))~~ shorthand notes in a manner retrievable. Transcribed notes shall be retained for no less than three years~~(())~~ and untranscribed notes shall be retained for ~~((no))~~ not less than ten years, or as required by statute, whichever is longer.~~

~~((4) Meet promised delivery dates.) (5) Provide transcripts on agreed delivery date, and give notification of any delays.~~

~~((5)) (6) Prepare accurate transcripts.~~

~~((6)) (7) Disclose conflicts, potential conflicts, or appearance of conflicts to all involved parties.~~

~~((7)) (8) Be truthful and accurate in advertising qualifications and/or services provided.~~

~~((8)) (9) Preserve the confidentiality of all information ~~((in their possession))~~ obtained during a proceeding and take all steps necessary to ~~((insure))~~ ensure its security ~~((and privacy)).~~~~

~~((9)) (10) Notify all involved parties when transcripts are ordered.~~

~~((10) Notify all involved parties.) (11) All parties shall be notified when a transcript is ordered by a person not involved in the case~~((, before a copy of the transcript is furnished)).~~ If any party objects, the transcript ~~((is not))~~ cannot be provided without a court order.~~

~~((11)) (12) Supply certified copies of transcripts to any involved party, upon appropriate request.~~

AMENDATORY SECTION (Amending WSR 91-20-002 and 91-20-044, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91)

WAC 308-14-135 Transcript preparation format. The following transcript format ~~((with))~~ shall be followed by all certified ~~((shorthand))~~ court reporters ~~((CSR's))~~ (CCR's), except where format ~~((are))~~ is recommended or established by court or agency.

(1) ~~((No fewer than))~~ Twenty-five typed lines ~~((on a standard))~~ per 8 1/2 x 11 inch standard page of paper.

(2) No fewer than nine and no more than ten characters ~~((to the typed))~~ per inch of text.

(3) No fewer than fifty-four and no more than sixty characters per standard line of text.

NEW SECTION

WAC 308-14-190 Exemptions—Court appointed. A court reporter that is appointed to superior court under RCW 2.32.180 is exempt from the licensure requirements of chapter 18.145 RCW. The department has jurisdiction over court reporting activities when the court reporter is appointed to superior court under RCW 2.32.180 and is also certified under chapter 18.145 RCW.

Title of Fee	Fee
Renewal	((104.00)) <u>40.00</u>
Late renewal penalty	((104.00)) <u>80.00</u>
Verification	25.00
Duplicate	15.00

WSR 04-17-073

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 13, 2004, 8:17 a.m., effective October 1, 2004]

Effective Date of Rule: October 1, 2004.

Purpose: Amending chapter 308-14 WAC, regulating court reporters, the current level of revenue collection warrants a reduction in fees and still maintains the level of revenue required to administratively operate the program as required under RCW 43.24.086.

Citation of Existing Rules Affected by this Order: Amending WAC 308-14-200 Court reporter fees.

Statutory Authority for Adoption: RCW 18.145.050, 43.24.086, 43.24.023.

Adopted under notice filed as WSR 04-14-074 on July 2, 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 1, Repealed 0.

Date Adopted: August 13, 2004.

Sydney W. Beckett
for Mykel D. Gable
Assistant Director

WSR 04-17-074

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 13, 2004, 8:19 a.m., effective October 1, 2004]

Effective Date of Rule: October 1, 2004.

Purpose: Amend chapter 308-11 WAC, regulating auctioneers, the current level of revenue collection warrants a reduction in fees and still maintains the level of revenue required to administratively operate the program as required under RCW 43.24.086.

Citation of Existing Rules Affected by this Order: Amending WAC 308-11-030 Auctioneer fees.

Statutory Authority for Adoption: RCW 18.11.060, 43.24.086, 43.24.023.

Adopted under notice filed as WSR 04-14-075 on July 2, 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 1, Repealed 0.

Date Adopted: August 13, 2004.

Sydney W. Beckett
for Mykel D. Gable
Assistant Director

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AMENDATORY SECTION (Amending WSR 98-16-060, filed 8/3/98, effective 9/3/98)

WAC 308-14-200 Court reporter fees. The following fees shall be charged by the business and professions division, department of licensing:

Title of Fee	Fee
Certification	
Application	\$((130.00)) <u>95.00</u>

AMENDATORY SECTION (Amending WSR 98-16-061, filed 8/3/98, effective 9/3/98)

WAC 308-11-030 Auctioneer fees. The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Auctioneer:	
Initial application	\$((114.00)) <u>100.00</u>

Title of Fee	Fee
Renewal	((114.00)) <u>85.00</u>
Late renewal penalty	((104.00)) <u>75.00</u>
Duplicate license	15.00
Certification	25.00
Auction company:	
Initial application	((260.00)) <u>200.00</u>
Renewal	((260.00)) <u>175.00</u>
Late renewal penalty	((208.00)) <u>100.00</u>
Duplicate license	15.00

Date Adopted: August 9, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-056, filed 8/30/01, effective 9/30/01)

WAC 388-478-0085 Medicare ((~~cost-sharing~~) savings programs—Monthly income and countable resources standards. (1) The qualified Medicare beneficiary (QMB) program income standard is up to one hundred percent of the Federal Poverty Level (FPL). Beginning April 1, ((2001)) 2004, the QMB program's income standards are:

(a) One person	\$((716)) <u>776</u>
(b) Two persons	\$((968)) <u>1041</u>

(2) The special low-income Medicare beneficiary (SLMB) program income standard is over one hundred percent of FPL, but ((~~under~~) not more than) one hundred twenty percent of FPL. Beginning April 1, ((2001)) 2004, the SLMB program's income standards are:

	<u>Minimum</u>	<u>Maximum</u>
(a) One person	\$((716.01)) <u>776.01</u>	\$((859)) <u>931</u>
(b) Two persons	\$((968.01)) <u>1041.01</u>	\$((1161)) <u>1249</u>

(3) The ((~~expanded special low-income Medicare beneficiary (ESLMB))~~) qualified individual (QI-1) program income standard is over one hundred twenty percent of FPL, but ((~~under~~) not more than) one hundred thirty-five percent of FPL. Beginning April 1, ((2001)) 2004, the ((~~ESLMB~~) QI-1) program's income standards are:

	<u>Minimum</u>	<u>Maximum</u>
(a) One person	\$((859.01)) <u>931.01</u>	\$((967)) <u>1048</u>
(b) Two persons	\$((1161.01)) <u>1249.01</u>	\$((1307)) <u>1406</u>

(4) The qualified disabled working individual (QDWI) program income standard is ((~~up to~~) two hundred percent) of FPL. Beginning April 1, ((2001)) 2004, the QDWI program's income standards are:

(a) One person	\$((1432)) <u>1552</u>
(b) Two persons	\$((1935)) <u>2082</u>

(5) ((~~The qualified individual (QI) program income standard is over one hundred thirty-five percent of FPL, but under one hundred seventy-five percent of FPL. Beginning April 1, 2001, the QI program's income standards are:~~)

**WSR 04-17-076
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed August 13, 2004, 11:47 a.m., effective September 13, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department has amended WAC 388-478-0085 to update the standards for the Medicare savings programs due to a change in federal standards as published in the Federal Register and required by federal law.

The permanent rule, when effective, will replace the emergency rule filed as WSR 04-16-106 on August 3, 2004.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0085.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Other Authority: RCW 74.09.500, 42 U.S.C. 9902(2).

Adopted under notice filed as WSR 04-13-135 on June 22, 2004.

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.

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	Minimum	Maximum
(a) One person	\$967.01	\$1253
(b) Two persons	\$1307.01	\$1694

(6)) The resource standard for the Medicare ((east-sharing)) savings programs in this section is:

(a) One person	\$4000
(b) Two persons	\$6000

WSR 04-17-082
PERMANENT RULES
HORSE RACING COMMISSION

[Filed August 16, 2004, 11:27 a.m., effective September 16, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To amend WAC 260-24-510 Stewards, to include provisions for a stewards' ruling conference and for the stewards to assess fines, suspend or revoke a person's license or any combination of these penalties. In addition, WAC 260-24-510 is amended to include standard penalties for rule violations.

Citation of Existing Rules Affected by this Order: Amending 1 [WAC 260-24-510].

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 04-14-101 on July 6, 2004.

Changes Other than Editing from Proposed to Adopted Version: A requirement that all conferences shall be recorded was added from the proposed adoption version.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 12, 2004.

R. M. Lechner
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 of each race meet, 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:

Class A & B Licensed Facilities

<u>Violations within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Smoking in restricted areas WAC 260-20-030</u>	<u>\$25</u>	<u>\$50</u>	<u>\$100</u>
<u>Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030</u>	<u>\$50</u>	<u>\$100</u>	<u>\$250 plus possible suspension</u>
<u>Disturbing the peace WAC 260-80-140</u>	<u>Warning - \$200 and/or suspension</u>	<u>Warning - \$500 and/or suspension</u>	<u>Suspension</u>
<u>Person performing duties for which they are not licensed WAC 260-36-010</u>	<u>\$50</u>	<u>\$100</u>	<u>\$150</u>
<u>Unlicensed or improperly licensed personnel (trainer's responsibility) WAC 260-28-230</u>	<u>\$500</u>		
<u>Licensing - failure to divulge a felony WAC 260-36-120</u>	<u>\$100 or possible denial of license</u>		
<u>Licensing - failure to divulge a gross misdemeanor or misdemeanor WAC 260-36-120</u>	<u>Warning - \$50</u>		
<u>Licensing - providing false information on application WAC 260-36-120</u>	<u>\$50 - \$250 or possible denial of license</u>		
<u>Licensing - nonparticipation WAC 260-36-080</u>	<u>License canceled</u>		
<u>Violation of any claiming rule in chapter 260-60 WAC</u>	<u>\$200 - \$500 plus possible suspension</u>		
<u>Use of improper, profane or indecent language to a racing official WAC 260-80-130</u>	<u>\$50</u>	<u>\$100</u>	<u>\$250</u>
<u>Unsafe vehicle operation WAC 260-20-020</u>	<u>Warning - \$50</u>	<u>\$100 and recommend racing association revoke vehicle pass</u>	
<u>Financial responsibility WAC 260-28-030</u>	<u>Resolve 30 days or before the end of the meet (whichever is sooner) to resolve or suspension</u>		

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Class A & B Licensed Facilities			
<u>Violations within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Failure to appear - hearing WAC 260-24-510</u>	<u>Suspension pending appearance</u>		
<u>Failure to honor riding engagements (call) - agents WAC 260-32-400</u>	<u>\$75</u>	<u>\$100</u>	<u>\$200</u>
<u>Reporting incorrect weight - jockeys WAC 260-32-150</u>	<u>\$50</u>	<u>\$100</u>	<u>\$200</u>
<u>Failure to appear for films - jockeys WAC 260-24-510</u>	<u>\$50</u>	<u>\$100</u>	<u>\$200</u>
<u>Failure to fulfill riding engagement WAC 260-32-080</u>	<u>\$100</u>	<u>\$150</u>	<u>\$200</u>
<u>Easing mount without cause WAC 260-52-040</u>	<u>\$250</u>	<u>\$250 and/or suspension</u>	<u>\$500 and/or suspension</u>
<u>Jockey failing to maintain straight course or careless riding WAC 260-52-040</u>	<u>Warning - \$750 and/or suspension (riding days)</u>		
<u>Jockey's misuse of whip WAC 260-52-040</u>	<u>Warning - \$2500</u>		
<u>Use of stimulating device (may include batteries) WAC 260-52-040</u>	<u>1 year suspension plus mandatory referral to commission for revocation</u>		
<u>Possession of stimulating device (may include batteries) WAC 260-52-040, WAC 260-80-100</u>	<u>1 year suspension plus mandatory referral to commission for revocation</u>		
<u>Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010 and 260-80-020</u>	<u>1 year suspension plus mandatory referral to commission for revocation</u>		
<u>Entering ineligible horse WAC 260-80-030</u>	<u>\$50</u>	<u>\$100</u>	<u>\$100</u>
<u>Arriving late to the paddock WAC 260-28-200</u>	<u>Warning - \$50</u>	<u>Warning - \$50</u>	<u>\$50 - \$100</u>
<u>Failure to have registration papers on file - resulting in a scratch WAC 260-40-090</u>	<u>\$50 - \$100</u>	<u>\$100</u>	<u>\$100</u>
<u>Failure to handle business properly - late equipment change, etc. WAC 260-44-010</u>	<u>Warning - \$50</u>	<u>\$100</u>	<u>\$100</u>
<u>Insufficient workouts - resulting in scratch WAC 260-40-100</u>	<u>\$50 - \$100</u>	<u>\$100</u>	<u>\$100</u>

Class C Licensed Facilities			
<u>Violation within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Smoking in restricted areas WAC 260-20-030</u>	<u>\$25</u>	<u>\$50</u>	<u>\$100</u>
<u>Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030</u>	<u>\$50</u>	<u>\$100</u>	<u>\$250 plus possible suspension</u>
<u>Disturbing the peace WAC 260-80-140</u>	<u>Warning - \$100 and/or suspension</u>	<u>\$250 and/or suspension</u>	<u>Suspension</u>
<u>Person performing duties for which they are not licensed WAC 260-36-010</u>	<u>\$50</u>	<u>\$100</u>	<u>\$150</u>
<u>Unlicensed or improperly licensed personnel (trainer's responsibility) WAC 260-28-230</u>	<u>\$100</u>		

Class C Licensed Facilities			
<u>Violation within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Licensing - failure to divulge a felony WAC 260-36-120</u>	<u>\$100 or possible denial of license</u>		
<u>Licensing failure to divulge a misdemeanor or gross misdemeanor WAC 260-36-120</u>	<u>Warning - \$25</u>		
<u>Licensing - providing false information on application WAC 260-36-120</u>	<u>\$50 - \$250 or possible denial of license</u>		
<u>Licensing - nonparticipation WAC 260-36-080</u>	<u>License canceled</u>		
<u>Violation of any claiming rule in chapter 260-60 WAC</u>	<u>\$100 - \$250 plus possible suspension</u>		
<u>Use of improper, profane or indecent language to a racing official WAC 260-80-130</u>	<u>\$50</u>	<u>\$100</u>	<u>\$250</u>
<u>Unsafe vehicle operation WAC 260-20-020</u>	<u>Warning - \$50</u>		
<u>Financial responsibility WAC 260-28-030</u>	<u>Resolve 30 days or before the end of the fall meet (whichever is sooner) to resolve or suspension</u>		
<u>Failure to appear - hearing WAC 260-24-510</u>	<u>Suspension pending appearance</u>		
<u>Failure to honor riding engagements (call) - agents WAC 260-32-400</u>	<u>\$25</u>	<u>\$50</u>	<u>\$100</u>
<u>Reporting incorrect weight - jockeys WAC 260-32-150</u>	<u>\$25</u>	<u>\$50</u>	<u>\$100</u>
<u>Failure to appear for films - jockeys WAC 260-24-510</u>	<u>\$25</u>	<u>\$50</u>	<u>\$100</u>
<u>Failure to fulfill riding engagement WAC 260-32-080</u>	<u>\$50</u>	<u>\$100</u>	<u>\$200</u>
<u>Easing mount without cause WAC 260-52-040</u>	<u>\$100</u>	<u>\$200 and/or suspension</u>	<u>\$400 and/or suspension</u>
<u>Jockey failing to maintain straight course or careless riding WAC 260-52-040</u>	<u>Warning - \$750 and/or suspension (riding days)</u>		
<u>Jockey's misuse of whip WAC 260-52-040</u>	<u>Warning - \$2500</u>		
<u>Use of stimulating device (may include batteries) WAC 260-52-040</u>	<u>1 year suspension plus mandatory referral to commission for revocation</u>		
<u>Possession of stimulating device (may include batteries) WAC 260-52-040, WAC 260-80-100</u>	<u>1 year suspension plus mandatory referral to commission for revocation</u>		
<u>Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010 and 260-80-020</u>	<u>1 year suspension plus mandatory referral to commission for revocation</u>		
<u>Entering ineligible horse WAC 260-80-030</u>	<u>\$25</u>	<u>\$50</u>	<u>\$50</u>
<u>Arriving late to the paddock WAC 260-28-200</u>	<u>Warning - \$25</u>	<u>\$50</u>	<u>\$50</u>
<u>Failure to have registration papers on file - resulting in a scratch WAC 260-40-090</u>	<u>\$50</u>	<u>\$100</u>	<u>\$100</u>
<u>Failure to handle business properly - late equipment change, etc. WAC 260-44-010</u>	<u>Warning - \$50</u>	<u>\$50</u>	<u>\$50</u>

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Class A, B & C Licensed Facilities			
<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 WAC 260-28-220</u>	<u>Suspension until paid plus \$25 for each quarter payment is late</u>		
<u>Failure to maintain employee L&I records for grooms and assistant trainers (trainer's responsibility) WAC 260-28-230</u>	<u>Warning - \$50</u>		
<u>Unlicensed person on the backside WAC 260-20-040</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 place a jockey on a film list whenever a jockey is involved in questionable, unsafe or potentially dangerous riding. Jockeys referred to the film analyst or stewards shall appear when directed. Failure to appear when directed shall be considered a violation of the rules of racing for which penalties may be imposed.

(g) 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.

(h) The stewards shall have the authority to conduct a ruling conference, and the authority to:

- (i) Direct the attendance of witnesses and commission employees;
- (ii) Direct the submission of documents, reports or other potential evidence;
- (iii) Inspect license documents, registration papers and other documents related to racing or the rule violation;
- (iv) Question witnesses; and
- (v) Consider all relevant evidence.

(i) The stewards shall serve notice of a conference to person(s) alleged to have committed a violation, which shall contain the following information:

- (i) A statement of the time and place the conference will be held;
- (ii) A reference to the particular sections of the WAC involved;
- (iii) A short and plain statement of the alleged violation; and

(iv) 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.

(i) Failure to appear for a ruling conference shall be considered a violation of the rules of racing for which penalties may be imposed.

(k) 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 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.

(l) At the ruling conference, the stewards shall allow the licensee to make a statement regarding the alleged violation.

(m) All ruling conferences shall be recorded.

(n) 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 requesting a hearing before the commission to challenge the ruling; and
- (vi) Plain statement of licensee's options, which shall include:

- (A) Accepting the penalty imposed by the stewards; or
- (B) Requesting a hearing before the commission challenging the stewards' determination within seven days.

(o) The stewards' ruling shall be posted and a copy provided to the racing association.

(p) If a person does not file a request for hearing before the commission within seven days or in the format required by chapter 260-88 WAC, then the person is deemed to have waived his or her right to a hearing before the commission. After seven days, if a request for hearing before the commission has not been filed, the stewards' penalty shall be imposed.

(q) "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.

(r) 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

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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))~~ beginning three 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))~~ meet, 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 04-17-088
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-217—Filed August 16, 2004, 2:05 p.m., effective September 16, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend recreational shellfish daily limit rule.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-310.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-13-023 on June 7, 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.

Date Adopted: August 7, 2004.

Susan Yeager
for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 04-39, filed 3/4/04, effective 5/1/04)

WAC 220-56-310 Shellfish—Daily limits. It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: 7 clams.

(5) Oysters: 18 oysters, shucked and the shells left on the beach. Minimum size before shucking two and one-half inches along the longest dimension of the shell.

(6) Rock scallops: 12 scallops.

(7) ((Sea)) Weathervane scallops: 12 scallops (over 4 inches).

(8) ((Common or)) Spiny and pink scallops: 10 pounds or 5 quarts in the shell, in the aggregate.

(9) Shrimp:

(a) In all waters - total weight 10 pounds and fishers must retain the heads of all shrimp taken while in the field except in the Hood Canal and Port Angeles Shrimp Districts. Spot shrimp: Maximum 80 shrimp as part of the 10 pound limit. Spot shrimp minimum size one and three-sixteenths inch from the base of the eyestalk to the top rear edge of the carapace except in the Hood Canal and Port Angeles Shrimp Districts.

(b) In the Port Angeles Shrimp District - Spot shrimp: No minimum size.

(c) In the Hood Canal Shrimp District - 80 shrimp regardless of weight. No minimum size for spot shrimp. Fishers are not required to retain the heads of shrimp.

(10) Octopus: 1 octopus.

(11) Pinto abalone: Closed statewide.

(12) Crawfish: 10 pounds in the shell. Minimum size 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs:

(a) In all waters except the Columbia River and when fishing from the north jetty of the Columbia River - 6 male crabs.

(b) In the Columbia River upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, or when fishing from the north jetty of the Columbia River - 12 male crabs.

(19) Red rock crabs: 6 crabs.

(20) ((Blue)) Mussels ((and sea mussels)): 10 pounds in the shell, in the aggregate.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

(23) King and box crab: Closed statewide.

(24) Tanner crabs: 6 crabs.

WSR 04-17-089

PERMANENT RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-219—Filed August 16, 2004, 2:06 p.m., effective September 16, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend herring reporting rules, establish log-book and dozens report.

Citation of Existing Rules Affected by this Order: Amending WAC 220-49-023.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-13-163 on June 23, 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.

PERMANENT

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.

Date Adopted: August 7, 2004.

Susan Yeager
for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-49-023 Herring reporting. ~~((It shall be unlawful for the original receiver of spawn on kelp product from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 21B during the period April 16 through May 31 to fail to report each calendar day's receipts by noon of the following working day to the department by telephone to (360) 902-2800 or by telefaesimile to (360) 902-2944.))~~ (1) Herring fishers:

(a) All commercial herring fishers are required to obtain a department-issued herring reporting monthly logbook, and, pursuant to this section, enter the required information and remit the department's copies of the monthly logs.

(b) It is unlawful for the operator of the harvest vessel to fail to keep the logbook aboard the vessel while the vessel is engaged in herring fishing or has herring onboard. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(c) It is unlawful for any vessel operator engaged in herring fishing to fail to submit the department's copy of each month's log in which fishing activity occurs within ten days of the end of the month, as evidenced by the mailing date on the envelope or the fax date, except that the operator may submit all logs of monthly activity prior to the month in which fishing activity commences at one time, and, when fishing activity terminates for the year may submit the logs for the remainder of the year at one time. Harvest logs must be submitted in ascending consecutive order of log serial numbers. The logs are required to be mailed to: Department of Fish and Wildlife, Marine Resources, P.O. Box 1100, La Conner, WA 98257, or faxed to 360-466-0515. Violation of this subsection is a misdemeanor, punishable under RCW 77.15.280.

(d) Herring vessel operators responsible for submitting logs to the department must maintain the fisher's copy of all logs for one year, and have them available for inspection. It is unlawful for the vessel operator to fail to submit harvest logs for inspection upon request by fish and wildlife officers or authorized department marine fish-shellfish program employee. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.360.

(e) It is unlawful for vessel operators engaged in commercial herring fishing or possessing herring, to fail to permanently and legibly record in ink the following information within the following time constraints:

(i) Before each vessel trip, record the operator name, operator phone number, license holder name, the department issued registration number, date of fishing trip.

(ii) Immediately after the completion of each set, and prior to making a new set, record the set number, set start time, Marine Fish-Shellfish Catch Area, nearest landmark type, gear type, and weight in pounds of herring retained.

(iii) Immediately after each landing of fish, record the fish receiving ticket serial number and the names of the receivers of fish landed or pen number delivered to if the vessel operator also holds a wholesale fish dealer license and is acting in the capacity of an original receiver. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(2) Herring baitfish processors:

(a) It is unlawful for original receivers who sell herring as baitfish to fail to report by January 15th of each year the total number of dozens of herring sold the previous year. The report must be made on a department supplied herring baitfish report form, and must report sales by size class. The form is required to be mailed to: Department of Fish and Wildlife, Marine Resources, P.O. Box 1100, La Conner, WA 98257, or faxed to 360-466-0515. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15-560.

(b) Herring processors responsible for submitting herring baitfish report forms must maintain the processor's copy of the form for one year, and have it available for inspection. It is unlawful for the processor to fail to submit herring baitfish report forms for inspection upon request by fish and wildlife officers or authorized department marine fish-shellfish program employee. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.360.

**WSR 04-17-096
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-210—Filed August 17, 2004, 10:54 a.m., effective September 17, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend catch data reporting and sea urchin district rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-69-262; and amending WAC 220-52-073, 220-69-210, 220-69-215, 220-69-220, 220-69-23402, 220-69-236, 220-69-240, 220-69-241, 220-69-242, 220-69-243, 220-69-250, 220-69-264, 220-69-26401, 220-69-270, 220-69-274, 220-69-280, and 220-69-300.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-13-033 on June 9, 2004, and WSR 04-13-193 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-69-241:

Subsection (1), delete "The price shown on the fish ticket must be the actual sale price of the fish or shellfish."

WAC 220-69-300:

Subsection (1), amend section to read, "Commercial fishers who are neither wholesale dealers nor holders of a direct retail endorsement must complete a commercial food

fish and shellfish transportation ticket (referred to hereafter as a 'transportation ticket') when transporting commercial fish or shellfish away from the catching vessel, or, for a fishery that does not require a vessel, the catch site, and it is unlawful to fail to complete the transportation tickets with all the information in subsection (2) of this section. Violation of this subsection is punishable under RCW 77.16.290."

Subsection (4), amend section by adding, after "220-69-26401" the following, ", if the commercial fisher delivering the fish or shellfish does not sign the fish receiving ticket, as provided in WAC 220-69-274. If the commercial fisher sign the fish receiving ticket, the transportation ticket is not required to be submitted with the fish receiving ticket."

Subsection (5), amend section to read, "The transportation ticket is to remain with the fish or shellfish until a fish receiving ticket is completed, and must be presented for inspection by persons transporting, holding or storing fish or shellfish when requested to do so by a fish and wildlife officer, and it is unlawful to fail to present the transportation ticket on demand. Violation of this subsection is a gross misdemeanor punishable under RCW 77.15.360."

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 17, 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.

Date Adopted: August 7, 2004.

Susan Yeager
for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 02-186, filed 8/9/02, effective 9/9/02)

WAC 220-52-073 Sea urchins. It is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section.

(1) Sea urchin districts:

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) Sea Urchin District 2 (Southern San Juan Islands and Port Townsend) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true

north from Limestone Point on San Juan Island and Areas 21A, 21B, 22B, 23A, 23B, 25A and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times:

(i) Those waters of Haro Strait north of a line projected due west from the southernmost point of Cattle Point on San Juan Island to the international border and south of a line projected due west from a point one-quarter mile north of Lime Kiln Light on San Juan Island to the international border.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island.

(c) Sea Urchin District 3 (Port Angeles) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C east of a line projected true north from Low Point, along 123°49'30" W. longitude, and Area 23D.

(d) Sea Urchin District 4 (Sekiu) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C west of a line projected true north from Low Point, along 123°49'30" W. longitude, and those waters of Area 29 east of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock).

(e) Sea Urchin District 5 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 29 west of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock) and Areas 59A and 59B. Within Sea Urchin District 5, waters within one-quarter mile of Tatoosh Island are closed to the harvest of sea urchins at all times.

(f) Sea Urchin District 6 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D and 26A.

(g) Sea Urchin District 7 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B, 26C, 26D and 28A. The following areas within Sea Urchin District 7 are closed to the harvest of sea urchins at all times.

(i) Those waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1, then projected due west to the shore on Bainbridge Island.

(ii) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to landfall directly below the Veteran's Home in Annapolis.

(2) Sea urchin seasons and sizes:

Sea urchin seasons and sizes will be set by emergency rule.

(3) Shellfish diver gear:

(a) It is unlawful to take sea urchins by any means other than shellfish diver gear.

(b) Divers may only use hand-operated equipment that does not penetrate the shell.

(c) Sea urchins may not be taken from water shallower than 10 feet below mean lower low water.

(d) Purple sea urchins may not be taken.

(e) Divers operating from a vessel must have a number assigned by the department, placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air and the number must be black on white no less than 18 inches high and of proportionate width.

(f) Divers may not take sea urchins from one-half hour after sunset to one-half hour before sunrise.

(g) No processing of sea urchins is permitted aboard the harvest vessel.

(h) Divers may not take sea urchins for use other than as human food.

(i) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea urchin harvesting operation or when commercial quantities of sea urchins are aboard except that two divers may be in the water if the vessel has been designated on two sea urchin dive fishery licenses.

(j) Variance from any of the provisions of this subsection is only allowed if authorized by a permit issued by the director.

(k) Licensing: A sea urchin dive fishery license is the license required to operate the gear provided for in this section.

AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

WAC 220-69-210 ((Purpose.)) Definitions. ((The purpose of this chapter shall be to:

~~(1) Describe the use of all department catch reporting forms.~~

~~(2) Describe the duties of fisherman, sellers, deliverers, growers, purchasers, and receivers regarding catch reporting.~~

~~(3) Describe the required information on each catch reporting form.~~

~~(4) Describe the distribution of each copy of each catch reporting form.~~

~~(5) Describe the use of mechanical imprinters, imprinter cards, and imprinter plates.~~

~~(6) Describe the accountability methods for all catch reporting forms.~~

~~(7) Ensure compliance with all orders of this chapter.))~~

The following definitions apply to this chapter:

(1) "Broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together. A broker is not required to have a wholesale dealer's license if the fish or shellfish only transit the state of Washington, and no storage, handling, processing, or repackaging occurs within the state.

A broker who takes physical possession of fish or shellfish is an original receiver, and is required to complete a fish receiving ticket. A broker acting strictly as an intermediary is not required to complete a fish receiving ticket for fish or shellfish that are delivered to an original receiver in the state of Washington. A broker is required to complete a fish receiving ticket for brokering an interstate or foreign sale from a Washington fisher who is not a holder of a direct retail endorsement, or a sale of fish or shellfish which have entered the state from another state, territory or country, if the fish or

shellfish are placed into interstate or foreign commerce without having been delivered to an original receiver in the state of Washington.

(2) "Buyer" means a person who receives fish or shellfish, and who is required to complete a fish receiving ticket. A wholesale dealer or a retail seller who directly receives fish or shellfish from a commercial fisher or receives fish or shellfish in interstate or foreign commerce is acting in the capacity of a buyer and is required to complete a fish receiving ticket. A buyer who is acting as an agent for a wholesale dealer is required to have a fish buyer's license.

(3) "Department" means:
Department of Fish and Wildlife

Information Systems
600 Capitol Way North
Olympia, Washington 98501-1091

(4) "Delivery" means arrival at a place or port, and includes arrivals from offshore waters to waters within the state, arrivals ashore from state or offshore waters, and arrivals within the state from interstate or foreign commerce.

(5) "Fish" means food fish classified under WAC 220-12-010 and game fish taken by treaty fishers and sold commercially.

(6) "Fisher" means a Washington-licensed commercial fisher or holder of a delivery permit.

(7) "Fresh" means unprocessed and unfrozen, regardless of whether the fish or shellfish are in the round, cleaned, or packaged for retail sale.

(8) "Frozen" means completely frozen throughout. Flash frozen and surface glaze frozen fish and shellfish are unfrozen fish and shellfish.

(9) "Nontreaty" means all entities not qualified by definition as treaty.

(10) "Original receiver" or "receiver" means the first person in possession of fish or shellfish in the state of Washington who is acting in the capacity of a buyer. A fisher who is not the holder of a direct retail endorsement and who sells fish or shellfish to anyone other than a dealer, or a fisher who delivers fish or shellfish and places the fish or shellfish into interstate or foreign commerce is the original receiver of the fish or shellfish. A cold storage facility that holds fish or shellfish for a fisher is not an original receiver, provided that the facility does not process, package, or otherwise handle the fish or shellfish. A person transporting fish or shellfish on behalf of a fisher, and who is in possession of an accurately completed commercial food fish and shellfish transportation ticket, is not an original receiver, provided the fish or shellfish are transported only to a cold storage facility or to a buyer.

(11) "Processed" means preparing and preserving, and requires a wholesale dealer's license. Preserving includes treated with heat, including smoking and kippering. Cooked crab are processed. Preserving also includes freezing fish and shellfish.

(12) "Shellfish" means shellfish classified under WAC 220-12-020.

(13) "Treaty" and "treaty Indian," for purposes of fish receiving tickets only, means persons who are members of federally recognized Indian tribes that are entitled to harvest fish or shellfish under the Makah, Medicine Creek, Nez

Perce, Point Elliott, Point-No-Point, Quinault, Umatilla and Walla Walla, and Yakima treaties, or persons who are members of federally recognized treaty tribes whose reservations are located within Washington state and who harvest fish or shellfish within their tribe's reservation.

(14) "Wholesale dealer" or "dealer" means a person who takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce. A wholesale dealer is required to be licensed. A fisher who is not a holder of a direct retail endorsement and sells fish or shellfish to anyone other than a wholesale dealer is required to have a wholesale dealer's license. A retail seller who receives fish or shellfish in interstate or foreign commerce from a person who is not a wholesale dealer is required to have a wholesale dealer's license.

(15) "Working day" means Monday through Friday exclusive of a Washington state or federal holiday.

AMENDATORY SECTION (Amending Order 85-43, filed 5/10/85)

WAC 220-69-215 (~~Compliance and misrepresentation~~) **When state of Washington fish receiving tickets are required.** ((It shall be unlawful for any person dealing with or possessing food fish, shellfish, or parts thereof:

(1) To fail to completely and accurately carry out the provisions of this chapter.

(2) To misrepresent, falsify, or omit any required entry made upon official state of Washington fish receiving ticket, sport salmon catch record, production report, or commercial food fish and shellfish transportation ticket, or to enter information that is so illegible as to be misinterpreted.

(3) To utilize any forms other than official state of Washington fish receiving tickets, sport salmon catch record, or production report as described in this chapter for catch reporting.) State of Washington fish receiving tickets are required for:

(1) Fresh fish and shellfish delivered in the state of Washington, including deliveries not purchased by a dealer, which shall be recorded as weigh back or take home fish or shellfish.

(2) Fresh fish and shellfish previously delivered in another state, territory or country, and transported into the state of Washington to an original receiver.

(3) Frozen fish or shellfish not previously delivered in another state, territory, or country and transported into the state of Washington to an original receiver. Food fish and shellfish in this category are typically an at-sea processed product.

(4) Purchase of fish or shellfish from a fisher who is also a dealer, if the fisher/dealer has not previously completed a fish receiving ticket.

(5) It is unlawful to fail to complete a fish receiving ticket when one is required.

Violation of this section is punishable under RCW 77.15.630.

AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

WAC 220-69-220 (~~Definition of terms~~) **When state of Washington fish receiving tickets are not required.** ((1) Department as referred to in this chapter means:

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(2) Dealer as referred to in this chapter means the original purchaser or receiver of food fish, shellfish, or parts thereof.

(3) Buyer as referred to in this chapter means the person who receives food fish, shellfish, or parts thereof on behalf of a dealer whose name appears on the buyer's license.

(4) Fisher as referred to in this chapter means the person who catches or delivers food fish, shellfish, or parts thereof.

(5) Original receiver or receiver as referred to in this chapter means the first person in possession of food fish or shellfish in the state of Washington who is a licensed wholesale dealer or fish handler or who is acting in that capacity, after the food fish or shellfish have been caught or harvested by a commercial fisher.

(6) Treaty as referred to in this chapter means any person, group, or activity thereof made unique by virtue of descendancy from Indian tribes signatory to treaties made with the United States government in the mid-1850's where such treaties reserved certain rights in what is now the state of Washington or waters bordering that state.

(7) Nontreaty as used in this chapter means all entities not qualified by definition as treaty.

(8) Treaty Indian as referred to in this chapter means an individual treaty Indian fisher.

(9) Working day as referred to in this chapter means Monday through Friday exclusive of a Washington state or federal holiday.) State of Washington fish receiving tickets are not required for:

(1) Purchase or delivery of fish or shellfish from a wholesale dealer or holder of a direct retail endorsement, provided the dealer or holder has previously prepared a fish receiving ticket. For such purchase or delivery, it is unlawful for the person taking possession of the fish or shellfish to fail to obtain the name, address, dealer number, or direct retail endorsement number, together with sales receipt documents sufficient to show the quantity of fish or shellfish and date of transaction, and retain this information with the fish or shellfish.

(a) Violation of this subsection by a wholesale dealer is a gross misdemeanor, punishable under RCW 77.15.640.

(b) Violation of this subsection by a retail fish seller is a misdemeanor, punishable under RCW 77.15.568.

(2) Fresh or frozen fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

(3) Private sector cultured aquatic products.

(4) Processed fish or shellfish except frozen fish or shellfish not previously delivered in another state, territory or country.

(5) Any importation of fish that are not classified food fish under WAC 220-12-010 or importation of shellfish that are not classified shellfish under WAC 220-12-020.

AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

WAC 220-69-23402 Description of aquatic farm production report. (1) There is hereby created an aquaculture production report form to be prepared, printed and distributed on request by the department. The aquatic farmer shall provide the following information:

- (a) Firm name: Name of aquaculture firm and telephone number.
 - (b) Firm address: Address of aquaculture firm.
 - (c) Aquatic farm ~~((registration))~~ numbers: Department assigned ~~((dealer))~~ aquatic farm registration number and location number.
 - (d) Species: Common name of species grown at aquatic farm site.
 - (e) Quantity harvested for sale: Quantity, in production units, of each species harvested for sale ~~((each month)).~~ The production may be shown in pounds, dozens, gallons, bushels or bags.
 - (f) Unit value: Value per production unit.
 - (g) Signature: Signature of firm executive or authorized representative and date signed.
- (2) The aquaculture production report shall be used for ~~((monthly))~~ reporting of aquaculture production as specified in WAC 220-69-243.

AMENDATORY SECTION (Amending Order 00-80, filed 5/24/00, effective 6/24/00)

WAC 220-69-236 Description of catch record cards and required information. (1) The department shall prepare and distribute a catch record card~~((s))~~ for the following:

- (a) Anadromous salmon (salmon);
- (b) Dungeness crab;
- (c) Halibut taken from catch record card areas 5 through 13;
- (d) Steelhead;
- (e) Sturgeon taken from the Columbia River, Grays Harbor, and Willapa Bay (including sturgeon taken from any tributary).

(2) Each catch record card shall contain space for the following information, which must be recorded prior to the catch record card being separated from the underlying copy of the catch record card:

- (a) Name of fisher;
 - (b) Home address;
 - (c) City, state, and zip code;
 - (d) Date of issuance;
 - (e) Or, for automated licenses, the catch record card shall contain space for the appropriate validation sticker.
- (3) Each ~~((halibut, salmon, steelhead, and sturgeon))~~ catch record card shall contain space for the following information:
- (a) Month of catch;
 - (b) Day of catch;

(c) Catch record card area, river code, or stream: Location of catch~~((:));~~

~~((4) Each salmon and sturgeon catch record card shall contain space for))~~ (d) A species code~~((:))~~ for salmon and sturgeon and a marked or unmarked space for salmon;

~~((5) Each halibut catch record card shall contain))~~ (e) A space for designating the type of vessel from which ~~((the))~~ halibut was taken, either charter (c) or personal/kicker (k) boat~~((:));~~

~~((6) Each sturgeon catch record card shall contain))~~ (f) A space for the length of ~~((fish:))~~ sturgeon;

~~((7) Each))~~ (g) For Dungeness crab ~~((catch record card shall contain space for the following information))~~:

- ~~((a) Month of catch;~~
- ~~((b) Date of catch;~~
- ~~((c) Catch record card area;~~
- ~~((d))~~ (i) The type of crab fishery as described on the Dungeness crab catch record card;
- ~~((e))~~ (ii) The total crab retained by fishery type;
- ~~((f))~~ (iii) A tally mark for each crab retained.

AMENDATORY SECTION (Amending Order 03-188, filed 8/8/03, effective 9/8/03)

WAC 220-69-240 Duties of commercial purchasers and receivers. (1) ~~((Every))~~ It is unlawful for any person originally receiving ~~((or purchasing))~~ fresh or iced ~~((food))~~ fish or shellfish ~~((or parts thereof)), or frozen ~~((food))~~ fish or shellfish ~~((or parts thereof))~~ that have not been previously ~~((landed))~~ delivered in another state, territory, or country ~~((from fishers, firms, or individuals)), except purchases or receipts made by individuals or consumers at retail, ~~((is required))~~ to fail to be a licensed wholesale fish dealer or fish buyer, and ~~((must))~~ to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. ~~((Except, preparation of a fish receiving ticket is not required for fish or shellfish purchased from a fisher who holds either a wholesale dealer's license or a direct retail endorsement and who has previously completed a fish receiving ticket because product was offered for sale to someone other than a licensed wholesale dealer. Purchases from such persons by wholesale fish dealers must be documented by sales receipts or invoices, and the product received must be maintained separately until the product is resold or processed-))~~ Each delivery must be recorded on a separate fish receiving ticket.~~~~

It is unlawful for any original receiver of crab to fail to record all crab aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish deemed to be unmarketable, discards, or weighbacks must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for such fish or shellfish.

(a) Failure to be licensed under this subsection is punishable under RCW 77.15.620.

(b) Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.

(2) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or

any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name. ((Each delivery must be recorded on a separate state of Washington fish receiving ticket.))

(3) ~~((State of Washington fish receiving tickets are required for:~~

~~(a) Fresh food fish and shellfish landed in the state of Washington including fish or shellfish not purchased, which fish shall be recorded as weigh back or take home fish or shellfish.~~

~~(b) Fresh food fish and shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.~~

~~(c) Frozen food fish or shellfish not previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.~~

~~(4) State of Washington fish receiving tickets are not required for:~~

~~(a) Purchases or receipts from any person possessing a valid Washington wholesale dealer's license or direct retail endorsement except that a wholesale dealer purchasing fish from a commercial fisher shall complete the appropriate fish receiving ticket if the fisher has not previously completed a fish receiving ticket. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license or direct retail endorsement number, together with such sales receipt documents or information as may be required, to show the deliverer's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.~~

~~(b) Fresh or frozen food fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.~~

~~(c) Private sector cultured aquatic products.~~

~~(d) Processed fish or shellfish.~~

~~(5) Fishers, fisher wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight. Provided, That it is lawful for such fishers, fisher wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilehards for bait purposes, to delay completing that portion of the fish receiving ticket which indicates number of herring received, only if the herring, candlefish, anchovy, or pilehards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately.)) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. Should the delivery of the catch take more than one day, the date that the delivery is completed is required to be entered on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the current date on the fish receiving ticket. Violation of this subsection is punishable under RCW 77.15.630.~~

(4) Forage fish: It is unlawful for any person receiving forage fish to fail to report the forage fish on fish receiving

tickets that are initiated and completed on the day the forage fish are delivered. Herring are also required to be reported on herring harvest logs. The harvested amount of forage fish is to be entered upon the fish ticket when the forage fish are off-loaded from the catcher vessel. An estimate of herring, candlefish, anchovy, or pilehards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

~~((6) It is lawful for an original receiver, when receiving purse seine caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 16 through May 31, to delay completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.~~

~~(7) The original receiver of herring taken from Puget Sound Marine Fish Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following day to the Department of Fish and Wildlife, LaConner, Washington; telephone 360-466-4345 ext. 243.~~

(8)) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(5) Geoduck: It is unlawful for any person receiving ((or purchasing)) geoducks ((from fishers, firms, or individuals)), regardless of whether or not the ((purchaser or)) receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual ((landing)) delivery of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of ((landing)) delivery. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

~~((9)) (6) Pacific whiting: It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the ((landing)) delivery. The exact weights of whiting, by grade, and all incidental species in the ((landing)) delivery must be entered on the fish receiving ticket within twenty-four hours of the landing. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.~~

~~((10)) (7) Puget Sound shrimp - Pot gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of~~

pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area), and species listed on each ticket. ~~((The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.))~~ Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(a) ~~((Every))~~ It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, ~~((shall))~~ to fail to record either 23A-C, 23A-E, 23A-W or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(b) ~~((Every))~~ It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, ~~((shall))~~ to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(c) ~~((Every))~~ It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, ~~((shall))~~ to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(d) ~~((Every))~~ It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, ~~((shall))~~ to fail to record either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

~~((11))~~ (8) Puget Sound shrimp - Trawl gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. For harvest in Crustacean Management Region 1, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket. ~~((The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.))~~ Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

~~((12))~~ (9) Puget Sound crab: It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken by nontreaty fishers from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. Reports must be made to the Point Whitney Shellfish Laboratory by fac-

simile 360-586-8408 or by telephone number 1-866-859-8439 extension 500 and must specify the dealer name, dealer phone number, and total number of pounds of crab caught by nontreaty fishers by Crustacean Management Region. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

~~((13))~~ It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket immediately upon receipt of any portion of a commercial catch. Should the unloading of a catch take more than one day, the date that the unloading is completed shall be entered on the fish receiving ticket as the date of landing. If, for any purpose, the vessel leaves the unloading site, the original receiver must immediately enter the current date on the fish receiving ticket.

~~((14))~~ (10) Salmon and sturgeon: During any fishery opening designated by rule as "quick reporting required," it is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report ~~((a summary of))~~ all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement holder to fail to report ~~((a summary of))~~ all salmon offered for retail sale on the previous calendar day. The ~~((summary))~~ report must include dealer or holder name and purchasing location, date of purchase, ~~((list of))~~ each fish ticket number~~((s))~~ used on the purchasing date, and the following ~~((summary))~~ catch data for each species purchased: Gear, catch area, species, number and total weight of fish. When quick reporting is required, it is unlawful to fail to comply with the following reporting requirements:

(a) Puget Sound ~~((summary))~~ reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to psfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(b) Coastal troll ~~((summary))~~ reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to trollfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(c) Grays Harbor and Willapa Bay ~~((summary))~~ reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-664-0689
- (ii) E-mail to harborfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1280

(d) Columbia River ~~((summary))~~ reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-906-6776 or 360-906-6777
- (ii) E-mail to crfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1281

~~((15))~~ (e) Faxing a copy of each fish receiving ticket used on the previous day satisfies the reporting requirement.

(f) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(11) Sea urchins and sea cucumbers: It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's

purchases by 10:00 a.m. the following day. For red sea urchins the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. For sea cucumbers the report must specify whether the landings were "whole-live" or "split-drained." The report must be made by facsimile (fax) transmission to 360-902-2943 or by toll-free telephone to 866-207-8223(, extension 866). Additionally, it is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore. Additionally, it is unlawful for the original receiver of sea cucumbers to fail to record on the fish receiving ticket whether the sea cucumbers were delivered "whole-live" or "split-drained." Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

~~((16)) It is unlawful for any original receiver of crab to fail to record all crab aboard the vessel making the delivery to the original receiver. The poundage of any crab deemed to be unmarketable, discards, or weigh backs must be shown on the fish receiving ticket, but a zero dollar value may be entered for such crab.~~

~~(17)) (12) Coastal spot shrimp:~~ It is unlawful for any original receiver of spot shrimp taken from Marine Fish Management and Catch Reporting Area 60A-1 to fail to record separately on the fish receiving ticket spot shrimp taken north or south of 47°04.00' north latitude. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

AMENDATORY SECTION (Amending Order 04-20, filed 2/10/04, effective 3/12/04)

WAC 220-69-241 Duties of commercial fishers. (1) Every fisher selling food fish or shellfish to the consumer, restaurant, boathouse, or other retail outlet, or donating fish or shellfish that have not been previously delivered to an original receiver to a nonprofit or other organization, and every fisher who places, or attempts to place, into inter-state commerce any food fish or shellfish previously landed in this state, or caught, or harvested from the territorial waters of this state, is required to possess a valid wholesale dealer's license or a direct retail endorsement. It is unlawful for such fishers ((must)) to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in their own name for each ((landing or)) delivery of fish. The fish receiving ticket must show the total of all fish and shellfish aboard the harvesting vessel upon ((landing or)) delivery. ((The)) It is unlawful for a fisher selling at retail ((must)) to fail to complete a fish receiving ticket before offering fish or shellfish for retail sale except if food fish or shellfish are being offered for sale directly off the catcher vessel the fisher may complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an esti-

mated number or weight is required to complete a corrected fish receiving ticket with the actual number and weight of fish or shellfish that were sold at retail. ((The price shown on the fish ticket must be the actual sale price of the fish or shellfish.))

(a) Failure to be licensed under this subsection is punishable under RCW 77.15.620.

(b) Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.

(2) ((Each)) It is unlawful for a fisher offering food fish or shellfish for retail sale ((must)) to fail to maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon or crab a receipt showing the number, weight and value of food fish or shellfish sold to that purchaser. It is unlawful for the seller to fail to retain the duplicate receipts ((must be retained by the seller)) for one year. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(3) In the commercial geoduck fishery, it is unlawful for a vessel operator so designated by the geoduck tract holder ((must)) to fail to be present at all times on each vessel commercially harvesting geoducks or having commercially harvested geoducks aboard. For each day's harvest of geoducks from each tract, it is unlawful for the designated operator ((must)) to fail to legibly and accurately enter the following information on a fish receiving ticket before leaving the department of natural resources geoduck harvest tract:

(a) Enter in the "dealer's use" column the number of cages of geoducks harvested.

(b) Write across the top of the fish receiving ticket directly below the tear strip, the harvest vessel name, its Washington department identification number and the date.

(c) Sign the fish receiving ticket as the fisher.

~~((4)) Commercial fishers who are neither wholesale dealers nor holders of a direct retail endorsement must complete a transportation ticket as provided for in WAC 220-69-300 when transporting commercial fish or shellfish away from the catching vessel or, for a fishery that does not require a vessel, the catch site. The transportation ticket is to remain with the fish or shellfish until a fish receiving ticket is completed, and must be presented for inspection by persons transporting, holding, or storing fish or shellfish when requested by authorized department personnel.))~~

(d) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-242 Duties of commercial shellfish ~~((purchasers, receivers, and))~~ **shuckers.** Every person ~~((receiving, purchasing, or))~~ shucking shellfish for resale, excluding privately cultured aquatic products, ~~((shall keep complete and accurate records showing the person from whom the shellfish were received, the quantity received, the quantity of shellfish shucked or opened, if applicable, and the location from which the shellfish were harvested, and shall))~~ is required to have a wholesale dealers license. It is unlawful for shellfish shuckers originally receiving shellfish that are

not private sector cultured aquatic products to fail to completely, accurately, and legibly prepare ((the appropriate)) a state of Washington ((fish)) shellfish receiving ticket for each ((and every)) day's activities.

(1) Failure to be licensed under this section is punishable under RCW 77.15.620.

(2) Failure to prepare a fish receiving ticket under this section is punishable under RCW 77.15.630.

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-243 Duties of aquatic farmers. ~~((Every))~~ (1) It is unlawful for an aquatic farmer ((selling or)) shipping out-of-state ((his)) or selling private sector cultured aquatic products ((shall)) to fail to keep complete and accurate records showing the quantity of these products sold and the location of the aquatic farm where they were grown, and ((shall)) to fail to completely, accurately, and legibly prepare an aquatic farm production report. An aquatic farm production report shall ((be prepared for)) document each aquatic farm's monthly production, showing the information required in WAC 220-69-23402 (1)(d) through (g), and shall be mailed to the department within thirty days of the end of each quarter for which production is reported.

(2) Quarterly production report copies are required to be maintained by the aquatic farmer for one year and presented on demand for inspection by authorized department personnel.

(3) Violation of this section is a misdemeanor, punishable under RCW 77.15.350.

AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

WAC 220-69-250 Required information on nontreaty fish receiving tickets. (1) It is unlawful for a person required to complete a nontreaty fish receiving ticket to fail to enter the information required in WAC 220-69-230 (1)(a) through (m), (p), (s), and (t) ((shall be required)) on each ((completed)) nontreaty fish receiving ticket ((except that WAC 220-69-230 (1)(s) and (t) are not required for bottom fish landings from Pacific Ocean waters and waters of Puget Sound west of the mouth of the Sekiu River)).

(2) A valid license card or duplicate license card issued by the department shall be used in conjunction with an approved mechanical imprinter in lieu of WAC 220-69-230 (1)(a) through (e) except as provided in WAC 220-69-273.

(3) A valid dealer or buyer card issued by the department shall be used in conjunction with an approved mechanical imprinter in lieu of WAC 220-69-230 (1)(h) and (i).

(4) During the period December 1 through December 30, the crab inspection certificate number is a required entry on all shellfish receiving tickets documenting landings and sale of Dungeness crab from Pacific Ocean, Coastal Washington, Grays Harbor, Willapa Harbor, and Columbia River waters. The crab inspection certificate number must be entered legibly on the left hand side of the ticket in the space indicated for dealer's use.

(5) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

WAC 220-69-254 Required information on treaty Indian fish receiving tickets. (1) It is unlawful for a person required to complete a treaty Indian fish receiving ticket to fail to enter the information required in WAC 220-69-234 (1)(a) through (l) and (p) ((shall be required)) on each ((completed)) treaty Indian fish receiving ticket.

(2) A valid treaty Indian identification card may be used in lieu of WAC 220-69-234 (1)(a) and (b).

(3) A valid dealer or buyer card issued by the department shall be used in lieu of WAC 220-69-234 (1)(e) and (f).

(4) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

WAC 220-69-260 Distribution of copies of ((Puget Sound and troll fish)) nontreaty fish receiving tickets. State of Washington ((Puget Sound and troll)) nontreaty fish receiving tickets shall be made out in quadruplicate (four copies) at the time of ((handing)) delivery. Upon completion of the fish receiving ticket it is unlawful for the person completing the fish receiving ticket to fail to distribute the copies ((shall be distributed)) as follows:

(1) The dealer ((copy #1)) copies (white and yellow) shall be retained by receiver for their use.

(2) The state copy (green) shall be mailed to the department. It is required that the state copies be received by the department no later than the sixth working day after the day the ticket was completed by the original receiver.

(3) ((Dealer copy #2 (yellow) shall be retained by receiver for their use.

(4)) Fisher copy (gold) shall be retained by the deliverer for their use.

(4) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

WAC 220-69-264 Distribution of copies of treaty Indian fish receiving tickets. State of Washington treaty Indian fish receiving tickets shall be made out in quintuplicate (five copies) at the time of landing. Upon completion of the treaty Indian fish receiving ticket, it is unlawful for the person completing the fish receiving ticket to fail to distribute the copies ((shall be distributed)) as follows:

(1) The dealer copy ((#1)) (white) shall be retained by receiver for their use.

(2) The state copy (green) and the ((game)) NWIFC copy (pink) shall be mailed to the Northwest Indian Fisheries Commission, P.O. Box 5247, Lacey, Washington 98509. It is required that the state copy and game copy be received by the Northwest Indian Fisheries Commission no later than the sixth working day after the day the ticket was completed by the original receiver.

(3) The tribal copy (yellow) shall be mailed with the state and ((game)) NWIFC copies to the Northwest Indian

Fisheries Commission, P.O. Box 5247, Lacey, Washington 98509: Provided, That upon written agreement received by the department from a specific tribe and buyer indicating the desire to transmit the tribe's copy directly to the ((fisherman's)) fisher's tribe, then that one copy may be so disposed.

(4) The fisherman copy (gold) shall be retained by the deliverer for their use.

(5) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

WAC 220-69-26401 Distribution of copies of shellfish receiving ticket. State of Washington shellfish receiving tickets shall be made out in quintuplicate (five copies) at the time of ((handing)) delivery. Upon completion of the shellfish receiving ticket, it is unlawful for the person completing the fish receiving ticket to fail to distribute the copies ((shall be distributed)) as follows:

(1) The dealer ((copy #1)) copies (white and yellow) shall be retained by receiver of their use.

(2) The state ((copy #1)) copies (green and pink) shall be mailed to the department. It is required that the state ((copy)) copies be received by the department no later than the sixth working day after the day the ticket was completed by the original receiver.

(3) ((The state copy #2 (pink) shall be mailed with state copy #1 (green) to the department.

(4) The dealer copy #2 shall be retained by the receiver for their use.

(5)) The fisherman copy (gold) shall be retained by the deliverer for their use.

(4) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-69-270 License cards. ((4)) Upon lawful application, a commercial fishery license in the form of a license card will be issued by the department. The license card will be designed for use with an approved mechanical imprinting device. The license card will contain the licensee's name; license type and gear code; license year; license number. Upon designating a vessel the license card will additionally contain the vessel name for documented vessels; the state registration number for undocumented vessels if state registration is required; the department vessel registration number for vessels for which neither documentation nor state registration is required; the primary operator and date of birth; up to two alternate operators and date of birth for each.

((2) It is unlawful to fish, deliver, possess or sell food fish or shellfish taken in a commercial fishery or by charter boats or salmon guides without having a vessel designated on the commercial license except for those fisheries in which no vessel is required.

(3) It is unlawful for any person to possess a fishery license card other than the licensee or an operator designated on the license.)

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-274 Signatures. (1) It is unlawful for the deliverer of nontreaty ((food)) fish((;)) or shellfish((; or parts thereof, shall)) to fail to sign the complete nontreaty fish receiving ticket, which signature shall be deemed certification of the correctness of all entries thereon. It is unlawful for the original receiver of nontreaty ((food)) fish((;)) or shellfish((; or parts thereof, shall)) to fail to sign the complete nontreaty fish receiving ticket.

(2) It is unlawful for the deliverer of treaty ((food)) fish((;)) or shellfish((; or parts thereof shall)) to fail to sign the tribal copy of the treaty Indian fish receiving ticket, which signature shall be deemed certification of the correctness of all entries on the complete fish receiving ticket. It is unlawful for the original receiver of treaty food fish((;)) or shellfish((; or parts thereof, shall)) to fail to sign the complete treaty Indian fish receiving ticket.

(a) A fisher who fails to sign a fish receiving ticket is in violation of RCW 77.15.560.

(b) An original receiver who fails to sign a fish receiving ticket is in violation of RCW 77.15.640.

(3) Where the fisherman is unable to deliver the catch, an agent of the fisherman is authorized to sign the fish receiving ticket if the person has first obtained an additional operator's license for the fishing vessel operated by the fisherman.

(4) Should the receiver receive the ((food)) fish((;)) or shellfish((; or parts thereof,)) by other than direct delivery, the receiver shall affix his or her signature to the fish receiving ticket, and the fish receiving ticket shall be completed and submitted without the deliverer's signature together with ((a statement as to the reasons the signature was not obtained)) the transportation ticket, and the receiver shall assume complete responsibility for the correctness of all entries.

AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

WAC 220-69-280 Fish receiving ticket accountability. Only current ((year)) state of Washington fish receiving tickets shall be used, and shall be subject to the following orders:

(1) Official state of Washington fish receiving tickets may be ordered free of charge from the department.

(2) It is unlawful to fail to use fish receiving ticket books ((shall be used)) and fish receiving tickets in numerical sequence, starting with the lowest numbered ticket ((book)) issued to the ((purchaser or)) original receiver.

(3) It is unlawful to transfer fish receiving tickets or ticket books ((shall not be transferred)) from one ((purchaser or)) original receiver to another ((purchaser or)) original receiver without written permission from the department.

(4) It is unlawful for any purchaser or receiver terminating business ((shall)) to fail to notify the department in writing and ((shall)) to fail to return all unused fish receiving tickets and ticket books to the department within thirty days after termination of business.

(5) It is unlawful to fail to return the state copy of all fish receiving tickets to the state. All fish receiving tickets that are incorrectly made out, voided, or otherwise unused,

~~((shall))~~ are required to be submitted to the department accompanying, and in sequence with, other fish receiving tickets.

(6) It is unlawful to fail to account for all fish receiving tickets that are lost, destroyed, or otherwise missing(~~(, shall be accounted for))~~ in writing to the department.

(7) It is unlawful to transfer fish receiving tickets to anyone who is not a licensed wholesale fish dealer, licensed fish buyer, or holder of a direct retail sale license endorsement, and it is unlawful for any person not so licensed to have fish receiving tickets in possession.

(8) It is unlawful for a wholesale dealer or holder of a direct retail sale endorsement to fail to maintain the dealer copy or copies at the dealer's or holder's regular place of business for one year after the date of use of the fish ticket.

(9) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

WAC 220-69-300 Commercial food fish and shellfish transportation ticket. (1) ~~((It is unlawful for any person to transport commercial quantities of food fish or shellfish in Washington state unless the person has in possession a completed state of Washington commercial food fish and shellfish transportation ticket (referred to hereafter as a "transportation ticket").))~~ Commercial fishers who are neither wholesale dealers nor holders of a direct retail endorsement must complete a commercial food fish and shellfish transportation ticket when transporting commercial fish or shellfish away from the catching vessel or, for a fishery that does not require a vessel, the catch site, and it is unlawful to fail to complete the transportation ticket with all the information in subsection (2) of this section. Violation of this subsection is punishable under RCW 77.15.290.

(2) The transportation ticket shall contain space for:

- (a) The name of the fisherman who caught the fish.
- (b) The fisherman's vessel registration number.
- (c) The signature of the fisherman or additional operator.
- (d) The name of the transporter.
- (e) The signature of the transporter.
- (f) The catch area where the food fish or shellfish were caught.
- (g) The species of food fish or shellfish being transported.
- (h) The number or approximate pounds of food fish or shellfish being transported.

(3) The information in subsection (2)(a) through (h) of this section are required entries on all completed transportation tickets.

(4) It is unlawful for an original receiver to fail to mail the transportation ticket ((is to be mailed)) together with the state copy of the fish receiving ticket as provided for in WAC 220-69-260, ((220-69-262,)) WAC 220-69-264, and WAC 220-69-26401, if the commercial fisher delivering the fish or shellfish does not sign the fish receiving ticket, as provided in WAC 220-69-274. If the commercial fisher signs the fish receiving ticket, the transportation ticket is not required to be submitted with the fish receiving ticket. Violation of this sec-

tion is a gross misdemeanor, punishable under RCW 77.15.640.

(5) ~~((It is unlawful for any transporter of commercial quantities of food fish or shellfish to fail to show the transportation ticket, on demand, to a fish and wildlife officer or ex officio fish and wildlife officer.))~~ The transportation ticket is to remain with the fish or shellfish until a fish receiving ticket is completed, and must be presented for inspection by persons transporting, holding, or storing fish or shellfish when requested to do so by a fish and wildlife officer, and it is unlawful to fail to present the transportation ticket on demand. Violation of this subsection is a gross misdemeanor punishable under RCW 77.15.360.

(6) The provisions of this section do not apply to:

- (a) Food fish and shellfish purchased at retail, provided the purchaser has, in possession, a sales receipt documenting purchase.
- (b) Food fish or shellfish for which a fish receiving ticket has been completed.
- (c) Food fish or shellfish being transported by the department.
- (d) Hatchery carcass sales.
- (e) Private sector cultured aquatic products in transport.
- (f) Food fish or shellfish being transported on an Oregon transportation ticket.
- (g) Food fish or shellfish being transported in the catching vessel prior to delivery.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-69-262

Distribution of copies of marine and utility fish receiving ticket.

**WSR 04-17-097
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-216—Filed August 17, 2004, 10:55 a.m., effective September 17, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend dealer's fees for recreational license issuance.

Citation of Existing Rules Affected by this Order: Amending WAC 220-55-115.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-13-061 on June 14, 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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 6, 2004.

Susan Yeager
for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 01-62, filed 4/24/01, effective 5/25/01)

WAC 220-55-115 Recreational license dealer's fees. License dealers may charge a license issuance fee as follows:

(1) Two dollars for the issuance of any of the following fishing licenses:

- (a) A combination license.
- (b) A saltwater license.
- (c) A freshwater license.
- (d) A two-day temporary fishing license.
- (e) A family fishing weekend license.
- (f) A shellfish and seaweed license.
- (g) A razor clam license.

(2) Two dollars for the issuance of any of the following hunting licenses:

- (a) A big game combination license.
- (b) A small game license.
- (c) A three-consecutive day small game license.

(3) Two dollars for the issuance of a fish and wildlife lands vehicle use permit when issued separately from an annual freshwater, saltwater or combination fishing license, or separately from an annual small game hunting license, big game combination license, or trapping license.

~~(4) ((One dollar for the issuance of a personal use shellfish and seaweed license and for a two-day temporary fishing license when issued as a charter stamp.~~

(5)) Notwithstanding the provisions of this section, if any two or more licenses are issued at the same time, or the fish and wildlife lands vehicle use permit is issued with any recreational license, the license issuance fee for the document is two dollars.

~~((6))~~ (5) Fifty cents for the issuance of any of the following:

- (a) A deer, elk, bear, cougar, mountain goat, mountain sheep, moose, or turkey transport tag.
- (b) A state of Washington migratory bird stamp.
- (c) A Western Washington pheasant permit.
- (d) An application for a special permit hunt.

WSR 04-17-098
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-218—Filed August 17, 2004, 10:55 a.m., effective September 17, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Close selected Hood Canal fisheries.

Citation of Existing Rules Affected by this Order: Amending WAC 220-48-029, 220-48-032, 220-48-062, 220-49-020, 220-49-056, 220-56-128, 220-56-235, 220-56-267, 220-56-270, 220-56-390, and 220-56-410.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-13-005 on June 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 11, 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.

Date Adopted: August 7, 2004.

Susan Yeager
for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 03-27, filed 2/18/03, effective 3/21/03)

WAC 220-48-029 Set net—Dogfish—Seasons. (1) It is unlawful to take, fish for and possess dogfish and other species of bottomfish taken with dogfish set net gear for commercial purposes in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas except during the seasons designated below:

- (a) Areas 20A and 20B - November 1 through June 15.
- (b) Area 21A - March 1 through June 15.
- (c) Areas 21B, 22A, 22B, 23A, and 23B - Closed all year.
- (d) Areas 23C and 23D - September 16 through June 15.
- (e) Areas 24A, 24B, and 24D - September 16 through June 15.
- (f) Area 24C - September 16 through June 15, except those waters south of a line projected due east of East Point on Whidbey Island are closed all year.
- (g) Areas 25A, 25B and that portion of Area 25C west of a line from Twin Spits to the Port Gamble Millstack - September 16 through June 15.
- (h) Area 25D and that portion of 25C east of line from Twin Spits to the Port Gamble Millstack - Closed all year.

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(i) Area 25E - Closed all year.

(j) Area 26A - September 16 through June 15, except those waters southerly and westerly of a line between the ferry dock at Mukilteo and the ferry dock at Clinton are closed all year.

(k) Area 26B - September 16 through June 15, except those waters provided for in WAC 220-20-020(4) (Shilshole Bay) are closed at all times and those waters west of a line from Point Jefferson to Point Monroe are closed from January 1 to April 15. Those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

(l) Area 26C - Open April 16 through June 15 and September 16 through December 31, except those waters north of a line projected true east of Point Bolin and those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

(m) Area 26D - September 16 through June 15, except Quartermaster Harbor and those waters south of lines projected from Dash Point to Point Piner on Maury Island and from Point Dalco true west to the Kitsap Peninsula are closed all year.

(n) Areas 27A, 27B, and 27C - ~~((September 16 through June 15))~~ Closed all year.

(o) Area 28A - September 16 through June 15, except those waters north of a line projected true east of Fox Point on Fox Island, and east of a line projected due north from the northwest tip of Fox Island are closed all year.

(p) Areas 28B, 28C, and 28D - September 16 through June 15, except those waters provided for in WAC 220-20-010(6) (upper Carr Inlet).

(q) Area 29 - September 16 through June 15.

(2) Incidental catch: It is unlawful to retain any shellfish or fish other than bottomfish.

AMENDATORY SECTION (Amending Order 03-27, filed 2/18/03, effective 3/21/03)

WAC 220-48-032 Set line—Seasons. (1) Set line fishing for dogfish and other bottomfish is open in all Puget Sound Marine Fish - Shellfish Management and Catch Reporting Areas year-round except as provided in this section.

(2) It is unlawful to take, fish for, and possess dogfish and other bottomfish taken with set lines in:

(a) All Marine Fish-Shellfish Management and Catch Reporting Areas June 16 through September 15.

(b) That portion of Area 26C north of a line projected due east from Point Bolin to Bainbridge Island is closed all year.

(c) That portion of Area 26D south of lines projected due west of Point Dalco on Vashon Island, and from Dash Point to Point Piner on Maury Island, is closed all year.

(d) That portion of Area 28A east of a line projected due north from the northwest tip of Fox Island, and north of a line projected due east from Fox Point on Fox Island is closed all year.

(e) Those waters provided for in WAC 220-20-010(6) and 220-20-020(4).

(f) Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, and 27C.

(3) Incidental catch: It is unlawful to retain any shellfish and any fish other than bottomfish, and the cumulative weight of rockfish and lingcod shall not exceed 30 pounds for any vessel trip in all open Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

AMENDATORY SECTION (Amending Order 89-48, filed 6/22/89)

WAC 220-48-062 Drag seines—Seasons. It is unlawful to take, fish for, and possess bottomfish with drag seine gear for commercial purposes except in the following Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(1) Areas 28A, 28B, 28C, and 28D - Open January 1 through April 30.

(2) All other areas - Open September 1 through April 30, except Areas 27A, 27B, and 27C are closed year-round.

AMENDATORY SECTION (Amending Order 00-263, filed 12/29/00, effective 1/29/01)

WAC 220-49-020 Herring and anchovy—Seasons—Lawful gear—Purposes. It shall be unlawful to take, fish for or possess for commercial purposes herring or anchovy in Puget Sound except during lawful seasons, with lawful gear and for such purposes as provided for hereinafter in each respective fishing area:

(1) Area 20A.

(a) Closed September 1 through May 31 to all commercial fishing gear except for the spawn on kelp fishery as provided for in WAC 220-49-063.

(b) Closed June 1 through August 31 to all commercial fishing.

(2) It is unlawful to use purse seine gear in any Puget Sound area except 23A, 23B, 23C, 23D, and 29. Areas 23A, 23B, 23C, 23D and 29 are open to purse seine gear only during seasons set by emergency rule.

(3) All other Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas - Open entire year with drag seine, lampara, and dip bag net for human consumption or bait only except for closures set out in subsections (4), (5) and (6) of this section.

(4) The following areas are closed the entire year to all gear:

Areas 20B, 21A, 21B, 22A, 22B, 25A, and 25E.

(5) The following areas are closed from January 15 through April 15, except to dip bag net gear:

(a) Area 24A except for a year-round closure in Swinomish Channel in those waters between the bridge spanning the channel south of La Conner and a line perpendicular to the channel at the northeast end of the La Conner boat basin, 24B, and 24D.

(b) Waters of Area 25C south of a line from Tala Point to Foulweather Bluff.

(c) Area 25D.

(d) Waters of Area 26B west of a line from Point Monroe to Point Jefferson.

(e) Area 26C.

(f) Waters of Area 26D north of a line from Neill Point to Piner Point.

~~(g) ((Waters of)) Areas 27A ((north of a line from South Point to Lofall and contiguous waters of 27A south of a line projected true east from Hazel Point including all waters of Dabob and Quileene Bays)), 27B and 27 C are closed year-round.~~

~~(h) ((Waters of Area 27B north of a line from Triton Head to Tekiu Point.~~

~~(i) Waters of Area 27C east of a line from Ayers Point to Union.~~

~~(j)) Waters of Area 28A west of a line projected true north-south through Treble Point on Anderson Island, including Henderson Inlet.~~

~~((k)) (i) Waters of Area 28B west of a line projected true north from Penrose Point, including Mayo Cove and Von Geldern Cove.~~

~~((h)) (j) All contiguous waters of Area 28D north and east of a line projected from Dofflemeyer Point through Cooper Point to landfall on the west shore of Eld Inlet, including Totten Inlet, Hammersley Inlet and Oakland Bay.~~

AMENDATORY SECTION (Amending Order 02-66, filed 3/27/02, effective 4/27/02)

WAC 220-49-056 Smelt fishing—Seasons. It shall be unlawful to take, fish for or possess smelt for commercial purposes in Puget Sound except during the following seasons:

- (1) Areas 20A and 21A - July 1 to April 15.
- (2) Area 22B - November 1 to April 15.
- (3) Areas 24A, 24B, 24C, and 24D - July 1 to April 15.
- (4) Areas 25A and 25E - November 1 to April 15.
- (5) Areas 26B, 26C, 26D, ~~((27B, 27C;))~~ 28B, and 28C -

October 1 to April 15 except those waters within 200 feet of shore adjacent to department property at Ross Point in Area 26C are closed to commercial smelt harvest at all times, and those waters of Sinclair Inlet west of a line due south from the ferry dock in Bremerton are open only 8:01 a.m. Wednesday through 7:59 a.m. Friday of each week during the open period.

- (6) Areas 27A, 27B and 27C - Closed year-round.
- (7) Areas 28A and 28D - September 1 to April 15.
- ~~((7))~~ (8) All other areas open the entire year.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-128 Food fish fishing—Closed areas. It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within 400 feet below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Thriftway Market Building to a point 100 yards north of the railroad bridge located on

the western side of the inlet opposite the Thriftway Market Building are closed during the period July 16 through October 31.

- (3) The waters of Percival Cove are closed at all times.
- (4) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek and waters within the channel created when tidelands are exposed are closed the entire year.
- (5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.
- (6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.
- (7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay waters east of a line 175 feet west of the Burlington Northern Railroad Bridge are closed to fishing.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

(13) Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to food fish angling from January 1 through March 31.

(14) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device downstream of Chief Joseph Dam to the Corps of Engineers Safety Zone Marker.

(15) Wells Dam - waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.

(16) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

(17) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.

(18) Jackson (Moran) Creek - all waters of the Priest Rapids hatchery system including Columbia River waters out

to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.

(19) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(20) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(21) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(22) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(23) The waters of Catch Area 12 are closed at all times to the taking of food fish other than salmon.

AMENDATORY SECTION (Amending Order 04-39, filed 3/4/04, effective 5/1/04)

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4) - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

- (a) Lingcod - 2 fish minimum length 24 inches.
- (b) Rockfish - 10 fish. Release all canary and yelloweye rockfish.
- (c) Surfperch (excluding shiner perch) - 15 fish.
- (d) Wolf-eel - 0 fish from Catch Record Card Area 4.
- (e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish except	1 fish May 1 through September 30
in Marine Area 5 west of Slip Point	3 fish of which no more than 1 may be other than black rockfish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish	1 fish May 1 through September 30
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pollock	2 fish
Pacific hake	2 fish

(c) Catch Record Card Areas 8-1 through 11 and 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish in Area 9 May 1 through September 30 and in Areas 8-1, 8-2, 10, 11 and 13 when lingcod or salmon seasons are open. Rockfish closed in Area 12	1 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	0 fish

(d) Catch Area 12: Closed.

(e) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

((e)) (f) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

((f)) (g) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 11 and 13 from December 1 through April 30.

((g)) (h) It is unlawful to retain six-gill shark taken from Catch Record Card Areas 5 through 13.

((h)) (i) It is unlawful to retain canary or yelloweye rockfish taken from Catch Record Card Areas 5 through 13.

((i)) (j) It is unlawful to take rockfish by spear fishing in Catch Record Card Areas 5 through 13.

((j)) (k) In Catch Record Areas 5 through 11 and 13, the daily limit for rockfish is the first legal rockfish caught, except in Area 5 west of Slip Point the daily limit for rockfish is the first three legal rockfish caught, provided that no more than one of the three may be other than black rockfish. After the daily limit of rockfish is caught, all subsequent rockfish must be released.

PERMANENT

AMENDATORY SECTION (Amending Order 99-13, filed 3/30/99, effective 5/1/99)

WAC 220-56-267 Herring—Areas and seasons. Herring fishing is open in all state waters year around except:

(1) Those waters of Catch Record Card Area 6 south of a line from Ediz Hook to Partridge Point are closed January 16 through April 15.

(2) Those waters of Catch Record Card Area 7 north of a line from Sandy Point through Patos Island to the United States-Canada boundary are closed year ~~((around))~~-round.

(3) Catch Record Card Area 12 is closed year-round.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-270 Smelt—Areas and seasons. (1) Smelt fishing is permitted the entire year on Pacific Ocean beaches and in all rivers concurrent with a salmon or game-fish opening, except closed in the Columbia River and tributaries.

(2) Smelt fishing is open in Puget Sound and the Strait of Juan de Fuca the entire year except closed weekly from 8:00 a.m. Wednesday to 8:00 a.m. Friday for all types of gear except forage fish jigger gear and closed year-round in Catch Record Card Area 12.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-390 Squid, octopus. (1) It is lawful to take, fish for or possess squid and octopus the entire year except closed year-round in Catch Record Card Area 12.

(2) It is unlawful to take, fish for or possess squid taken for personal use with more than one line. A maximum of four squid lures may be used. If gear utilizes conventional hooks, it shall not exceed a total of nine points. Herring rakes and hand dip net gear may be used to take squid. In the field each person taking squid must use a separate container to hold their catch.

(3) Octopus may be taken by hand or by any instrument which will not penetrate or mutilate the body except that it is lawful to retain octopus taken while angling with hook and line gear.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-410 Sea cucumbers. (1) It is lawful to fish for sea cucumbers for personal use the entire year except closed year-round in Catch Record Card Area 12.

(2) It shall be lawful to take, fish for and possess sea cucumbers for personal use with any hand-operated instrument which does not penetrate the animal.

WSR 04-17-118
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed August 17, 2004, 1:51 p.m., effective September 17, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is adopting amended and new rules to improve readability, clarify policy regarding emergency transportation services, and streamline program administration by making MAA's policy more consistent with Medicare's policy where practicable.

Citation of Existing Rules Affected by this Order: Amending WAC 388-546-0001, 388-546-0100, 388-546-0150, 388-546-0200, 388-546-0250, 388-546-0300, 388-546-0400, 388-546-0450, 388-546-0500, 388-546-0600, 388-546-0700, 388-546-0800, and 388-546-1000.

Statutory Authority for Adoption: RCW 74.04.057, 74.08.090, and 74.09.510.

Adopted under notice filed as WSR 04-12-103 on June 2, 2004.

Changes Other than Editing from Proposed to Adopted Version: The following changes, other than editing changes, have been made to the rules as proposed (Additions indicated by underlined text, deletions indicated by ~~strikethrough text~~):

REVISED SECTIONS:

WAC 388-546-0001 Definitions. "Bordering ~~area~~ city hospital" means a licensed hospital in a designated bordering city (see WAC 388-501-0175).

WAC 388-546-2500 Transportation to or from out-of-state treatment facilities—Coordination of benefits. (1) The medical assistance administration (MAA) does not pay for a client's transportation to or from an out-of-state treatment facility when the medical service, treatment, or procedure sought by the client is available from an in-state facility or in a designated bordering city, whether or not the client has other insurance coverage.

(2) For clients who are otherwise eligible for out-of-state coverage under WAC 388-546-0150, but have other third-party insurance, MAA does not pay for transportation to or from out-of-state treatment facilities when the client's primary insurance:

(a) Denies the client's request for medical services out-of-state for lack of medical necessity; or

(b) Denies the client's request for transportation for lack of medical necessity.

(3) For clients who are otherwise eligible for out-of-state coverage under WAC 388-546-0150, but have other third-party insurance, MAA does not consider requests for transportation to or from out-of-state treatment facilities unless the client has tried all of the following:

(a) Requested coverage of the benefit from his/her primary insurer and been denied;

(b) Appealed the denial of coverage by the primary insurer; and

(c) Exhausted his/her administrative remedies through the primary insurer.

PERMANENT

(4) If MAA authorizes transportation to or from an out-of-state treatment facility for a client with other third-party insurance, MAA's liability is limited to the cost of the least costly means of transportation that does not jeopardize the client's health, as determined by MAA in consultation with the client's referring physician.

(5) For clients eligible for out-of-state coverage but have other third-party insurance, MAA considers requests for transportation to or from out-of-state treatment facilities under the provisions of WAC 388-501-0165.

A final cost-benefit analysis is available by contacting Wendy Boedigheimer, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727, e-mail boediwl@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, 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 13, 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 13, Repealed 0.

Date Adopted: August 13, 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 04-18 issue of the Register.

WSR 04-17-119
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed August 17, 2004, 1:52 p.m., effective September 17, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This filing amends WAC 388-14A-1020 (definitions section), 388-14A-4100 and other related sections and adopts new rules as well. See below for a listing of all rules covered by this notice. These rules describe how the DSHS Division of Child Support (DCS) enforces medical child support obligations using a federal form called the national medical support notice (NMSN).

DCS has adopted emergency rules under WSR 04-07-057, effective March 22, 2004, and then under WSR 04-14-054, effective June 30, 2004, so that we could start using the NMSN as soon as possible. These emergency rules will be superseded by this permanent rule on the effective date.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-1020 What definitions apply to

the rules regarding child support enforcement?, 388-14A-4040 DCS can serve some collection actions by electronic service, 388-14A-4100 How does ((~~Can~~)) the division of child support ((~~make me~~)) enforce my obligation to provide health insurance for my children?, 388-14A-4110 If my support order requires me to provide health insurance for my children, what do I have to do?, 388-14A-4120 DCS ((~~serves a~~)) uses the National Medical Support Notice ((~~of enrollment~~)) to enforce an obligation to provide health insurance coverage and 388-14A-4130 What must ((~~an employer or union who receives a notice of enrollment do~~)) a plan administrator do after receiving a National Medical Support Notice from the division of child support?; and new sections WAC 388-14A-4121 Can a Washington employer assume that every National Medical Support Notice that the employer receives is from the division of child support?, 388-14A-4122 What kind of information is included in the National Medical Support Notice?, 388-14A-4123 What can happen if the employer fails to comply with the terms of the National Medical Support Notice?, 388-14A-4124 Who are the parties involved with the National Medical Support Notice?, 388-14A-4125 What must an employer do after receiving a National Medical Support Notice?, 388-14A-4126 What kind of help is available for an employer or plan administrator who has questions about the National Medical Support Notice?, 388-14A-4135 What must the plan administrator do when the noncustodial parent has health insurance but the children are not included in the coverage?, 388-14A-4140 What must the plan administrator do when the noncustodial parent is eligible for health insurance but is not yet enrolled?, 388-14A-4143 What must the plan administrator do when the employer provides health insurance but the noncustodial parent is not yet eligible for coverage?, 388-14A-4145 What must the plan administrator do when the insurance plan in which the noncustodial parent is enrolled does not provide coverage which is accessible to the children?, 388-14A-4150 What must the plan administrator do when the noncustodial parent has more than one family?, 388-14A-4160 Are there any limits on the amount a noncustodial parent may be required to pay for health insurance premiums?, 388-14A-4165 What happens when a noncustodial parent does not earn enough to pay child support plus the health insurance premium?, 388-14A-4170 How long does a National Medical Support Notice or other notice of enrollment remain in effect?, and 388-14A-4175 Is an employer obligated to notify the division of child support when insurance coverage for the children ends?

Statutory Authority for Adoption: RCW 74.08.090 and 74.20A.310.

Other Authority: RCW 26.18.170; 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998; 45 C.F.R. 303.31; and 45 C.F.R. 303.32.

Adopted under notice filed as WSR 04-13-139 on June 22, 2004.

Changes Other than Editing from Proposed to Adopted Version: Editorial changes only.

Number of Sections Adopted in Order to Comply with Federal Statute: New 15, Amended 6, 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 15, Amended 6, Repealed 0.

Date Adopted: August 11, 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 04-18 issue of the Register.

WSR 04-17-125
PERMANENT RULES
GAMBLING COMMISSION

[Order 434—Filed August 17, 2004, 3:09 p.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Purpose: Currently, this rule requires house-banked, Class F, and Class E over five tables, card room licensees to use logo cards. This filing will require only house-banked card games to continue using logo cards.

Citation of Existing Rules Affected by this Order: Amending WAC 230-40-070.

Statutory Authority for Adoption: RCW 9.46.070.

Other Authority: RCW 9.46.0282.

Adopted under notice filed as WSR 04-09-087 on May 5 [April 20], 2004.

Changes Other than Editing from Proposed to Adopted Version: The CR-102 filing required only poker games with player-supported jackpots and house-banked card games to use logo cards. At the July meeting, a licensed card room operator, requested that logo cards only be required for house-banked card games, and not for poker games because logo poker cards are not being manufactured. Staff does not have regulatory concerns if poker games with player-supported jackpots do not use nonlogo cards, if dealers verify the value and suit of each card in the deck, when \$500 or more is won. Currently, dealers only fan the winning hand. Staff will put forward an amendment to WAC 230-40-610 to include this procedure and recommend the effective date coincide with nonlogo card poker games. The amendment to WAC 230-40-610 will be up for filing at the September commission meeting.

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.

Date Adopted: August 17, 2004.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 405 [430], filed 7/13/01 [5/18/04], effective 1/1/02 [7/1/04])

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, 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.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 04-15-013
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 8, 2004, 2:44 p.m., effective July 8, 2004]

Date Adopted: July 1, 2004.

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

Effective Date of Rule: Immediately.

Purpose: The emergency rule revises chapter 388-72A WAC, Comprehensive assessment reporting evaluation (CARE) tool, to include the CARE algorithm component in rule, incorporate CARE assessment criteria for children receiving state plan Medicaid personal care (MPC) services, and amend other sections as needed to update program rules. These rules replace emergency rules filed as WSR 04-09-094 on April 20, 2004.

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-0035, 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 and 74.09.520.

Other Authority: RCW 74.39A.090 and 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.

A CR-102, proposed rule-making for adoption of permanent rules on this subject, and a public hearing is scheduled for September 7, 2004. See WSR 04-14-099.

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 16, Amended 10, 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 16, Amended 10, Repealed 2.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0010 (~~Does~~) **Do** chapter 388-71 WAC **and** WAC 388-845-1300 **apply to me?** Yes. Chapter 388-71 WAC (~~applies~~) **and** WAC 388-845-1300 **apply** with the exception of the following(~~s~~) definitions in WAC 388-71-0202: Direct personal care services, household assistance, medically oriented tasks, personal care services, plan of care, supervision, and unscheduled tasks. **Also, the following WAC sections do not apply to you:** WAC 388-71-0203, 388-71-0205, 388-71-0430, 388-71-0435, 388-71-0440, 388-71-0442, and 388-71-0445.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0035 **What are personal care services?** Personal care services means physical or verbal assistance with activities of daily living (ADL) and instrumental activities of daily living (IADL). (~~Assistance means verbal or physical assistance with ADL and IADL.~~) Assistance is evaluated with the use of assistive devices.

(1) Activities of daily living consist of the following care tasks that are directly related to your disabling condition:

(a) **Bathing**(~~s~~): How you take a full-body bath/shower, sponge bath, and transfer in/out of tub/shower;

(b) **Bed mobility**(~~s~~): How you move to and from a lying position, turn side to side, and position your body while in bed;

(c) **Body care**(~~s~~): How you perform with passive range of motion, applications of dressings and ointments or lotions to the body and pedicure to trim toenails and apply lotion to feet. In adult family homes or in (~~licensed boarding homes contracting with DSHS to provide~~) contracted assisted living (~~services~~) facilities, dressing changes using clean technique and topical ointments (~~must be delegated by a registered nurse~~) require nurse delegation in accordance with chapter 246-840 WAC. Body care excludes:

(i) Foot care for clients who are diabetic or have poor circulation; or

(ii) Changing bandages or dressings when sterile procedures are required.

(d) **Dressing**(~~s~~): How you put on, fasten, and take off all items of clothing, including donning/removing prosthesis;

(e) **Eating**(~~s~~): How you eat and drink, regardless of skill. Eating includes any method of receiving nutrition, e.g., by mouth, tube or through a vein;

(f) **Locomotion in room and immediate living environment**(~~s~~): How you move between locations in your room and immediate living environment. If you are in a wheelchair, locomotion includes how self-sufficient you are once in your wheelchair;

(g) **Locomotion outside of immediate living environment including outdoors**(~~s~~): How you move to and return from more distant areas. If you are living in a boarding home

or nursing facility (NF), this includes areas set aside for dining, activities, etc. If you are living in your own home or in an adult family home, locomotion outside immediate living environment including outdoors, includes how you move to and return from a patio or porch, backyard, to the mailbox, to see the next-door neighbor, etc;

(h) **Walk in room, hallway and rest of immediate living environment((:)):** How you walk between locations in your room and immediate living environment;

(i) **Medication management((:)):** Describes the amount of assistance, if any, required to receive medications, over the counter preparations or herbal supplements;

(j) **Toilet use((:)):** How you use the toilet room, commode, bedpan, or urinal, transfer on/off toilet, cleanse, change pad, manage ostomy or catheter, and adjust clothes;

(k) **Transfer((:)):** How you move between surfaces, i.e., to/from bed, chair, wheelchair, standing position. Transfer does not include how you move to/from the bath ((ø)), toilet, or vehicle; and

(l) **Personal hygiene((:)):** How you maintain personal hygiene, including combing hair, brushing teeth, shaving, applying makeup, washing/drying face, hands (includes nail care), menses care, and perineum. This does not include personal hygiene in baths and showers.

(2) Instrumental activities of daily living (IADL) consist of the following routine activities performed around the home or in the community.

(a) **Meal preparation((:)):** How meals are prepared (e.g., planning meals, cooking, assembling ingredients, setting out food, utensils, and cleaning up after meals). NOTE: This task may not be authorized to just plan meals or clean up after meals. You must need assistance with actual meal preparation;

(b) **Ordinary housework((:)):** How ordinary work around the house is performed (e.g., doing dishes, dusting, making bed, tidying up, laundry);

(c) **Essential shopping((:)):** How shopping is completed to meet your health and nutritional needs (e.g., selecting items). Shopping is limited to brief, occasional trips in the local area to shop for food, medical necessities and household items required specifically for your health, maintenance or well-being. This includes shopping with or for you;

(d) **Wood supply((:)):** How wood is supplied (e.g., splitting, stacking, or carrying wood) when you use wood as the sole source of fuel for heating and/or cooking;

(e) **Travel to medical services((:)):** How you travel by vehicle to a physician's office or clinic in the local area to obtain medical diagnosis or treatment-includes driving vehicle yourself, traveling as a passenger in a car, bus, or taxi;

(f) **Managing finances((:)):** How bills are paid, check-book is balanced, household expenses are managed. The department cannot pay for any assistance with managing finances; and

(g) **Telephone use((:)):** How telephone calls are made or received (with assistive devices such as large numbers on telephone, amplification as needed).

NEW SECTION

WAC 388-72A-0036 How are my needs for personal care services determined? The assessor gathers information from you, your caregivers, family members, and other sources to determine how much assistance you need with personal care services. For children age seventeen and younger, age expectations and the role of legally responsible natural/step/adoptive parents are considered and documented. This is measured by your:

(1) Self-performance, what you actually did in the last seven days before the assessment, not what you might be capable of doing. Coding is based on the level of performance that occurred three or more times in the seven-day period.

(2) Support provided, which means the highest level of support provided by others in the last seven days before the assessment, even if that level of support occurred only once.

(3) Status, which identifies whether a need is met, unmet, partially met, or declined.

(4) Assistance available.

NEW SECTION

WAC 388-72A-0037 How are self performance and support provided for the activities of daily living (ADLs) scored? (1) For each ADL, except as otherwise provided for bathing, body care, and medication management, the assessor determines your ability to self-perform the ADL. Your self performance is scored as:

(a) **Independent** if you received no help or oversight, or if you needed help or oversight only once or twice;

(b) **Supervision** if you received oversight (monitoring or standby), encouragement, or cueing three or more times;

(c) **Limited assistance** if you were highly involved in the activity and given physical help in guided maneuvering of limbs or other nonweight bearing assistance on three or more occasions;

(d) **Extensive assistance** if you performed part of the activity, but on three or more occasions, you needed weight bearing support or you received full performance of the activity during part, but not all, of the activity;

(e) **Total dependence** if you received full caregiver performance of the activity and all subtasks during the entire seven-day period from others. Total dependence means complete nonparticipation by you in all aspects of the ADL; or

(f) **Activity did not occur** if you or others do not perform an ADL over the last seven days before your assessment. The activity may not have occurred because:

(i) You were not able (e.g., walking, if paralyzed); or

(ii) No provider was available to assist; or

(iii) You declined assistance with the task.

(2) The assessor also determines the level of support provided. Your support provided is scored as:

(a) **No set-up** or physical help provided by others;

(b) **Set-up help only** provided, which is the type of help characterized by providing you with articles, devices, or preparation necessary for greater self-performance of the activity (such as giving or holding out an item that you take from others);

(c) **One-person physical assist** provided;

- (d) **Two- or more person physical assist** provided; or
 (e) **Activity did not occur** during entire seven-day period.

NEW SECTION

WAC 388-72A-0038 How are the ADLs bathing, body care, and medication management scored? (1) The activity of bathing is assessed in the same way as other ADLs in WAC 388-72A-0037, except you are assessed as needing:

(a) **Limited assistance** with bathing if physical help is limited to transfer only; or

(b) **Extensive assistance** with bathing if you needed physical help with part of the activity (other than transfer).

(2) The activity of body care is assessed to determine whether you need assistance. You are scored as needing assistance if you require:

(a) Application of ointment or lotions;

(b) Trimming of toenails;

(c) Dry bandage changes; or

(d) Passive range of motion treatment.

(3) The activity of medication management is assessed to determine whether you need assistance managing your medications. This assistance is scored as:

(a) **Independent** if you remember to take medications as prescribed and manage your medications without assistance;

(b) **Assistance required** if you need assistance from a nonlicensed provider to facilitate your self-administration of a prescribed, over the counter, or herbal medication, you are assessed as needing assistance with medication management. Assistance required includes reminding or coaching you, handing you the medication container, opening the container, using an enabler to assist you in getting the medication into your mouth, and placing the medication in your hand. This does not include assistance with intravenous or injectable medications. You must be aware that you are taking medications;

(c) **Self-directed medication assistance/administration** if you are a person with a functional disability who is capable of and who chooses to self-direct your medication assistance/administration. In licensed boarding homes, this may include situations in which you cannot physically self-administer medications but can accurately direct others, per WAC 388-78A-0300; or

(d) **Must be administered** if you must have medications placed in your mouth or applied or instilled to your skin or mucus membrane. Administration must either be performed by a licensed professional or delegated by a registered nurse to a qualified caregiver (per chapter 246-840 WAC). Intravenous or injectable medications may never be delegated. Administration may also be performed by a family member or unpaid caregiver if facility licensing regulations allow.

NEW SECTION

WAC 388-72A-0039 How are self performance and difficulty for the instrumental activities of daily living (IADLs) scored? (1) For each IADL, the assessor determines your ability to self-perform the IADL. Your self performance is scored as:

(a) **Independent** if you received no help, set-up help, or supervision;

(b) **Supervision** if you received set-up help or arrangements only;

(c) **Limited assistance** if you sometimes performed the activity yourself and other times needed assistance;

(d) **Extensive assistance** if you were involved in performing the activity, but required cueing/supervision or partial assistance at all times;

(e) **Total dependence** if you needed the activity fully performed by others; or

(f) **Activity did not occur** if you or others did not perform the activity in the last seven days before the assessment.

(2) For each IADL, the assessor determines how difficult it is or would be for you to perform the activity. This is scored as:

(a) **No difficulty** in performing the activity;

(b) **Some difficulty** in performing the activity (e.g., you need some help, are very slow, or fatigue easily); or

(c) **Great difficulty** in performing the activity (e.g., little or no involvement in the activity is possible).

NEW SECTION

WAC 388-72A-0041 How are status and assistance available scored for ADLs and IADLs? (1) For each ADL and IADL, the assessor determines whether there is an informal support available. An informal support is a person or resource that is available to provide assistance without home and community program funding. The assessor determines whether the ADL or IADL is:

(a) **Met**, which means the ADL or IADL will be fully provided by an informal support;

(b) **Unmet**, which means an informal support will not be available to provide assistance with the identified ADL or IADL;

(c) **Partially met**, which means an informal support will be available to provide some assistance, but not all, with the identified ADL or IADL; or

(d) **Client declines**, which means you do not want assistance with the task.

(2) If partially met is selected, then the amount of the assistance available is determined using one of four categories:

(a) Less than one-fourth of the time;

(b) One-fourth to one-half of the time;

(c) Over one-half of the time to three-fourths of the time; or

(d) Over three-fourths of the time.

Note: For children seventeen years and younger living with their legally responsible natural/step/adoptive parents, the status and assistance available will be met or partially met over three fourths of the time.

The following table is used to determine the percentages outlined in subsection (2)(a) through (d) of this section.

NUMBER OF TIMES/HOURS TASK IS MET INFORMALLY

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1																				
2	50%																			
3	33%																			
4	25%	50%																		
5		40%		80%																
6		33%	50%		83%															
7		29%	43%			86%														
8		25%	38%	50%			88%													
9			33%	44%			78%	89%												
10			30%	40%	50%			80%	90%											
11			27%	36%	45%				82%	91%										
12			25%	33%	42%	50%				83%	92%									
13				31%	38%	46%				77%	85%	92%								
14				29%	36%	43%	50%				79%	86%	93%							
15				27%	33%	40%	47%					80%	87%	93%						
16				25%	31%	38%	44%	50%					81%	88%	94%					
17					29%	35%	41%	47%						76%	82%	88%	94%			
18					28%	33%	39%	44%	50%						78%	83%	89%	94%		
19					26%	32%	37%	42%	47%							79%	84%	89%	95%	
20					25%	30%	35%	40%	45%	50%							80%	85%	90%	95%

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NEW SECTION

WAC 388-72A-0042 How are ADLs and IADLs scored for children? For children, the following age appropriate guidelines apply. The table indicates which tasks are considered met per age expectations.

Activities of Daily Living (ADLs)		Ages															
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
■ = Code status as Met																	
Medication Management																	
Independent, supervision, limited, extensive, or Total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Locomotion in Room^{Note}																	
Independent, supervision, limited or extensive		■	■	■													
Total		■															
Locomotion Outside Room^{Note}																	
Independent or supervision		■	■	■	■	■											
Limited or extensive		■	■	■													
Total		■															
Walk in Room^{Note}																	
Independent, supervision, limited or extensive		■	■	■													
Total		■															

Activities of Daily Living (ADLs)		Ages															
■ = Code status as Met		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Bed Mobility																	
Independent, supervision, limited or extensive		■	■														
Total		■															
Transfers																	
Independent, supervision, limited, extensive or total & under 30 pounds (Total & over 30 pounds= no age limit)		■	■														
Toilet Use^{Note}																	
Support provided for nighttime wetting only (Independent, supervision, limited, extensive, or total)		■	■	■	■	■	■	■									
Independent, supervision, limited, extensive		■	■	■	■	■											
Total		■	■	■													
Eating																	
Independent, supervision, limited, extensive, or total		■	■														
Meal Preparation																	
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Bathing																	
Independent or supervision		■	■	■	■	■	■	■	■	■	■						
Physical assistance all/part		■	■	■	■	■	■										
Total		■	■	■	■												
Dressing																	
Independent or supervision		■	■	■	■	■	■	■	■	■	■						
Limited or extensive		■	■	■	■	■	■										
Total		■	■	■	■												
Personal Hygiene																	
Independent or supervision		■	■	■	■	■	■	■	■	■	■						
Limited or extensive		■	■	■	■	■	■										
Total		■	■	■	■												

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Instrumental Activities of Daily Living		Ages															
■ = Code status as Met		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Telephone																	
Independent, supervision, limited, extensive, or Total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Transportation																	
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Shopping																	
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

	Instrumental Activities of Daily Living															
	Ages															
■ = Code status as Met	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Wood Supply																
Independent, supervision, limited, extensive, or total	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Housework																
Independent, supervision, limited, extensive, or total	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Finances																
Independent, supervision, limited, extensive, or total	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

NOTE: If the activity did not occur, the assessor codes self performance as total and status as met.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0055 Am I eligible for COPES-funded services? You are eligible for COPES-funded services if you meet all of the following criteria. The department or its designee must assess your needs and determine that:

(1) You are age:

(a) Eighteen or older and blind or disabled, as defined in WAC 388-511-1105; or

(b) Sixty-five or older.

(2) You meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1505, Community options program entry system (COPES);

(3) You:

(a) Are not eligible for Medicaid personal care services (MPC); or

(b) Are eligible for MPC services, but the department determines that the amount, duration, or scope of your needs is beyond what MPC can provide.

(4) Your ((comprehensive)) **CARE** assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless COPES services are provided) which means one of the following applies((-):

(a) You require care provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis, or:

(b) You have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) with at least three or more of the following((- as defined in WAC 388-72A-0040)):

(i) Setup in eating (e.g., cutting meat and opening containers at meals; giving one food category at a time);

(ii) Supervision in toileting;

(iii) Supervision in bathing;

(iv) Supervision plus setup in transfer;

(v) Supervision plus setup in bed mobility;

(vi) Supervision plus set up help in one of the following three tasks:

(A) Walk in room, hallway and rest of immediate living environment;

(B) Locomotion in room and immediate living environment;

(C) Locomotion outside of immediate living environment including outdoors.

(vii) Assistance required in medication management; or

(c) You have an unmet or partially met need with at least two or more of the following((- as defined in WAC 388-72A-0040)):

(i) Extensive assistance plus one person physical assistance in toileting;

(ii) Extensive assistance plus one person physical assistance in one of the following three tasks:

(A) Walk in room, hallway and rest of immediate living environment;

(B) Locomotion in room and immediate living environment;

(C) Locomotion outside of immediate living environment including outdoors.

(iii) Extensive assistance plus one person physical assistance in transfer;

(iv) Limited assistance plus one person physical assistance in bed mobility and need turning/repositioning;

(v) Physical help limited to transfer plus one person physical assist in bathing;

(vi) Supervision plus one person physical assist in eating; or

(vii) Daily assistance required in medication management; or

(d) You have a cognitive impairment and require supervision due to one or more of the following: Disorientation, memory impairment, impaired decision making, or wandering and have an unmet or partially met need with at least one or more of the following((- as defined in WAC 388-72A-0040)):

(i) Extensive assistance plus one person physical assistance in toileting;

(ii) Extensive assistance plus one person physical assistance in one of the following three tasks:

(A) Walk in room, hallway and rest of immediate living environment;

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(B) Locomotion in room and immediate living environment;

(C) Locomotion outside of immediate living environment including outdoors.

(iii) Extensive assistance plus one person physical assistance in transfer;

(iv) Limited assistance plus one person physical assistance in bed mobility;

(v) Physical help limited to transfer plus one person physical assist in bathing;

(vi) Supervision plus one person physical assist in eating; or

(vii) Daily assistance required in medication management.

AMENDATORY SECTION (Amending WSR 03-24-001, filed 11/19/03, effective 12/20/03)

WAC 388-72A-0060 Am I eligible for MPC-funded services? You are eligible for MPC-funded services when the department or its designee assesses your needs and determines that you meet all of the following criteria:

(1) You are certified as ((Title XIX)) categorically needy, as defined in WAC 388-500-0005. Categorically needy medical institutional programs described in chapter 388-513 WAC do not meet this criteria.

(2) You are functionally eligible which means you:

(a) Have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) in at least three or more of the following(~~as defined in WAC 388-72A-0040~~):

((a)) (i) Help/oversight one or two times during the last seven days plus setup in eating;

((b)) (ii) Supervision in toileting;

((c)) (iii) Supervision in bathing;

((d)) (iv) Supervision in dressing;

((e)) (v) Supervision plus setup in transfer;

((f)) (vi) Supervision plus setup in bed mobility;

((g)) (vii) Supervision plus set up help in one of the following three tasks:

((h)) (A) Walk in room, hallway and rest of immediate living environment;

((i)) (B) Locomotion in room and immediate living environment(;

(;); or

(C) Locomotion outside of immediate living environment including outdoors.

((j)) (viii) Assistance required in medication management;

((k)) (ix) Supervision in personal hygiene;

((l)) (x) Assistance with body care, which means you need:

((m)) (A) Application of ointment or lotions;

((n)) (B) Your toenails trimmed;

((o)) (C) Dry bandage changes; or

((p)) (D) Passive range of motion treatment.

((q)) (b) You have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) with at least one or more of the following(~~as defined in WAC 388-72A-0040~~):

((a)) (i) Extensive assistance plus one person physical assistance in toileting;

((b)) (ii) Extensive assistance plus one person physical assistance in one of the following three tasks:

((c)) (A) Walk in room, hallway and rest of immediate living environment(;

(;); or

(B) Locomotion in room and immediate living environment(;

(;); or

(C) Locomotion outside of immediate living environment including outdoors.

((d)) (iii) Extensive assistance plus one person physical assistance in transfer;

((e)) (iv) Limited assistance plus one person physical assistance in bed mobility and need turning/repositioning;

((f)) (v) Physical help limited to transfer plus one person physical assist in bathing;

((g)) (vi) Supervision plus one person physical assist in eating; ((e

(g)) (vii) Daily assistance required in medication management; ((e

(h)) (viii) Assistance with body care, which means you need:

((i)) (A) Application of ointment or lotions;

((j)) (B) Your toenails trimmed;

((k)) (C) Dry bandage changes; or

((l)) (D) Passive range of motion treatment.

((m)) (ix) Extensive assistance plus one person physical assistance in dressing(;

(;); or

(x) Extensive assistance plus one person physical assistance in personal hygiene.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0065 Am I eligible for Chore-funded services? To be eligible for Chore-funded services, you must:

(1) Be eighteen years of age or older;

(2) Have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) in at least one or more of the following(~~as defined in WAC 388-72A-0040~~):

(a) Help/oversight one or two times during the last seven days plus setup in eating;

(b) Supervision in toileting;

(c) Supervision in bathing;

(d) Supervision in dressing;

(e) Supervision plus setup in transfer;

(f) Supervision plus setup in bed mobility;

(g) Supervision plus set up help in one of the following three tasks:

(i) Walk in room, hallway and rest of immediate living environment;

(ii) Locomotion in room and immediate living environment; or

(iii) Locomotion outside of immediate living environment including outdoors.

- (h) Assistance required in medication management;
- (i) Supervision in personal hygiene;
- (j) Assistance with body care, which means you need:
 - (i) Application of ointment or lotions;
 - (ii) Your toenails trimmed; or
 - (iii) Dry bandage changes; or
 - (iv) Passive range of motion treatment.

(3) Currently be on the Chore program and not be eligible for MPC or COPEs, Medicare home health or other programs if these programs can meet your needs;

(4) Have net household income (as described in WAC 388-450-0005(~~(, 388-450-0020,)~~) and 388-450-0040(~~(, and 388-511-1130)~~)) not exceeding:

- (a) The sum of the cost of your Chore services; and
- (b) One-hundred percent of the Federal Poverty Level (FPL) adjusted for family size.

(5) Have resources, as described in chapter 388-470 WAC, which does not exceed ten thousand dollars for a one-person family or fifteen thousand dollars for a two-person family. (Note: One thousand dollars for each additional family member may be added to these limits.)

(6) Not transfer assets on or after November 1, 1995 for less than fair market value as described in WAC 388-513-1365.

NEW SECTION

WAC 388-72A-0069 How does CARE use the information the assessor gathers? CARE processes the information that the assessor gathers through algorithms. An algorithm is a numerical formula utilized by the CARE assessment software that determines a classification group, payment level and referral needs based upon the information documented in the CARE assessment.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0070 What are the in-home hours and residential rate based on? The department employs a client classification methodology consisting of fourteen care groups. Twelve groups apply to clients served in residential and in-home settings. For the in-home setting, two additional exceptional care groups apply. The department uses ((an automated assessment tool known as the comprehensive assessment reporting evaluation (-))CARE((-)tool)) to assess client characteristics. CARE places clients in a classification group based on the assessment. For in-home settings, each classification group is assigned a base number of care hours.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0080 What ~~((are the elements that))~~ criteria does the CARE tool ~~((evaluates for each of the criteria in WAC 388-72A-0075))~~ use to place a client in one of the classification groups? The CARE tool ~~((evaluates for))~~ uses the following criteria to place a client in one of the classification groups:

- (1) Cognitive performance
- ~~((a) Short term memory;~~

~~(b) Self performance in eating;~~
~~(c) Ability to make self understood;~~
~~(d) Ability to make decisions regarding ADLs; and~~
~~(e) Comatose or in a persistent vegetative state), as defined in WAC 388-72A-0081, by using the cognitive performance scale (CPS) and assigning a score from zero to six.~~

(2) Clinical complexity

~~((a) Diagnoses requiring more than average care time and/or special care;~~

~~(b) Skin problems receiving treatment;~~

~~(c) Unstable clinical conditions; and~~

~~(d) Skilled nursing needs)), as defined in WAC 388-72A-0082.~~

(3) Mood/behaviors ~~((the assessment data evaluated may include, but is not limited to the following:~~

~~(a) Assaulting care givers;~~

~~(b) Resisting care;~~

~~(c) Wandering; and~~

~~(d) Depression)) symptoms, as defined in WAC 388-72A-0083~~

(4) ~~((Activities of daily living (-))ADLs((-))~~ by scoring the amount of assistance ~~((the client needs))~~ received to perform ~~((ADLs))~~ ADL in the past seven days, as defined in WAC 388-72A-0084.

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

NEW SECTION

WAC 388-72A-0081 How is cognitive performance measured in the CARE tool? The CARE tool uses a standardized tool called the cognitive performance scale (CPS) to evaluate a client's cognitive impairment. The CPS results in a score that ranges from zero (intact) to six (very severe impairment), as shown in the table below. Answers to the following questions are used to determine a client's CPS score:

(1) Is the client comatose?

(a) No,

(b) Yes.

(2) What is the client's ability to make everyday decisions about tasks or activities of daily living in the seven days prior to the assessment?

(a) Independent—Decisions about the client's daily routine are consistent and organized; reflecting the client's life-style, choices, culture, and values.

(b) Modified Independence/difficulty in new situations—The client has an organized daily routine, was able to make decisions in familiar situations, but experienced some difficulty in decision making when faced with new tasks or situations.

(c) Moderately impaired/poor decisions; unaware of consequences—Decisions are poor and the client requires reminders, cues and supervision in planning, organizing and correcting daily routines. Client attempts to make decisions, although poorly.

(d) Severely impaired/no or few decisions or preferences regarding ADLs—Decision making severely impaired, never/rarely makes decisions.

(3) How is the client able to make himself/herself understood (to those closest to him/her), to express or communicate requests, needs, opinions, urgent problems and social conversations, whether in speech, writing, sign language, symbols, or a combination of these including use of a communication board or keyboard?

responses; or requires some prompting to make self understood.

(c) Sometimes understood—The client has limited ability, but is able;

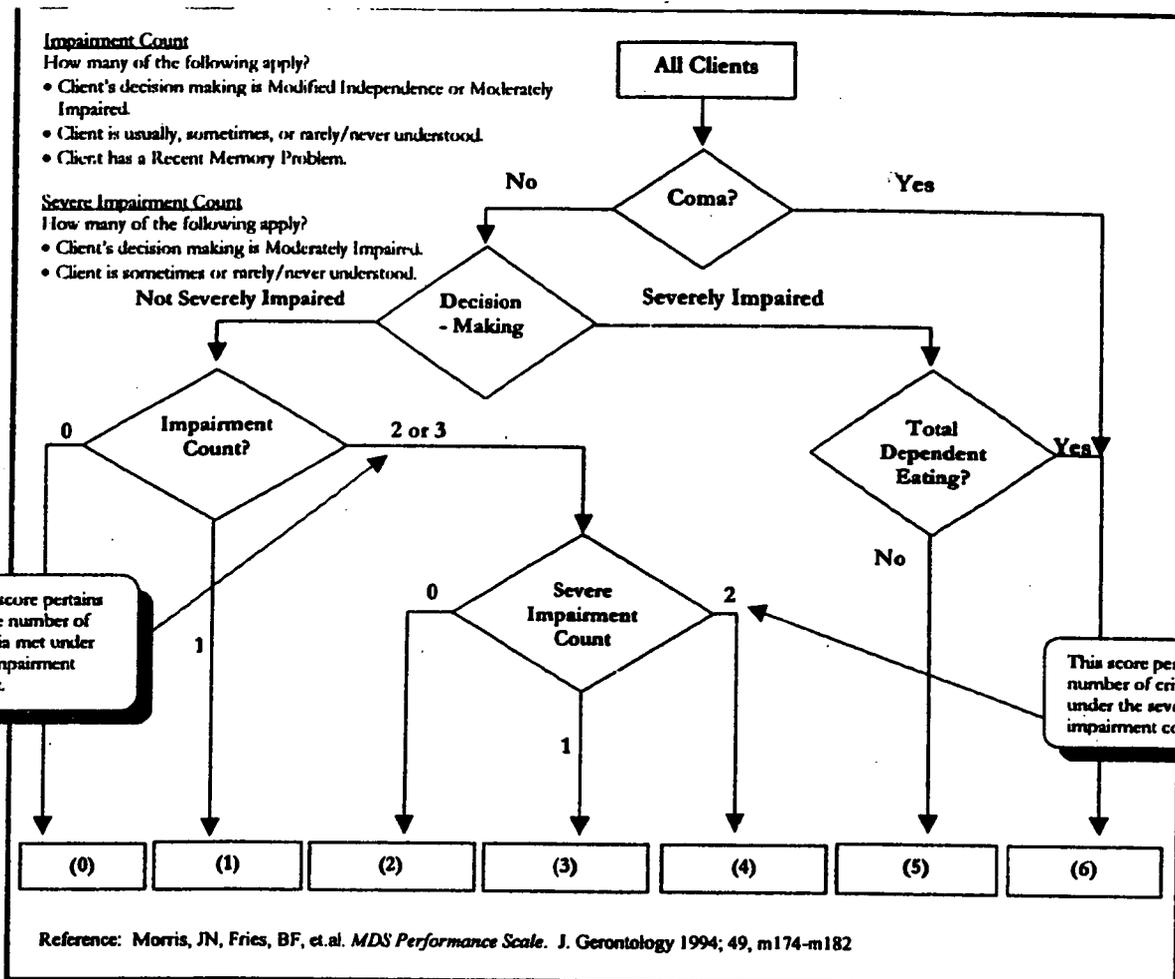
(d) Rarely/never understood.

(4) Does the client have short-term memory problem, which is defined as client's capacity to remember recent events; or does the client have delayed recall?

(5) Does the client have total dependence for self performance in eating, as defined in WAC 388-72A-0037?

(a) Understood—The client expresses ideas clearly;

(b) Usually understood—The client has difficulty finding the right words or finishing thoughts, resulting in delayed



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NEW SECTION

WAC 388-72A-0082 How is clinical complexity measured within the CARE tool? Clinical complexity is determined only when you have one or more of the following conditions and corresponding ADL scores:

Condition	AND an ADL Score of
ALS (Lou Gehrig's disease)	>14
Aphasia (expressive and/or receptive)	>=2
Cerebral Palsy	>14

Condition	AND an ADL Score of
Diabetes Mellitus (insulin dependent)	>14
Diabetes Mellitus (noninsulin dependent)	>14
Emphysema & (SOB (at rest or exertion) or dizziness/vertigo)	>10
COPD & (SOB (at rest or exertion) or dizziness/vertigo)	>10
Explicit terminal prognosis	>14
Hemiplegia	>14
Multiple sclerosis	>14

Condition	AND an ADL Score of
Parkinson disease	>14
Pathological bone fracture	>14
Pressure ulcers, areas of persistent skin redness OR Pressure ulcers, partial loss of skin layers OR Pressure ulcers, a full thickness lost OR Skin problem, skin desensitized to pain/pressure OR Skin problem, open lesions OR Skin problem, stasis ulcers	>=2
AND Receives ulcer care OR (Received) or (needs and received) or (need met) pressure relieving device OR (Receive) or (needs and received) or (need met) turning/reposition program OR Receives application of dressing OR Receives wound/skin care	
Quadriplegia	>14
Rheumatoid Arthritis	>14
Skin problem, burns AND Receives application of dressings OR Receives wound/skin care	>=2
Frequently incontinent, bladder OR Incontinent all or most of the time, bladder OR Frequently incontinent, bowel OR Incontinent all or most of the time, bowel AND Uses, has leakage, needs assistance OR Does not use, has leakage OR Any scheduled toileting plan	>10
Current swallowing problem and not independent in eating	>10
Edema	>14
Pain daily	>14
Bowel program receives and needs	>10
Dialysis, needs	>10
IV nutritional support, needs OR Tube feedings, needs AND Total calories received per IV or tube was greater than 50% OR Total calories per IV or tube was 25-50% AND Fluid intake greater than 2 cups	>=2
Hospice care, needs	>14
Injections, needs	>14

Condition	AND an ADL Score of
Intravenous medications, needs	>10
Management of IV lines, needs	>10
Ostomy care, needs	>=2
Oxygen therapy, needs	>10
Radiation, needs	>10
Range of motion, passive, receives and needs	>10
Walking, training, receives and needs	>10
Suction, needs	>=2
Tracheostomy care, needs	>10
Ventilator/respirator, needs	>10

NEW SECTION

WAC 388-72A-0083 How are mood and behaviors measured within the CARE tool? (1) When you do not meet the criteria for clinical complexity as defined in WAC 388-72A-0082 or the criteria for exceptional care, as defined in WAC 388-72A-0085, or have a cognitive performance scale score of five or six (in-home only), as defined in WAC 388-72A-0082, the mood and behavior criteria listed in subsection (3) below determines your classification group.

(2) Each documented behavior within CARE is described as:

(a) **Current**, which means it occurred within seven days of the assessment date, including the day of the assessment. Behaviors that are indicated as current must also include information about:

(i) Whether the behavior is easily altered or not easily altered; and

(ii) The frequency of the behavior.

(b) **Past**, which means it occurred between eight days and five years of the assessment date. For behaviors indicated as past, the assessor determines whether the behavior is addressed with current interventions or whether no interventions are in place.

(3) CARE places you in the Mood and behavior classification group only if you have one or more of the following behavior/moods that meets the corresponding description in the status, frequency, and alterability column. No other moods or behaviors documented in CARE are pertinent to this group.

Behavior/Mood	AND Status, Frequency & Alterability
Assaultive	Current
Combative during personal care	Current
Combative during personal care	In past and addressed with current interventions
Crying tearfulness	Current, frequency 4 or more days per week
Delusions	In past, addressed with current interventions
Depression score >=14	N/A
Disrobes in public	Current and not easily altered
Easily irritable/agitated	Current and not easily altered
Eats nonedible substances	Current
Eats nonedible substances	In past, addressed with current interventions
Hallucinations	Current

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Behavior/Mood	AND Status, Frequency & Alterability
Hiding items	In past, addressed with current interventions
Hoarding/collecting	In past, addressed with current interventions
Mental health therapy/program	Need
Repetitive complaints/questions	Current, daily
Repetitive complaints/questions	In past, addressed with current interventions
Repetitive movement/pacing	Current, daily
Resistive to care	Current
Resistive to care	In past, addressed with current interventions
Sexual acting out	Current
Sexual acting out	In past, addressed with current interventions
Spitting	Current and not easily altered
Spitting	In past, addressed with current interventions
Breaks/throws items	Current
Unsafe smoking	Current and not easily altered
Up at night and requires intervention	Current
Wanders exit seeking	Current
Wanders exit seeking	In past, addressed with current interventions
Wanders not exit seeking	Current
Wanders not exit seeking	In past, addressed with current interventions
Yelling/screaming	Current, frequency 4 or more days per week

ADL Scoring Chart	
If Self Performance is:	Score Equals
Supervision	1
Limited assistance	2
Extensive assistance	3
Total dependence	4
Did not occur/no provider	4
Did not occur/client not able	4
Did not occur/client declined	0

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0085 How does the CARE tool evaluate ~~((the criteria elements))~~ **for the two exceptional care classifications of in-home care?** ~~((The CARE tool evaluates the criteria elements for:~~

(1) ~~Cognitive performance by using the cognitive performance scale (CPS) and assigning a score. The score assigns ranges from zero to six with six being very severely impaired;~~

(2) ~~Clinical complexity by determining whether your medical conditions take more or less time and/or require special care;~~

(3) ~~Mood/behavior by determining whether your mood/behavior symptoms take more or less time;~~

(4) ~~ADLs by scoring the assistance needed to perform ADLs.)~~ **Exceptional care classification groups for the in-home setting occur only when the following criteria are met in either of the diagrams below:**

NEW SECTION

WAC 388-72A-0084 How are ADL scores measured within the CARE tool? (1) CARE determines an ADL score ranging from zero to twenty-eight. The ADL scores are determined by looking at the self-performance coding for each of the ADLs listed below. Although assessed in CARE, bathing and medication management are not scored to determine the classification groups.

- (a) Personal hygiene;
- (b) Bed mobility;
- (c) Transfers;
- (d) Eating;
- (e) Toilet use;
- (f) Dressing;
- (g) Locomotion in room;
- (h) Locomotion outside room; and
- (i) Walk in room.

(2) CARE assigns a points value as described in the chart below. Only one score is used for the locomotion in room, locomotion outside of room and walk in room. The highest score of the three is used in determining the overall ADL score.

ADL Scoring Chart	
If Self Performance is:	Score Equals
Independent	0

Diagram 1 of Condition	
One of the following diagnoses: <u>Quadriplegia</u> <u>Paraplegia</u> <u>ALS (Amyotrophic Lateral Sclerosis)</u> <u>Parkinson's Disease</u> <u>Multiple Sclerosis</u> <u>Comatose</u> <u>Muscular Dystrophy</u> <u>Cerebral Palsy</u> <u>Post Polio Syndrome</u> <u>TBI (traumatic brain injury)</u>	AND
<u>ADL score of greater than or equal to 22</u>	AND
<u>(Needs) or (needs and received) or (need met)</u> <u>Turning/repositioning program</u>	AND
<u>External catheter</u> or <u>Intermittent catheter</u> or <u>Indwelling catheter care</u> or <u>Bowel program</u> or <u>Ostomy care</u>	AND

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Diagram 1 of Condition	
Needs active range of motion (AROM) or Needs passive range of motion (PROM) performed by one of the following providers: Individual provider or agency provider; Self-directed care (individual provider only); or Private duty nurse.	

Diagram 2 of Condition	
ADL score greater than or equal to 22	AND
(Needs) or (needs and received) or (need met) Turning/repositioning program	AND
Need for AROM or need for PROM and Performed by one of the following providers: Individual provider or agency provider; Self-directed care (individual provider only); or Private duty nurse.	AND

Diagram 2 of Condition	
IV nutrition support or tube feeding and Total calories received per IV or tube was greater than 50% and Fluid intake greater than 2 cups	AND
Needs dialysis (performed by individual provider or agency provider); Self-directed care (individual provider only); or Private duty nurse. or Needs ventilator/respirator (performed by individual provider or agency provider); Self-directed care (individual provider only); or Private duty nurse.	

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NEW SECTION

WAC 388-72A-0086 How is the information in WAC 388-72A-0081 through 388-72A-0084 used to determine the client's classification payment group for residential settings? The information in WAC 388-72A-0081 through 388-72A-0084 is used to place an adult applicant or recipient into one of the twelve residential classification groups, as shown in the table below.

Classification	ADL Score	Group
Group D Cognitive performance score= 4-6 and Clinically complex= yes and Mood/behavior= yes or no	ADL Score 18-28	D High (12)
	ADL Score 13-17	D Med (11)
	ADL Score 2-12	D Low (10)
Group C Cognitive performance score= 0-3 and Clinically complex= yes and Mood/behavior= yes or no	ADL Score 18-28	C High (9)
	ADL Score 9-17	C Med (8)
	ADL Score 2-8	C Low (7)
Group B Mood & behavior= Yes and Clinically complex= no and Cognitive performance score= 0-6	ADL Score 15-28	B High (6)
	ADL Score 5-14	B Med (5)
	ADL Score 0-4	B Low (4)

Classification	ADL Score	Group
Group A Mood & behavior= No and Clinically complex= No and Cognitive performance score= 0-6	ADL Score 10-28	A High (3)
	ADL Score 5-9	A Med (2)
	ADL Score 0-4	A Low (1)

NEW SECTION

WAC 388-72A-0087 How is the information in WAC 388-72A-0081 through 388-72A-0085 used to determine the classification payment group for in-home clients? You are placed in a classification group based upon the criteria outlined in WAC 388-72A-0081 through 388-72A-0085. The in-home classification system is comprised of fourteen classification groups as shown in the table below.

Classification	ADL Score	Group	Base Hours of Group
Group E Exceptional care= yes and Mood and behavior= yes or no and Cognitive performance score= 0-6	ADL Score 26-28	E High (14)	420
	ADL Score 22-25	E Med (13)	350
Group D Cognitive performance score= 4-6 and Clinically complex= yes and Mood and behavior= yes or no OR Cognitive performance score= 5-6 and Clinically complex= no and Mood and behavior= yes or no	ADL Score 18-28	D High (12)	240
	ADL Score 13-17	D Med (11)	190
	ADL Score 2-12	D Low (10)	145
Group C Cognitive performance score= 0-3 and Clinically complex= yes and Mood and behavior= yes or no	ADL Score 18-28	C High (9)	180
	ADL Score 9-17	C Med (8)	140
	ADL Score 2-8	C Low (7)	83
Group B Mood and behavior= yes and Clinically complex= no and Cognitive performance score= 0-4	ADL Score 15-28	B High (6)	155
	ADL Score 5-14	B Med (5)	90
	ADL Score 0-4	B Low (4)	52

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Classification	ADL Score	Group	Base Hours of Group
Group A Mood and behavior= no and Clinically complex= no and Cognitive performance score= 0-4	ADL Score 10-28	A High (3)	78
	ADL Score 5-9	A Med (2)	62
	ADL Score 0-4	A Low (1)	29

DETERMINING HOURS FOR IN-HOME SERVICES

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0090 What are the maximum hours that I can receive for in-home services? The maximum hours that you can receive for in-home services ((is)) are determined through the CARE tool. The maximum hours are based upon your classification group. The highest hours attached to an in-home classification group is four hundred twenty per month. These hours are based on criteria outlined in WAC 388-72A-0095. For Chore program clients, the maximum personal care hours per month the department will pay is one hundred sixteen.

NEW SECTION

WAC 388-72A-0092 How are my in-home hours determined? (1) A base number of hours is assigned to each classification group as described in WAC 388-72A-0087.

(2) In accordance with WAC 388-72A-0095 and 388-71-0460, the base hours are adjusted to account for informal support, paid by individual(s) or group(s) other than the department and support shared living circumstances.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0095 ~~((How are))~~ What additional criteria are considered to determine the number of hours I ((can)) will receive for in-home services ((determined))? (1) In addition to criteria defined in WAC ((388-72A-0075, 388-72A-0080, and 388-72A-0085)) 388-72A-0081, 388-

72A-0082, 388-72A-0083, 388-72A-0084, 388-72A-0087, or 388-71-0460, CARE will take into account ((your)):

(a) ~~((Assistance available to meet your needs. This is defined as:~~

- (i) Met;
- (ii) Unmet;
- (iii) Partially met.

~~NOTE: Home and community programs (HCP) services may not replace other available resources the department identified when completing CARE. The hours will be adjusted to account for tasks that are either fully or partially met by other available resources. These resources may be unpaid or paid for by other state or community sources.~~

(b) Environment, such as whether you:

- (i) Have laundry facilities out of home; and/or
- (ii) Use wood as a primary source of heat and/or;
- (iii) The time it takes to access essential shopping services.

(c) Living arrangement. The department will adjust payments to a personal care provider who is doing household tasks at the same time (e.g., essential shopping, meal preparation, laundry, and wood supply) if:

- (i) There is more than one client living in the same household; or
- (ii) You and your paid provider live in the same household.

~~((2)))~~ The amount of informal supports available to fully or partially meet your needs as described in WAC 388-72A-0041.

(i) As shown in the following table, CARE determines the adjustment by placing a numeric value on the amount of assistance available to meet your needs and reduces the base hours assigned to the classification group using the values listed below for each ADL and IADL.

Meds	Self Performance	Status	Assistance Available	Value Percentage
Self administration of medications	Rules for all codes apply except independent is not counted	Unmet	N/A	1
		Met	N/A	0
		Decline	N/A	0
		Partially met	<1/4 time	.9
			1/3 to 1/2 time	.7
1/2 to 3/4 time	.5			
>3/4 time	.3			

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<u>Unscheduled ADLs</u>	<u>Self Performance</u>	<u>Status</u>	<u>Assistance Available</u>	<u>Value Percentage</u>
<u>Bed mobility, transfer, walk in room, eating, toilet use</u>	Rules apply for all codes except: Did not occur/client not able and Did not occur/no provider= 1; Did not occur/client declined and independent are not counted.	<u>Unmet</u>	N/A	<u>1</u>
		<u>Met</u>	N/A	<u>0</u>
		<u>Decline</u>	N/A	<u>0</u>
		<u>Partially met</u>	<u><1/4 time</u>	<u>.9</u>
			<u>1/4 to 1/2 time</u>	<u>.7</u>
<u>1/2 to 3/4 time</u>	<u>.5</u>			
		<u>>3/4 time</u>	<u>.3</u>	
<u>Scheduled ADLs</u>	<u>Self Performance</u>	<u>Status</u>	<u>Assistance Available</u>	<u>Value Percentage</u>
<u>Dressing personal hygiene bathing</u>	Rules apply for all codes except: Did not occur/client not able and Did not occur/no provider= 1; Did not occur/client declined and independent are not counted.	<u>Unmet</u>	N/A	<u>1</u>
		<u>Met</u>	N/A	<u>0</u>
		<u>Decline</u>	N/A	<u>0</u>
		<u>Partially met</u>	<u><1/4 time</u>	<u>.75</u>
			<u>1/4 to 1/2 time</u>	<u>.55</u>
<u>1/2 to 3/4 time</u>	<u>.35</u>			
<u>> 3/4 time</u>	<u>.15</u>			
<u>IADLs</u>	<u>Self Performance</u>	<u>Status</u>	<u>Assistance Available</u>	<u>Value Percentage</u>
<u>Meal preparation Ordinary housework Essential shopping</u>	Rules for all codes apply except independent is not counted.	<u>Unmet</u>	N/A	<u>1</u>
		<u>Met</u>	N/A	<u>0</u>
		<u>Decline</u>	N/A	<u>0</u>
		<u>Partially met</u>	<u>< 1/4 time</u>	<u>.3</u>
			<u>1/4 to 1/2 time</u>	<u>.2</u>
<u>1/2 to 3/4 time</u>	<u>.1</u>			
<u>≥ 3/4 time</u>	<u>.05</u>			
<u>IADLs</u>	<u>Self Performance</u>	<u>Status</u>	<u>Assistance Available</u>	<u>Value Percentage</u>
<u>Travel to medical</u>	Rules for all codes apply except independent is not counted.	<u>Unmet</u>	N/A	<u>1</u>
		<u>Met</u>	N/A	<u>0</u>
		<u>Decline</u>	N/A	<u>0</u>
		<u>Partially met</u>	<u>< 1/4 time</u>	<u>.9</u>
			<u>1/4 to 1/2 time</u>	<u>.7</u>
			<u>1/2 to 3/4 time</u>	<u>.5</u>
<u>≥ 3/4 time</u>	<u>.3</u>			

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(ii) The value percentage assigned to each specified ADL/IADL is summed and carried two decimal places. The resulting number is then divided by the number of qualifying ADL and IADL needs. If self-performance is coded as independent or did not occur/client declined then they are not qualifying ADLs and IADLs. The result is value A. Value A is then subtracted from one. This is value B. Value B is divided by three. This is value C. Value A and value C are summed. This is value D. Value D is multiplied by the "base hours" assigned to the client's classification group in WAC 388-72A-0087.

(b) Your environment, as described in the diagrams below.

<u>Condition</u>	<u>Status</u>	<u>Assistance Available</u>	<u>Add On Hours</u>
Offsite laundry facilities, which means the client does not have facilities in own home and the caregiver is not available to perform any other personal or household tasks while laundry is done.	N/A	N/A	8

Condition	Status	Assistance Available	Add On Hours
Client is > 45 minutes from essential services (which means he/she lives more than 45 minutes one-way from a full-service market).	Unmet	N/A	5
	Met	N/A	0
	Partially met	<1/4 time	5
		between 1/4 to 1/2 time	4
		between 1/2 to 3/4 time	2
>3/4 time	2		
Wood supply used as sole source of heat.	Unmet	N/A	8
	Met	N/A	0
	Declines	N/A	0
	Partially met	< 1/4 time	8
		between 1/4 to 1/2 time	6
		between 1/2 to 3/4 time	4
> 3/4 time	2		

(c) Your living arrangement.

(i) If there is more than one client living in the same household, the status cannot be unmet for the following IADLs:

- (A) Meal preparation,
- (B) Housekeeping,
- (C) Shopping,
- (D) Wood supply.

(ii) If you and your paid provider live in the same household, the status must be met for the following IADLs:

- (A) Meal preparation,
- (B) Housekeeping,
- (C) Shopping,
- (D) Wood supply.

(iii) When there is more than one client living in the same household and your paid provider lives in your household, the status must be met for the following IADLs:

- (A) Meal preparation,
- (B) Housekeeping,
- (C) Shopping, and
- (D) Wood supply.

(2) The ((CARE tool will provide a)) hours identified in WAC 388-72A-0095 (1)(b) are added to the resulting hours in WAC 388-72A-0095 (1)(a). The result is the maximum number of hours that can be used to develop your care plan. The assessor must take into account cost effectiveness, client health and safety, and program limits in determining how hours can be used to meet identified client needs.

(3) Within the limits of subsection (2) of this section, you and your case manager will work to determine what services you choose to receive if you are eligible. The hours may be used to authorize:

- (a) Personal care services (per WAC 388-72A-0055, 388-72A-0060, ~~((or))~~ 388-72A-0065, or 388-845-1300);
- (b) Home delivered meals (per WAC ~~((388-72A-0055))~~ 388-71-0415);
- (c) Adult day care (per WAC ~~((388-72A-055 or 388-15-652))~~ 388-71-0708);
- (d) ~~((Adult day health (per WAC 388-72A-055 or 388-15-653);~~
- (e))A home health aide (per WAC ((388-72A-0055)) 388-71-0415).

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

NEW SECTION

WAC 388-72A-0115 **When the department adjusts an algorithm, when does the adjustment become effective? When the department adjusts an algorithm used to evaluate the information gathered by the CARE tool, the effective date of any change generated by the adjustment(s) to the client's CARE level or hours shall be:**

- (1) Immediate for applicants;
- (2) ~~((The first of the month following the month in which the adjustment was made when the adjustment may reduce the care level or hours; or~~
- (3) ~~((At the time of the ((client's yearly review when the adjustment may increase the care level or hours)) recipient's next assessment.~~

Reviser's note: The unnecessary underscoring and strike through 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 388-72A-0120 **When a client requests a fair hearing to have the client's CARE tool assessment results reviewed and there is (are) a more recent CARE assessment(s), which CARE tool assessment does the administrative law judge review in the fair hearing? The administrative law judge must review the most recent CARE tool assessment.**

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-72A-0040 What information does the assessor gather?
- WAC 388-72A-0075 What does the CARE computerized assessment tool do

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with the client information entered by department staff?

WSR 04-17-003
EMERGENCY RULES
SECRETARY OF STATE

[Filed August 4, 2004, 4:13 p.m., effective August 4, 2004]

Effective Date of Rule: Immediately.

Purpose: Last edit changes were not incorporated into first filing of these emergency rules.

Citation of Existing Rules Affected by this Order: Amending WAC 434-333-130, 434-333-135, 434-333-140, 434-333-145, 434-333-150, 434-333-155, 434-333-160, 434-333-165, 434-333-170, 434-333-175, 434-333-185, 434-333-215, 434-333-270, 434-333-285, 434-333-290, 434-333-295, and 434-333-300.

Statutory Authority for Adoption: RCW 29A.12.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: New federal law requires electronic voting equipment and as counties implement this, new testing procedures are necessary to ensure the security and integrity of elections in the state.

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 25, Amended 10, 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 25, Amended 10, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 4, 2004.

Sam Reed
Secretary of State

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-130 (~~(Punchcard test precinct selection—State primary and general elections.)~~) **Definition of official logic and accuracy test.** ((Prior to the official logic and accuracy test the office of the secretary of state shall review the election materials provided by the county and

select a representative sample of precincts and ballot styles sufficient to cover all offices and issues contained in the election. The representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant.) As used in this chapter, "official logic and accuracy test" means the test performed in accordance with RCW 29.33.350 (29A.12.130).

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-135 (~~(Punchcard testing requirements prior to official logic and accuracy test.)~~) **Logic and accuracy test conduct.** ((Prior to the official logic and accuracy test, each county employing a punchcard balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, test the ballot style logic to insure that all offices are included in the intended precincts and combinations, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.) The county shall provide adequate personnel to properly operate the ballot counting equipment. Whenever possible, the equipment should be operated during the test by the same persons who will be responsible for the ballot count on election day. If any error in programming or mechanical function is detected, the cause shall be determined and corrected, and an errorless test completed before the primary or election.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-140 (~~(Definitions.)~~) **Logic and accuracy test observers.** ((For optical scan voting systems:

(1) "Voting response area" means the area defined by ballot instructions which the voter places their mark to indicate their vote.

(2) "Scanning area" means the portions of each ballot that the system scans in order to read the vote marks made by voters.

(3) "Ballot marking code" means the coded patterns printed on ballots intended to identify ballot styles to the ballot counting system.) The official logic and accuracy test shall be observed by at least one representative of each major political party if representatives have been appointed by the parties and are present at the test. The party observers shall be instructed as election observers, by the county auditor. The official logic and accuracy test shall be open to candidates, the media, and the public. If any observer hinders or disturbs the logic and accuracy test process, the county auditor or representative may remove that observer from the test area. An observer who has been removed from a logic and accuracy test may also be barred from future tests. The absence of observers shall not delay or stop the test from being conducted.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-145 ((Logic and accuracy test deck preparation—State primary and general election—Optical scan systems.))~~ Logic and accuracy testing of voting systems and equipment—State primary and general election. ((The test deck or decks used for the official logic and accuracy test for optical scan systems may, at the discretion of the secretary of state, be prepared by either the office of the secretary of state, the county, or the vendor. Information describing the candidates, offices, ballot formats, ballot positions, ballot styles, list of the number of appearances of each office and each rotation, and all other information required to create the test decks must be available to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 20th day prior to the primary or election.)) At least three days before each state primary or general election the office of the secretary of state shall provide for a test of the programming for the vote tallying system to be used at that primary or election. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall also verify that the machine(s) is/are functioning to specifications.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-150 ((Optical scan test ballot selection—State primary and general elections.))~~ Procedure for conduct of delayed primary or general election emergency logic and accuracy test. ((Prior to the official logic and accuracy test the office of the secretary of state shall review the provided election materials with the county and select a representative sample of ballot styles sufficient to cover all offices and issues contained in the election. This representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant. If the office of the secretary of state is preparing the test deck, the county auditor shall send blank ballots of the selected ballot styles to the office of the secretary of state as soon as the ballots are available.)) If the official logic and accuracy test cannot be completed at the scheduled time and place, an emergency test shall be scheduled by the county auditor. The emergency test must be conducted and properly completed prior to the processing of any official ballots through the tabulating system. If no representative of the office of the secretary of state is able to attend the emergency test, the county auditor and another member of the county canvassing board or their designated representative shall observe the test and certify the results. Observers and notification shall be provided for pursuant to WAC 434-333-140 and 434-333-155.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-155 ((Optical scan read head adjustment standards and tests.))~~ Logic and accuracy test scheduling and preparation—State primary and general election. ((Prior to all state primaries, read heads of optical scan central counting systems shall be cleaned and tested to insure that the reader is functioning within system standards.)) Prior to each state primary and general election, the office of the secretary of state will prepare a schedule of logic and accuracy tests. The office of the secretary of state will notify each county of the date and time of their test at least thirty days before the primary or election. The county is responsible for preparing the counting system and testing it before the actual logic and accuracy test. The ballot counting system shall be fully programmed, cleaned, maintained, tested, and functional before the official logic and accuracy test. The county shall notify the parties and media of the date and time of the test.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-160 ((Optical scan read head and ballot scan area alignment tests.))~~ Logic and accuracy test certification—State primary and general election. ((Prior to all official logic and accuracy tests, a test shall be conducted by each county employing an optical scan balloting system to confirm that the voting response areas printed on all ballot faces are aligned properly with the scanning area of the ballot counter. This test should also confirm that all ballot marking codes are being properly interpreted by the ballot counter.)) The county auditor or deputy, and, if present, the office of the secretary of state representative and any political party observers shall certify that the test has been conducted in accordance with RCW 29.33.350. This certification shall include verification of the version number of all software, firmware, and hardware of the voting system used. Copies of this certification shall be retained by the secretary of state and the county auditor and may be posted by electronic media. Programming materials, test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-333-150.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-165 ((Optical scan ballot marking code program test.))~~ Logic and accuracy testing of voting systems and equipment—Special elections. ((Prior to the official logic and accuracy test each county employing an optical scan balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, testing the ballot style logic to insure that all offices are included on the intended ballot faces, and verify

~~that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.)) At least three days before each special election, the programming for the vote tallying system to be used at that election shall be tested for logic and accuracy. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall be conducted by processing a preaudited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office where there are two or more candidates and for each measure there will be an undervote and overvote.~~

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-170 ((Precinct-based optical scan ballot counter preparation and testing.)) Logic and accuracy test deck preparation—Special elections. ((All logic and accuracy testing of precinct-based systems shall be performed by the county during the preparation of the precinct ballot counters prior to system distribution. As each ballot counter is programmed and set up for distribution a test of the ballot counter and ballot styles shall be performed. It shall be established by these tests that the ballot counter(s) are functioning within system standards. All ballot styles programmed for each machine shall be processed by each machine in order to insure that the machine is correctly counting and accumulating every office. The tests shall also establish that the printed ballot voter response areas are correctly aligned with the scanning area. After all tests are performed and the machine is ready for distribution, the machine shall be sealed and the seal number recorded. This will serve as the official logic and accuracy test of these poll site ballot counters.)) When a new test deck is required under WAC 434-333-165, the test deck or decks used for the official logic and accuracy test will be prepared by the county elections office.~~

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-175 ((Poll site-based optical scan ballot counter test notices, observers, and log of process.)) Logic and accuracy test scheduling and preparation—Special election. ((A log shall be created during the testing of the poll site-based ballot counters. The log shall record the time and place of each test, the precinct number(s), seal number and machine number of each ballot counter and the initials of each person testing and observing the test for each machine. This log shall be included in the official logic and accuracy test materials. The processes described in WAC 434-334-170 [434-333-170] shall be open to observation and subject to all notices and observers pursuant to WAC 434-334-070 [434-333-070] and 434-334-085 [434-333-085].)) The county is responsible for preparing the counting system and testing it before the official logic and accuracy test. The ballot counting system shall be fully programmed, cleaned and maintained, tested, and functional before the official logic and accuracy test. The county shall notify the parties~~

and media of the date and time of the official logic and accuracy test.

NEW SECTION

WAC 434-333-180 Logic and accuracy test certification—Special election. The county auditor or deputy and any political party observers, if present, shall certify that the test has been conducted in accordance with RCW 29.33.350. Copies of this certification shall be retained by the county auditor. This certification shall include verification of the version number of all software, firmware, and hardware of the voting system used and may be published on electronic media. All programming materials, official test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-333-150.

PUNCHCARD SYSTEMS

NEW SECTION

WAC 434-333-185 Logic and accuracy test preparation—State primary and general election—Punchcard systems. The test deck or decks used for the official logic and accuracy test are maintained by the county auditor. Information describing the candidates, offices, ballot formats, ballot positions, pages applicable or planning matrix, accurate list of prepunches, list of the number of appearances of each office, and all other information required to select the test precincts and predict the results must be available to the office of the secretary of state at the very latest by the 30th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 30th day prior to the primary or election.

NEW SECTION

WAC 434-333-190 Punchcard test deck maintenance and storage. Each county employing a punchcard balloting system shall maintain a permanent deck of logic and accuracy test ballots. The test ballots shall contain a distinct pattern of votes. The deck may be used for all official logic and accuracy tests and for programming tests conducted in preparation for official logic and accuracy tests. The permanent test deck shall be maintained in secure storage except when being used for actual testing.

NEW SECTION

WAC 434-333-195 Punchcard adjustment standards and tests. Prior to all official logic and accuracy tests, a test must be conducted by each county employing a punchcard balloting system to confirm the ballot stock to be used in the election meets system specifications for card weight, thickness and length. The test should also confirm that the

prepunches and voting response areas are being read properly by the ballot counter.

NEW SECTION

WAC 434-333-200 Punchcard test precinct selection—State primary and general elections. Prior to the official logic and accuracy test the office of the secretary of state shall review the election materials provided by the county and select a representative sample of precincts and ballot styles sufficient to cover all offices and issues contained in the election. The representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant.

NEW SECTION

WAC 434-333-205 Punchcard testing requirements prior to official logic and accuracy test. Prior to the official logic and accuracy test, each county employing a punchcard balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, test the ballot style logic to insure that all offices are included in the intended precincts and combinations, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

OPTICAL SCAN SYSTEMS

NEW SECTION

WAC 434-333-210 Definitions. For optical scan voting systems:

(1) "Voting response area" means the area defined by ballot instructions on which the voter places their mark to indicate their vote.

(2) "Scanning area" means the portions of each ballot that the system scans in order to read the vote marks made by voters.

(3) "Ballot marking code" means the coded patterns printed on ballots intended to identify ballot styles to the ballot counting system.

NEW SECTION

WAC 434-333-215 Logic and accuracy test deck preparation—State primary and general election—Optical scan systems. The test deck or decks used for the official logic and accuracy test for optical scan systems may, at the discretion of the secretary of state, be prepared by either the office of the secretary of state, the county, or the vendor. Information describing the candidates, offices, ballot formats, ballot positions, ballot styles, list of the number of appearances of each office, and all other information required to create the test decks must be available to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed due to complications related to

lawsuits or late filing periods, the county should advise the office of the secretary of state before the 20th day prior to the primary or election.

NEW SECTION

WAC 434-333-220 Optical scan test ballot selection—State primary and general election. Prior to the official logic and accuracy test the office of the secretary of state shall review the provided election materials with the county and select a representative sample of ballot styles sufficient to cover all offices and issues contained in the election. This representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant. If the office of the secretary of state is preparing the test deck, the county auditor shall send blank ballots of the selected ballot styles to the office of the secretary of state as soon as the ballots are available.

NEW SECTION

WAC 434-333-225 Optical scan read head adjustment standards and tests. Prior to all state primaries, read heads of optical scan central counting systems shall be cleaned and tested to insure that the reader is functioning within system standards.

NEW SECTION

WAC 434-333-230 Optical scan read head and ballot scan area alignment tests. Prior to all official logic and accuracy tests, a test shall be conducted by each county employing an optical scan balloting system to confirm that the voting response areas printed on all ballot faces are aligned properly with the scanning area of the ballot counter. This test should also confirm that all ballot marking codes are being properly interpreted by the ballot counter.

NEW SECTION

WAC 434-333-235 Optical scan ballot marking code program test. Prior to the official logic and accuracy test each county employing an optical scan balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, testing the ballot style logic to insure that all offices are included on the intended ballot faces, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

POLL SITE-BASED OPTICAL SCAN DEVICES

NEW SECTION

WAC 434-333-240 Poll site-based optical scan ballot counter preparation and testing. All logic and accuracy testing of poll site-based systems shall be performed by the

county during the preparation of the precinct ballot counters prior to system distribution. As each ballot counter is programmed and set up for distribution a test of the ballot counter and ballot styles shall be performed. It shall be established by these tests that the ballot counter(s) are functioning within system standards. All ballot styles programmed for each machine shall be processed by each machine in order to insure that the machine is correctly counting and accumulating every office. The tests shall also establish that the printed ballot voter response areas are correctly aligned with the scanning area. After all tests are performed and the machine is ready for distribution, the machine shall be sealed and the seal number recorded. This will serve as the official logic and accuracy test of these poll site ballot counters.

NEW SECTION

WAC 434-333-245 Poll site-based optical scan ballot counter test notices, observers, and log of process. A log shall be created during the testing of the poll site-based ballot counters. The log shall record the time and place of each test, the precinct number(s), seal number and machine number of each ballot counter and the initials of each person testing and observing the test for each machine. This log shall be included in the official logic and accuracy test materials. The processes described in WAC 434-333-240 shall be open to observation and subject to all notices and observers pursuant to WAC 434-333-140 and 434-333-155.

DIRECT RECORDING ELECTRONIC VOTING SYSTEMS

NEW SECTION

WAC 434-333-250 Definitions. For direct recording electronic voting systems:

"Access device" is the device that is used by the voter to access the ballot at a direct recording electronic voting device. It may be a card or other media.

"Calibration" is the touch screen setting on direct recording electronic voting systems that controls the voter response area.

"Controller" is a component of a direct recording electronic voting system that allows the poll worker to add information to an access device so that a voter can access the correct ballot style.

"Parallel monitoring" is a process designed to detect potential presence of malicious code in the software of a voting machine. It requires a specific number of voting machines to be removed from random poll sites before voting begins. These machines are then test-voted throughout election day.

"Response area" is the area on the ballot face that records the voter's choice.

"Touch screen" is a type of computer interface on a voting device that allows the voter to touch the screen to make a choice.

"Voter verified paper record" is a paper record of a voter's choices to be verified before vote is cast.

NEW SECTION

WAC 434-333-255 Logic and accuracy test plan preparation—State primary and general election—Direct recording electronic systems. The test plan used for the official preelection logic and accuracy test for direct recording electronic systems may be prepared by either the office of the secretary of state or the county. Information describing the candidates, offices, ballot formats, ballot styles, list of the number of appearances of each office, and all other information required to create the test plan must be available to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 20th day prior to the primary or election.

NEW SECTION

WAC 434-333-260 Direct recording electronic test ballot selection—State primary and general election. Prior to the official logic and accuracy test the office of the secretary of state shall review the provided election materials with the county and select a representative sample of ballot styles sufficient to cover all offices and issues contained in the election. This representative sample shall constitute the official preelection logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant.

NEW SECTION

WAC 434-333-265 Direct recording electronic calibration adjustment standards and tests. Prior to all state primaries and elections, calibration settings of all direct recording electronic devices using touch screen technology shall be tested to insure that the response areas are functioning within system standards.

NEW SECTION

WAC 434-333-270 Direct recording electronic voting response area tests. Prior to all official logic and accuracy tests, and prior to programming the poll-site direct recording electronic devices, a test shall be conducted by each county employing a direct recording electronic balloting system to confirm that the voting response areas indicated on all ballot faces are programmed correctly. The county shall test all ballot styles on at least one device to insure that the programming is correctly counting and accumulating every office and candidate.

NEW SECTION

WAC 434-333-275 Direct recording electronic ballot marking code program test. Prior to all official logic and accuracy tests each county employing a direct recording electronic balloting system shall thoroughly test all programming and system components. The test must verify the office programming by thoroughly testing each individual office, testing the ballot style logic to insure that all offices are included

on the intended ballot faces, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

NEW SECTION

WAC 434-333-280 Direct recording electronic system logic and accuracy test notices, and observers. At the discretion of the secretary of state, a county may conduct its official preelection logic and accuracy test of the county's direct recording electronic system at a date and time prior to the logic and accuracy test of the county's optical scan system. The official preelection logic and accuracy test of the county's direct recording electronic system shall be open to observation and subject to all notices and observers pursuant to WAC 434-333-140 and 434-333-155. The results of the test shall be included in the official logic and accuracy test materials and combined with the results of all other voting systems used by the county to confirm an adequate integration of the systems.

POLL SITE-BASED DIRECT RECORDING ELECTRONIC DEVICES

NEW SECTION

WAC 434-333-285 Poll site-based direct recording electronic voting device preparation and testing. All logic and accuracy testing of poll site-based direct recording electronic systems shall be performed by the county prior to system distribution. A representative from the secretary of state's office may attend these tests in whole or in part. As each voting device is programmed and set up for distribution a test of the response area, the ballot styles, and ballot counter shall be performed. It shall be established by these tests that the device and the tabulation software is functioning within system standards. A minimum of one ballot of each ballot style cast at a poll site shall be tested on the machines deployed at that poll site. The tests shall also establish that the voter response areas of each touch screen, if used, are correctly calibrated. This test shall also confirm that all ballot styles appropriate to the poll site to which the device will be deployed are properly issued by the controller. After all functionality tests are performed and the machine is ready for distribution, each machine shall be sealed and the seal number recorded. This will serve as the official logic and accuracy test of these poll site direct recording electronic devices.

NEW SECTION

WAC 434-333-290 Poll site-based direct recording electronic device test notices, observers, and log of process. A log shall be created during the testing of the poll site-based direct recording electronic machines. The log shall record the time and place of each test, the precinct number(s), seal number and machine number of each voting device and the initials of each person testing and observing the test for each machine. This log shall be included in the official logic and accuracy test materials. The processes described in WAC 434-333-170 shall be open to observation and subject

to all notices and observers pursuant to WAC 434-333-140 and 434-333-155.

NEW SECTION

WAC 434-333-295 Parallel monitoring test. On election day, in each county using direct recording electronic voting devices without a voter verified paper record at the poll sites, parallel monitoring will be conducted in the following manner: One machine shall be removed from one percent (rounded up) of poll sites, chosen by lot, before voting begins. These machines will be attended by secretary of state personnel throughout the day and test votes will be cast by individuals selected by the county auditor, in a predetermined manner for results comparison at the end of the day. A record of votes cast may be kept by videotape for verification. All results of this test will be made public.

NEW SECTION

WAC 434-333-300 Post election test. Following election day, in each county using direct recording electronic voting devices at the poll sites, a post election logic and accuracy test will be conducted on the devices selected for the parallel monitoring test (ref. WAC 434-333-295). This test will be substantially the same as the preelection logic and accuracy test, pursuant to WAC 434-333-285 through 434-333-290.

WSR 04-17-004

EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-204—Filed August 4, 2004, 4:32 p.m., effective August 4, 2004]

Effective Date of Rule: Immediately.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100C; and 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 Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas, and the prohibition on night time fishing contained in this emergency rule. Commercial shrimp quotas have been taken in the catch areas closed in this 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.

Date Adopted: August 4, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-52-05100D Puget Sound shrimp pot and 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 pot gear:

(a) Effective immediately until further notice, all waters of Crustacean Management Regions 1, 2, 3 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1A and Marine Fish-Shellfish Catch and Reporting Areas 23A-E (east), 23A-W (west), and 23A-C (central)

(ii) It is unlawful to harvest spot shrimp for commercial purposes in Shrimp Management Areas 1B, 1C, 2-E (east), and Marine Fish-Shellfish Catch and Reporting Areas 23A-S (south), 23B, 23C, 25D and 26D.

(iii) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or fisher's alternate operator to exceed 200 pounds per week in Catch Reporting Area 25A. Shrimp Districts 1 and 4 remain closed to commercial harvest.

(iv) It is unlawful to harvest shrimp for commercial purposes in that portion of 26A-W (west) from the Shipwreck west to a point one mile offshore then paralleling the shoreline southerly to the 26B line.

(v) In Shrimp Management Area 2-E (east) it is unlawful to set or pull shrimp gear in waters greater than 175 feet deep.

(vi) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2 and 6, except any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in

possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(e) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four Subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50' °N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 21A and 22A within Shrimp Management Area 1B, and Marine Fish-Shellfish Management and Catch Reporting Areas 20A: Open immediately, until further notice.

(c) 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100C

Puget Sound shrimp pot and beam trawl fishery. (200)

WSR 04-17-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-203—Filed August 4, 2004, 4:33 p.m., effective August 9, 2004, 12:01 a.m.]

Effective Date of Rule: August 9, 2004, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62100P and 232-28-61900Q; and amending WAC 232-28-621.

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 department has estimated the catch of hatchery chinook in Area 5 and the western part of Area 6 through August 5 at 3,220. It is expected that the allowable quota of 3,500, agreed to with comanagers at North of Falcon planning meetings in April, will be attained at the end of the day on Sunday, August 8, 2004. These emergency personal use rules are necessary to comply with agreed to management plans, 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.

Date Adopted: August 4, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-62100Q Puget Sound salmon seasons—2004 North of Falcon. Notwithstanding the provisions of WAC 232-28-621 and WAC 220-56-195, effective 12:01 a.m. August 9 until further notice, it is unlawful to fish for salmon in Puget Sound except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Area 5** - Open immediately until further notice - Daily limit 2 salmon, except release chum, chinook, and wild coho.

(2) **Area 6** - Open immediately until further notice - Daily limit 2 salmon, except release chum, chinook, and wild coho.

(3) **Area 7** - Open immediately until further notice - Daily limit 2 salmon, not more than one of which may be a chinook salmon, except release chum and wild coho.

(4) **Area 8-1** - Open immediately until further notice - Daily limit 2 salmon, except release chinook.

(5) **Area 8-2:**

(a) Effective immediately until further notice - Waters adjacent to Tulalip Bay west of the line from Mission Point to Hermosa Point, and within 2,000 feet of shore, north of pilings at old Bower's Resort and south of a fishing marker 1.4 miles northwest of Hermosa Point, open Friday through 11:59 a.m. the following Monday of each week. Daily limit 2 salmon.

(b) Effective immediately until further notice - All other waters of Area 8-2 open. Daily limit 2 salmon, except release chinook.

(6) **Area 9:**

(a) Effective immediately until further notice - Edmonds fishing pier open. Daily limit 2 salmon, not more than one of which may be a chinook, release chum.

(b) Effective immediately until further notice - All other waters of area 9 open. Daily limit 2 salmon, except release chinook and chum.

(7) **Area 10:**

(a) Effective immediately until further notice, Elliott Bay public fishing pier, Seacrest pier, Waterman pier, Bremerton boardwalk, and Illahee State Park pier open. Daily limit 2 salmon, not more than one of which may be a chinook salmon, except release chum.

(b) Effective immediately until further notice, all other waters of area 10 open with the following area rules, limits, and species restrictions - Daily limit 2 salmon, except release chinook and chum.

(i) Shilshole Bay east of a line from Meadow Point to West Point is closed.

(ii) Lawful to retain chinook in waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point, and west of a line projected true south from Point White.

(iii) Effective immediately until further notice, Elliott Bay east of a line from West Point to Alki Point is closed, except immediately through August 22 - Open east of a line from Pier 91 to Duwamish Head Friday through Sunday of each week - Daily limit of 2 salmon, lawful to retain chinook, except release chum.

(iv) Terminal gear in waters of the East Duwamish Waterway between a line projected east along the path of SW Hanford Street on Harbor Island and a line projected east from the south tip of Harbor Island is restricted to bait suspended above the bottom from a float.

(8) **Area 11:**

(a) Effective immediately until further notice - Les Davis public fishing pier, Des Moines public fishing pier, Redondo public fishing pier, Dash Point dock, and Point Defiance Boathouse dock open. Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(b) Effective immediately until further notice - All other waters of area 11 open. Daily limit 2 salmon.

(9) Area 12:

(a) Waters north of Ayock Point:

(i) Closed immediately until further notice, except waters of Quilcene/Dabob bays north of a true east line from Whitney Point to the Toandos Peninsula open effective August 16 until further notice - Daily limit 4, coho only.

(b) Waters south of Ayock Point:

(i) Open immediately until further notice in waters south of Ayock Point - Daily limit 4 salmon, not more than two of which may be chinook, except release chum.

(ii) Waters of the Hoodspout Hatchery Zone regulated under provisions in WAC 220-56-124.

(10) Area 13: Open immediately until further notice with the following area rules, limits and species restrictions:

(a) Effective immediately until further notice - Fox Island public fishing pier open. Daily limit 2 salmon, not more than one of which may be a chinook, except release wild coho.

(b) Effective immediately until further notice - All other waters of area 13 open. Daily limit 2 salmon, except release wild coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 9, 2004:

WAC 232-28-62100P Puget Sound salmon seasons—2004 North of Falcon (04-139)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 21, 2004:

WAC 232-28-62100Q Puget Sound salmon seasons—2004 North of Falcon.

**WSR 04-17-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-205—Filed August 5, 2004, 3:59 p.m., effective August 8, 2004, 11:59 p.m.]

Effective Date of Rule: August 8, 2004, 11:59 p.m.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100D; and 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 Puget Sound shrimp harvest management plans requires adoption

of harvest seasons, harvest reporting areas, and the prohibition on night time fishing contained in this emergency rule. Commercial shrimp quotas have been taken in the catch areas closed in this 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.

Date Adopted: August 5, 2004.

Jeff Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-05100E Puget Sound shrimp pot and 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 pot gear:

(a) Effective immediately until further notice, all waters of Crustacean Management Regions 1, 2, 3 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1A and Marine Fish-Shellfish Catch and Reporting Areas 23A-E (east), 23A-W (west), and 23A-C (central).

(ii) It is unlawful to harvest spot shrimp for commercial purposes in Shrimp Management Areas 1B, 1C, 2-E (east), and Marine Fish-Shellfish Catch and Reporting Areas 23A-S (south), 23B, 23C, 25D and 26D.

(iii) Effective immediately until further notice, it is unlawful to harvest spot shrimp for commercial purposes in Shrimp Management Area 2-W (west) and Marine Fish-Shellfish Catch and Reporting Area 23D. The Port Angeles Shrimp District remains closed to commercial harvest.

(iv) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or fisher's alternate operator to exceed 200 pounds per week in Catch Reporting Area 25A. Shrimp Districts 1 and 4 remain closed to commercial harvest.

(v) In Shrimp Management Area 2-E (east) it is unlawful to set or pull shrimp gear in waters greater than 175 feet deep.

(vi) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of

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the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2 and 6, except any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(e) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four Subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50' °N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 21A and 22A within Shrimp Management Area 1B, and Marine Fish-Shellfish Management and Catch Reporting Areas 20A: Open immediately, until further notice.

(c) 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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 8, 2004:

WAC 220-52-05100D Puget Sound shrimp pot and beam trawl fishery. (204)

WSR 04-17-028 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-206—Filed August 9, 2004, 4:23 p.m., effective August 9, 2004]

Effective Date of Rule: Immediately.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-603.

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: Regulations for the 2004 Puget Sound commercial salmon fishery were discussed at North of Falcon planning meetings in the spring, and subsequently, a package containing permanent regulation changes arising from agreements made by comanagers at those meetings was filed with the Code Reviser's Office under expedited rule procedures. That package of permanent regulations is not yet in effect, and these emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. This regulation provides for the Bellingham Bay limited participation purse seine fishery as negotiated during the North of Falcon. This fishery is not expected to exceed chinook by-catch levels modeled during the preseason process.

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.

Date Adopted: August 9, 2004.

Jeff Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-47-604 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Lawful gill net gear:

Lawful gill net gear in Puget Sound Areas 7, and 7A, shall not contain meshes of a size less than 5 inches nor greater than 5 1/2 inches. It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

Lawful purse seine gear:

1) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

2) If fishers are enrolled in the "Rolling Wedge" evaluation program they may use the rolling wedge in lieu of brailing provided they comply with the following conditions:

- (a) Have enrolled by contacting the Department at 902-2717 prior to June 1, 2004
- (b) Pay the funding fee of \$100 per day of the opening
- (c) Allow WDFW observer on board for all fishing activities
- (d) No more than 125 fish may be on deck at any one time.
- (e) Place all lethargic or injured fish in the operating recovery box until they appear recovered or they are dead

Dimensions and capacities of required recovery boxes:

- (i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box.
- (ii) Each recovery box chamber must have an inside length measurement of 48 inches, an inside width measurement of 10 inches, and an inside height measurement of 16 inches.
- (iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute.

(f) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(g) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

Daily Registration - When daily registration (hail in-hail out) is a condition to fish in an area, the license holder must report 1) their name, 2) a telephone number where they can be reached, 3) the gear type, and 4) the area they will be fishing. This report must be made 24 hours in advance of EACH DAY of fishing by using one of the following:

- FAX transmission to (360) 902-2949
- E-mail to psfishtickets@dfw.wa.gov
- Toll-free telephone call to 1-866-791-1279 (leave voice message)

"Hailing out" is required as part of daily registration. To "hail out" the vessel operator must notify the Department by phoning toll-free 1-866-791-1279 as they prepare to leave the fishing area and provide adequate notification as to where and when they will land their fish.

Area 6D:

Skiff Gill Nets - (a) Open to skiff gill nets using 5-inch minimum and 5 1/2-inch maximum mesh from 7:00 a.m. to 7:00 p.m. on the following dates: 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22, 10/25, 10/26, 10/27, 10/28, 10/29.

(b) It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. Any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

Areas 7 and 7A:

Purse Seines - Open to purse seine gear according to the times, dates, and conditions as prescribed and listed here:

<u>HOURS</u>	<u>DATES</u>
5:00 a.m. to 9:00 p.m. daily if using a Recovery Box during all fishing activities throughout the entire open period	August 10 through August 13
9:00 a.m. to 9:00 p.m. daily if NOT using a Recovery Box during all fishing activities throughout the entire open period	August 10 through August 13

(i) It is unlawful to retain chinook, coho, and chum salmon

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications

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in WAC 220-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

Gill Nets - Open to gill net gear according to the times, dates, and conditions as prescribed and listed here:

<u>HOURS</u>	<u>DATES</u>
8:00 a.m. to 11:59 p.m. daily	August 10 through August 13

Daily Registration (hail in-hail out) is required to participate in these gill net openings.

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

<u>TIME</u>	<u>DATES</u>
5:00 a.m. to 9:00 p.m. daily	August 10 through August 13
7:00 a.m. to 7:00 p.m. daily	September 12 through November 13

It is unlawful to retain chinook and salmon at all times, and it is unlawful to retain chum salmon and wild coho salmon prior to October 1. It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

Areas 7B and 7C:

Purse Seines - (a) Open only to the purse seine vessels Farewell, Polarland, Memento, and Esperanza from 6:00 a.m. to 8:00 p.m. Wednesday August 18, 2004. Open only to the purse seine vessels Adventurous, Anna Louise, Contender and Norman B, from 6:00 a.m. to 8:00 p.m. Wednesday August 25, 2004. Open only to the purse seine vessels Farewell, Polarland, Memento and Esperanza from 6:00 a.m. to 8:00 p.m. Wednesday September 1, 2004.

(i) It is unlawful to retain sockeye or coho salmon, and any sockeye or coho salmon caught must be released immediately.

(iii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(iv) The 5-inch strip requirement is not in effect during this opening.

(b) Open in Area 7B to purse seines using the 5-inch strip during the following hours and dates, provided it is unlawful to retain sockeye salmon, and any sockeye salmon caught must be released immediately.

7:00 a.m. September 7 to 8:00 p.m. September 9

7:00 a.m. September 13 to 7 p.m. September 15

7:00 a.m. September 19 to 4 p.m. October 23

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours and Dates</u>
7B and 7C	7" minimum	7:00 p.m. August 16 to 7:00 a.m. August 17 7:00 p.m. August 22 to 7:00 a.m. August 23 7:00 p.m. August 24 to 7:00 a.m. August 25 7:00 p.m. August 26 to 7:00 a.m. August 27 7:00 p.m. August 29 to 7:00 a.m. August 30 7:00 p.m. August 31 to 7:00 a.m. September 7:00 p.m. September 2 to 7:00 a.m. September 3
7B	5" minimum	7:00 p.m. September 6 to 8:00 a.m. September 7 7:00 p.m. September 7 to 8:00 a.m. September 8 7:00 p.m. September 9 to 8:00 a.m. September 10
7B	5" minimum	6:00 p.m. September 12 to 8:00 a.m. September 13 6:00 p.m. September 14 to 8:00 a.m. September 15 6:00 p.m. September 16 to 8:00 a.m. September 17.
7B	5" minimum	7:00 p.m. September 19 through 8:00 p.m. October 23

Area 8D:

Purse Seine - Open to purse seines using the 5-inch strip as follows:

<u>Hours</u>	<u>Dates</u>
7:00 a.m. to 7:00 p.m.	9/23, 10/4

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
6:00 p.m. September 19 to	8:00 a.m. September 20
6:00 p.m. September 21 to	8:00 a.m. September 22
6:00 p.m. September 23 to	8:00 a.m. September 24
6:00 p.m. September 26 to	8:00 a.m. September 27
6:00 p.m. September 28 to	8:00 a.m. September 29
6:00 p.m. September 30 to	8:00 a.m. October 1

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
7:00 p.m. August 24 to	7:00 a.m. August 25
7:00 p.m. August 26 to	7:00 a.m. August 27
6:00 a.m. August 29 through	8:00 p.m. October 30

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It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

Area 12A:

Beach Seines - (a) Open to holders of beach seine permits from 7:00 a.m. to 7:00 p.m. on the following dates: 8/23, 8/24, 8/25, 8/26, 8/27, 8/30, 8/31, 9/1, 9/2, 9/3, 9/6, 9/7, 9/8, 9/9, 9/10, 9/13, 9/14, 9/15, 9/16, 9/17, 9/20, 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1.

(b) Open in those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula.

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries:

All fisheries opened under this section.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-603 Puget Sound all-citizen commercial salmon fishery. (04-198)

**WSR 04-17-055
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-209—Filed August 10, 2004, 4:14 p.m., effective August 10, 2004]

Effective Date of Rule: Immediately.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100E, 220-52-03000W and 220-52-03000X; and 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 Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas, and the prohibition on night time fishing contained in this emergency rule. Commercial shrimp quotas have been taken in the catch areas closed in this rule. Catch projections in areas reopening are due to overestimate of actual harvest. 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 3.

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.

Date Adopted: August 10, 2004.

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-05100F Puget Sound shrimp pot and 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 pot gear:

(a) Effective immediately until further notice, all waters of Crustacean Management Regions 1, 2, 3 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1A and Marine Fish-Shellfish Catch and Reporting Areas 23A-E (east), 23A-W (west), and 23A-C (central).

(ii) It is unlawful to harvest shrimp for commercial purposes in that portion of 26A-W (west) from the Shipwreck west to a point one mile offshore then paralleling the shoreline southerly to the 26B line.

(iii) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

(iv) It is unlawful to harvest spot shrimp for commercial purposes in Shrimp Management Areas 1B, 1C, 2-E (east), and Marine Fish-Shellfish Catch and Reporting Areas 23A-S (south), 23B, 23C, 23D, 25A, 25D and 26D.

(v) In Shrimp Management Area 2-E (east) it is unlawful to set or pull shrimp gear in waters greater than 175 feet deep.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Region 6, except any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday

through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or fisher's alternate operator to exceed 100 pounds per week in Shrimp Management Area 2-W (west).

(d) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(e) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four Subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50' °N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 21A, and 22A within Shrimp Management Area 1B, and Marine Fish-Shellfish Management and Catch Reporting Areas 20A: Open immediately, until further notice.

(c) 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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-52-05100E	Puget Sound shrimp pot and beam trawl fishery. (04-205)
WAC 220-52-03000W	Commercial razor clams. (04-188)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 31, 2004:

WAC 220-52-03000X	Commercial razor clams. (04-199)
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**WSR 04-17-059
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-211—Filed August 11, 2004, 3:42 p.m., effective August 13, 2004, 12:01 a.m.]

Effective Date of Rule: August 13, 2004, 12:01 a.m.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62000R; and amending WAC 232-28-620.

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 allow more opportunity for the recreational fisher to keep chinook while staying within the chinook quota. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 11, 2004.

Jim Lux
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-62000S Coastal salmon seasons. Notwithstanding the provisions of WAC 232-28-620 and WAC 220-56-180, effective 12:01 a.m. August 13, 2004, until further notice, it is unlawful to fish for salmon in coastal waters during 2004 except as provided in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Area 1** - Open until further notice - Daily limit 2 salmon, except release wild coho.

Minimum size for chinook salmon is 24 inches in length and 16 inches in length for coho.

(2) **Areas 2, 2-1, and 2-2:**

(a) **Area 2** - Open until further notice - Daily limit 2 salmon, except release wild coho.

Minimum size for chinook salmon is 24 inches in length and 16 inches in length for coho.

(b) **Area 2-1** - Open through August 15 - Daily limit 2 salmon, except release wild coho. Open August 16 until further notice, daily limit 6 salmon, not more than two of which may be adult salmon.

(c) **Area 2-2** west of the Buoy 13 line - Open until further notice - Daily limit 2 salmon, except release wild coho.

(3) **Area 3** - Open until further notice - Daily limit 2 salmon, except release wild coho. Minimum size for chinook salmon is 24 inches in length and 16 inches in length for coho.

(4) **Area 4:**

(a) Open until further notice - Daily limit 2 salmon not more than one of which may be a chinook, except release wild coho and chum. Release chinook east of the Bonilla-Tatoosh Line. Minimum size for chinook salmon is 26 inches in length and 16 inches in length for coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 13, 2004:

WAC 232-28-62000R Coastal salmon seasons. (04-174)

**WSR 04-17-060
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-208—Filed August 11, 2004, 3:43 p.m., effective September 1, 2004]

Effective Date of Rule: September 1, 2004.

Purpose: Amend hunting rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-021 Importation and retention of dead nonresident wildlife.

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: Recent scientific results published in emerging infectious diseases confirms the infective agents of chronic wasting disease (CWD) can transfer from decomposing carcasses into the environment. The research conducted by scientists from Colorado and Wyoming showed that those infective agents in the soil can infect healthy deer.

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.

Date Adopted: August 7, 2004.

August 11, 2004

Susan Yeager

for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 583, filed 1/27/93, effective 2/13/93)

WAC 232-12-021 Importation and retention of dead nonresident wildlife. It is unlawful:

(1) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts. Violation of this subsection is punishable under RCW 77.15.290.

(2) For a person who imports a dead mountain sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored and general information describing where and how the wildlife was obtained. Violation of this subsection is punishable under RCW 77.15.290.

(3) To import or possess deer or elk, or parts thereof, harvested in Colorado, Wyoming, Utah, New Mexico, Wisconsin, Illinois, South Dakota, Nebraska, and Saskatchewan with the following exceptions:

(a) Meat that has been deboned in the state or province where it was harvested and is imported as boned out meat;

(b) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(c) Hides or capes without heads attached;

(d) Tissue imported for use by a diagnostic or research laboratory;

(e) Finished taxidermy mounts. Violation of this subsection (3) is punishable under RCW 77.15.290.

(4) To fail to notify the department within twenty-four hours if an importer or receiver of deer or elk is notified by a state or province that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160.

WSR 04-17-069

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 04-213—Filed August 12, 2004, 4:22 p.m., effective August 12, 2004]

Effective Date of Rule: Immediately.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000F.

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 last fishing period has been rescinded. Catches of upriver brights in this fishing period have exceeded the preseason expectations. 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 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 12, 2004.

J. P. Koenings
Director
by Larry Peck

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000F Columbia River season
below Bonneville. (04-196)

WSR 04-17-070

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 04-212—Filed August 12, 2004, 4:23 p.m., effective August 14, 2004]

Effective Date of Rule: August 14, 2004.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900K; 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 needed to protect adult fall chinook and steelhead from snagging and assist in achieving adequate escapement for wild hatchery brook stock needs. The water level currently in the river is extremely low, which causes fish to stack up and become vulnerable to harassment in the lower Washougal River. 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.

Date Adopted: August 12, 2004.

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900K Exceptions to statewide rules—Washougal River. Notwithstanding the provisions of WAC 232-28-619, effective August 14 through August 31,

2004, in those waters of the Washougal River from mouth of the Washougal River to Mt. Norway Bridge at Vernon Bridge, non-buoyant lure restriction, night closure and stationary gear restriction in effect. The line, weight, lure or bait must be moving (not stationary) while in the water. Only fish hooked in the mouth may be retained.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 1, 2004:

WAC 232-28-61900K Exceptions to statewide rules—Washougal River.

WSR 04-17-071
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-214—Filed August 12, 2004, 4:24 p.m., effective August 16, 2004, 6:00 a.m.]

Effective Date of Rule: August 16, 2004, 6:00 a.m.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100I; and amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of sea cucumbers are available in the sea cucumber district listed. Prohibition of all diving within two days of scheduled sea cucumber openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. This rule affects openings only. All permanent rules not affected remain in 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.

Date Adopted: August 12, 2004.

J. P. Koenings
Director

NEW SECTION

WAC 220-52-07100J Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Effective 6:00 a.m. August 16, 2004 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 5 on Monday and Tuesday of each week.

(2) It is unlawful to dive for any purpose from a commercially licensed sea urchin or sea cucumber fishing vessel on Saturdays and Sundays of each week.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. August 16, 2004:

WAC 220-52-07100I Sea cucumbers. (04-181)

WSR 04-17-091
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-215—Filed August 16, 2004, 3:59 p.m., effective August 16, 2004, 7:00 p.m.]

Effective Date of Rule: August 16, 2004, 7:00 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000G; 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 salmon and sturgeon are available. Sets the fishing period for the third week of August. This season is consistent with the 2004 fall management agreement, the 2004 non-Indian allocation agreement, and with actions of the Columbia River compact on August 13, 2004, and is included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has been completed by NOAA fisheries. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 16, 2004.

J. P. Koenings
Director

NEW SECTION

WAC 220-33-01000G Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

- 1) OPEN AREAS: SMCRA 1B, 1C, 1D, 1E.
- a) SEASON: 7:00 p.m. Monday, August 16, 2004 to 7:00 a.m., Tuesday, August 17, 2004.
- b) GEAR: 8 inch minimum mesh and 9-3/4 inch maximum mesh. Monofilament gear is allowed.
- c) SANCTUARIES: Grays River, Elokomina-A, Cowlitz, Kalama-A, Lewis-A, Washougal, Sandy.
- d) ALLOWABLE SALE: Salmon and sturgeon. Up to 5 sturgeon may be possessed or sold for each participating vessel per fishing week, including fish harvested in Select Area fisheries. A fishing week is defined as the Sunday through Saturday encompassing the open dates of the fishery.
- e) 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 effective 7:01 a.m. August 17, 2004:

WAC 220-33-01000G Columbia River season below Bonneville.

WSR 04-17-095 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-221—Filed August 17, 2004, 10:53 a.m., effective August 17, 2004]

Effective Date of Rule: Immediately.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100F; and 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 Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas, and the prohibition on night time fishing contained in this emergency rule. Commercial shrimp quotas have been taken in the catch areas closed in this rule, and small amounts of quota are available in the areas reopened under this 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.

Date Adopted: August 16, 2004.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-05100G Puget Sound shrimp pot and 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 pot gear:

(a) Effective immediately until further notice, all waters of Crustacean Management Regions 1, 2, 3 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1A and Marine Fish-Shellfish Catch and Reporting Areas 23A-E (east), 23A-W (west), and 23A-C (central), except as provided for in this section:

a. Shrimp Management Area 1A is open for all species effective 6:00 a.m. through 8:00 p.m., August 20, 2004, with a 100 pound daily limit.

(ii) It is unlawful to harvest spot shrimp for commercial purposes in Shrimp Management Areas 1B, 1C, 2-E (east), 2-W (west), and Marine Fish-Shellfish Catch and Reporting Areas 23A-S (south), 23B, 23C, 23D, 25A, 25D and 26D, except as provided for in this section:

a. Shrimp Management Area 1B is open for spot shrimp effective 6:00 a.m. through 8:00 p.m., August 19, 2004, with a 100 pound daily limit.

b. Shrimp Management Areas 1C and 2-W (west) are open for spot shrimp effective 6:00 a.m. through 8:00 p.m., August 20, 2004, with a 150 pound daily limit.

c. Shrimp Management Area 2-E (east) is open for spot shrimp effective 6:00 a.m. through 8:00 p.m., August 20, 2004, with a 90 pound daily limit.

d. Marine Fish/Shellfish Management and Catch Reporting Area 23B is open for spot shrimp effective 6:00 a.m. through 8:00 p.m., August 20, 2004, with a 100 pound daily limit.

(iii) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 300 pounds per week from Crustacean Management Region 6, and any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting

Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(e) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four Subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50' °N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 21A, and 22A within Shrimp Management Area 1B, and Marine Fish-Shellfish Management and Catch Reporting Areas 20A: Open immediately, until further notice.

(c) 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100F Puget Sound shrimp pot and beam trawl fishery. (04-209)

WSR 04-17-136 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-220—Filed August 18, 2004, 9:30 a.m., effective August 21, 2004, 6:00 a.m.]

Effective Date of Rule: August 21, 2004, 6:00 a.m.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900G.

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 Reiter Ponds Hatchery has collected enough summer steelhead brood stock to meet

production 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 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 18, 2004.

J. P. Koenings
Director
by Larry Peck

basin steelhead. 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.

Date Adopted: August 17, 2004.

J. P. Koenings
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. August 21, 2004:

WAC 232-28-61900G Exceptions to statewide rules—Skykomish River (Reiter Ponds) (04-187)

**WSR 04-17-137
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-222—Filed August 18, 2004, 9:30 a.m., effective August 19, 2004]

Effective Date of Rule: August 19, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900L; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The upper Columbia River summer chinook and sockeye returns in 2004 are very strong with 25,000 and 75,000 fish passing Wells Dam, to date. Escapement exceeds hatchery broodstock and wild broodstock spawning needs. The stocks are stable, not listed under ESA and the expanded fishery has been deemed by NMFS not likely to have a negative impact on ESA-listed Okanogan

NEW SECTION

WAC 232-28-61900L Exceptions to statewide rules—Okanogan and Similkameen rivers. Notwithstanding the provisions of WAC 232-28-619, effective August 19 through September 19, 2004, it is lawful to fish in the following waters:

(1) Okanogan River (Okanogan Co.) Those waters from the Highway 20 bridge in Okanogan to the railroad trestle (bridge) downstream of the Lake Osoyoos Control Dam in Oroville. Daily limit of six salmon, no more than two adults. Release wild coho. Night closure and non-buoyant lure restriction in effect. Statewide gamefish rules are in effect, except release all trout.

(2) Similkameen River (Okanogan Co.) Those waters from the confluence with the Okanogan River upstream to the county road bridge in Oroville. Daily limit of six salmon, no more than two adults. Release wild coho. Night closure and non-buoyant lure restriction in effect. Release all fish except salmon.

REPEALER

The following section of the Washington Administrative Code is repealed September 19, 2004, one hour after official sunset:

WAC 232-28-61900L Exceptions to statewide rules—Okanogan and Similkameen rivers.

EMERGENCY

WSR 04-15-033
RULES OF COURT
STATE SUPREME COURT
 [July 8, 2004]

SUMMARY OF CHANGES TO GUILTY PLEA FORMS

The following are proposed amendments to the CrR 4.2(g) and the JuCR 7.7 guilty plea forms and attachments:

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENTS TO CrR 4.2(g)) NO. 25700-A-797
 AND JuCR 7.7)

The Washington Pattern Forms Committee having recommended the adoption of the proposed amendments to CrR 4.2(g) and JuCR 7.7, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 8th day of July 2004.

Alexander, C. J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

Ireland, J.

Fairhurst, J.

June 1, 2004

Honorable Charles W. Johnson, Chair
 Washington State Supreme Court Rules Committee
 Temple of Justice
 P.O. Box 40929
 Olympia, WA 98504-0929

Dear Justice Johnson:

RE: GUILTY PLEA FORMS, CrR 4.2(g) AND JuCR 7.7

Enclosed are proposed amendments to the CrR 4.2(g) and JuCR 7.7 guilty plea forms, with attachments, for adoption by the rules committee on an emergency basis. The enclosed summary of changes describes in detail the proposed amendments that are based upon 2003 and 2004 statutory changes.

If you have any questions regarding the proposed amendments to the CrR 4.2(g) and the JuCR 7.7 guilty plea forms, please feel free to contact me at (509) 477-4795 or at 1116 West Broadway Avenue, Spokane, WA 99260-0350.

Sincerely,
 Salvatore Cozza, Chair
 Pattern Forms Committee

cc: Merrie Gough, AOC Staff

I.	CrR 4.2(g)	<p>Statement of Defendant on Plea of Guilty to Non-Sex Offense</p> <p>In paragraph 6(f), in the left column of the community custody range table, change the RCW citation "RCW 9.94A.440(2)" to RCW 9.94A.411(2)."</p> <p>Laws of 2004, ch. 15 § 2 gives the courts the discretion to impose a domestic violence assessment of up to \$100 when a defendant is convicted of an offense involving domestic violence.</p> <p>To implement Laws of 2004, ch. 15 § 2, the following changes to paragraph 6(p) are recommended:</p> <p>If this is a crime of domestic violence, <u>I may be ordered to pay a domestic violence assessment of up to \$100.00.</u> and If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.</p>
II.	CrRLJ 4.2(g)	<p>Statement of Defendant on Plea of Guilty to Sex Offense</p> <p>To implement Laws of 2004, ch. 15 § 2, the following changes to paragraph 6(q) are recommended:</p> <p>If this is a crime of domestic violence, <u>the court may order me to pay a domestic violence assessment of up to \$100.00.</u> and If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.</p>
III.	CrR 4.2(g)	<p>"Offender Registration" Attachment</p> <p>At the end of the fifth paragraph of text, which begins with "If I am a resident of Washington and I am admitted to a public or private institution of higher education...", the following language that is based upon Laws of 2003, ch. 215 (HB 1712) § 1 should be added:</p> <p>"If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination."</p>

MISC.

IV.	JuCr 7.7 (WPF JU 07.0600)	<p>Statement on Plea of Guilty</p> <p>To implement Laws of 2004, ch. 15 § 2, the following new paragraph 12. [F] is recommended:</p> <p>[F] DOMESTIC VIOLENCE ASSESSMENT: If this offense involved domestic violence, I may be required to pay a domestic violence assessment of up to \$100.</p> <p>Renumber the sections in paragraph 12.</p>
V.	JuCr 7.7 (WPF JU 07.0600)	<p>"Offender Registration" Attachment</p> <p>At the end of the fifth paragraph of text, which begins with "If I am a resident of Washington and I am admitted to a public or private institution of higher education...", the following language that</p>

is based upon Laws of 2003, ch. 215 (HB 1712) § 1 should be added:

"If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination."

<p>SUPERIOR COURT OF WASHINGTON FOR</p>	
<p>STATE OF WASHINGTON</p>	<p>Plaintiff</p>
<p>vs.</p>	
	<p>Defendant.</p>

NO.

**STATEMENT OF DEFENDANT ON
PLEA OF GUILTY TO NON-SEX
OFFENSE
(STTDFG)**

1. My true name is: _____
2. My age is: _____
3. I went through the _____ grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
 - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
 - (b) I am charged with: _____
The elements are: _____
5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:
 - (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
 - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
 - (c) The right at trial to hear and question the witnesses who testify against me;
 - (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
 - (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
 - (f) The right to appeal a finding of guilt after a trial.
6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:
 - (a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

MISC.

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f).)	MAXIMUM TERM AND FINE
1						
2						
3						

*(F) Firearm, (D) other deadly weapon, (V) VUCSA in protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.
For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.150 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer.
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer.
Crimes Against Persons as defined by RCW 9.94A.411(2)	9 to 18 months or up to the period of earned release, whichever is longer.
Offenses under Chapter 69.50 or 69.52 RCW (Not sentenced under RCW 9.94A.120(6))	9 to 12 months or up to the period of earned release, whichever is longer.

MISC.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

(g) The prosecuting attorney will make the following recommendation to the judge: _____

[] The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

(k) Public assistance will be suspended during any period of imprisonment.

(l) I understand that I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100 DNA collection fee.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

[m] This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

[n] The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.

[o] If this crime involves a kidnapping offense involving a minor, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

[p] If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

[q] If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

[r] The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under former RCW 9.94A.120(6) (for offenses committed before July 1, 2001) or RCW 9.94A.660 (for offenses committed on or after July 1, 2001). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph 6(e). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range that must include appropriate substance abuse treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could prohibit me from using alcohol or controlled substances, require me to devote time to a specific employment or training, stay out of certain areas, pay 30 dollars per month to offset the cost of monitoring and require other conditions, including affirmative conditions.

[s] If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

MISC.

- [t] If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine or amphetamine, a mandatory methamphetamine clean-up fine of \$3,000.00 will be assessed. RCW 69.50.401 (a)(1)(ii).
- [u] If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits will be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.
- [v] If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.
- [w] If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(8).
- [x] The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[m].
- [y] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- [z] I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.
- [aa] I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.
- [bb] I understand that if I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.

7. I plead guilty to:
 count _____
 count _____
 count _____
 in the _____ Information. I have received a copy of that Information.

- 8. I make this plea freely and voluntarily.
- 9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
- 10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.
- 11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement:

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

 Defendant

MISC.

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Prosecuting Attorney WSBA No.

Defendant's Lawyer WSBA No.

Print Name

Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Judge

INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated the _____ for the defendant from English into that language. (Identify document being translated)

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: _____

Interpreter

Location: _____

SUPERIOR COURT OF WASHINGTON FOR	
STATE OF WASHINGTON _____ , Plaintiff	
vs.	
_____ , Defendant.	

NO.

**STATEMENT OF DEFENDANT ON
PLEA OF GUILTY TO SEX OFFENSE
(STDFG)**

1. My true name is: _____
2. My age is: _____
3. I went through the _____ grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

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- (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
- (b) I am charged with: _____
The elements are: _____

5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f).)	MAXIMUM TERM AND FINE
1						
2						
3						

*(F) Firearm, (D) other deadly weapon

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

MISC.

(f) For sex offenses committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001:

(i) Sentencing under RCW 9.94A.712: If this offense is for any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old.	Rape of a child in the second degree committed when I was at least 18 years old.
Child molestation in the first degree committed when I was at least 18 years old.	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	

MISC.

(ii) If this offense is for a sex offense that is not listed in paragraph 6(f)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

(g) The prosecuting attorney will make the following recommendation to the judge: _____

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

(k) Public assistance will be suspended during any period of imprisonment.

(l) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration" Attachment.

(m) I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100 DNA collection fee.

(n) I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

[o] This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

[p] Special sex offender sentencing alternative:

For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be

MISC.

ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of minimum term of confinement for a sex offense listed in paragraph 6(f)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

- [q] If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$100. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.
- [r] If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- [s] If this offense involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.
- [t] The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[o].
- [u] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- [v] I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.

7. I plead guilty to:
 count _____
 count _____
 count _____
 in the _____ Information. I have received a copy of that Information.

- 8. I make this plea freely and voluntarily.
- 9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
- 10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

MISC.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime.

This is my statement: _____

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Defendant
I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Prosecuting Attorney WSBA No.

Defendant's WSBA No.
Lawyer

Print Name

Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Judge

INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated the _____ for the defendant from English into that language.

(Identify document being translated)

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: _____

Interpreter

Location: _____

MISC.

Case Name: _____

Cause No.: _____

"OFFENDER REGISTRATION" ATTACHMENT: sex offense, or kidnapping offense involving a minor as defined in RCW 9A.44.130. (If required, attach to Statement of Defendant on Plea of Guilty.)

Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.130, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed, or where I carry on a vocation.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within 30 days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving, and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. I must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution. If I become employed at a public or private institution of higher education, I am required to notify the sheriff for the county of my residence of my employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If my enrollment or employment at a public or private institution of higher education is terminated, I am required to notify the sheriff for the county of my residence of my termination of enrollment or employment within 10 days of such termination.

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody or within 48 hours, excluding weekends and holidays, after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I am required to provide a list of the locations where I have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within five days of the entry of the order.

RCW 9A.44.130(7).

Date: _____

Defendant's signature

MISC.

SUPERIOR COURT OF WASHINGTON
COUNTY OF _____
JUVENILE COURT

STATE OF WASHINGTON

vs.

Respondent

NO:
STATEMENT OF PLEA OF GUILTY
(STJOPG)

1. My true name is: _____
 I am also known as: _____
2. My age is: _____ Date of Birth: _____
3. I have been informed and fully understand that I have the right to a lawyer, and that if I cannot afford to pay for a lawyer, the judge will provide me with one at no cost. I understand that a lawyer can look at the social and legal files in my case, talk to the police, probation counselor and prosecuting attorney, tell me about the law, help me understand my rights, and help me at trial.
4. I understand that I am charged with Count 1 _____

 the elements of which are _____
 _____;
 Count 2 _____

 the elements of which are _____

And I have been given a copy of the charge(s).

5. ***I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:***
 - a. I have the right to a speedy and public trial in the county where the offense(s) allegedly occurred.
 - b. I have the right to remain silent before and during trial, and I need not testify against myself.
 - c. I have the right to hear and question witnesses who might testify against me.
 - d. I have the right to testify and to have witnesses testify for me. These witnesses may be required to appear at no cost to me.
 - e. I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty.
 - f. I have the right to appeal a finding of guilt after trial.
6. I have been informed that in order to determine an appropriate sentence regarding the charges to which I plead guilty in this matter, the judge will take into consideration my criminal history, which is as follows:
 - a. _____
 - b. _____
 - c. _____
 - d. _____
 - e. _____
 - f. _____
7. The Standard Sentencing Range, which was calculated using my criminal history as referenced in Paragraph 6, above, is as follows:

MISC.

[] LOCAL SANCTIONS

COUNT	SUPERVISION	COMMUNITY RESTITUTION	FINE	DETENTION	CVC	RESTITUTION
[] 1	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	[] As required [] _____
[] 2	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	[] As required [] _____
[] 3	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	[] As required [] _____

I understand that, if community supervision is imposed, I will be required to comply with various rules, which could include school attendance, curfew, law abiding behavior, associational restrictions, counseling, treatment, urinalysis, and/or other conditions deemed appropriate by the judge. Failure to comply with the conditions of supervision could result in a violation being found and further confinement imposed for the violation up to 30 days.

[] JUVENILE REHABILITATION ADMINISTRATION (JRA) COMMITMENT:

COUNT	WEEKS AT JUVENILE REHABILITATION ADMINISTRATION (JRA) FACILITY	CVC	RESTITUTION
[] 1	[] 15 - 36 [] 30 - 40 [] 52 - 65 [] 80 - 100 [] 103 - 129 [] 180 - Age 21	\$75/\$100	[] As required [] _____
[] 2	[] 15 - 36 [] 30 - 40 [] 52 - 65 [] 80 - 100 [] 103 - 129 [] 180 - Age 21	\$75/\$100	[] As required [] _____
[] 3	[] 15 - 36 [] 30 - 40 [] 52 - 65 [] 80 - 100 [] 103 - 129 [] 180 - Age 21	\$75/\$100	[] As required [] _____

I understand that, if I am committed to a Juvenile Rehabilitation Administration (JRA) facility, following my release I may be required to comply with a program of parole for a number of months. I understand that if placed on parole, I will be under the supervision of a parole officer. The conditions of parole will restrict my actions and may require me to participate in activities and programs including, but not limited to, evaluation, treatment, education, employment, community restitution, electronic monitoring, and urinalysis. Failure to comply with the conditions of parole may result in parole revocation and further confinement.

I understand that if I am pleading guilty to two or more offenses, the disposition terms shall run consecutively (one term after the other) subject to the limitations in RCW 13.40.180.

I understand that if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding.

8. RIGHT TO APPEAL SENTENCE: I understand, that the judge must impose a sentence within the standard range, unless the judge finds by clear and convincing evidence that the standard range sentence would amount to a manifest injustice. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

9. MAXIMUM PUNISHMENT: I have been informed, and fully understand, that the maximum punishment I can receive is commitment until I am 21 years old, but that I may be incarcerated for no longer than the adult maximum sentence for this offense.

10. COUNTS AS CRIMINAL HISTORY: I understand that my plea of guilty and the judge's acceptance of my plea will become part of my criminal history. I understand that if I am pleading guilty to two or more offenses that arise out of the same course of conduct, only the most serious offense will count as an offense in my criminal history. I understand that my guilty plea will remain part of my criminal history when I am an adult and may affect my ability to remain in the Juvenile Justice System should I re-offend. I understand that the judge will consider my criminal history when sentencing me for any offense that I commit in the future as an adult or juvenile.

11. GROUNDS FOR DEPORTATION: If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

12. NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

[A] SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR FIREARMS OR DRUGS: I have been informed that if the offense that I am pleading guilty to involves a finding that I was armed with a firearm when I committed the offense or if the offense was a violation of RCW 9.41.040(1) or chapters 66.44, 69.41, 69.50 or 69.52 and I was 13 years of age or older when I committed the offense, then the plea will result in the suspension or revocation of my privilege to drive.

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- [B] **SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR DRIVING OFFENSES:** I have been informed that if the offense that I am pleading guilty to is any felony in the commission of which a motor vehicle was used, reckless driving, driving or being in physical control of a motor vehicle while under the influence of intoxicants, driving while license suspended or revoked, vehicular assault, vehicular homicide, hit and run, theft of motor vehicle fuel, or attempting to elude a pursuing police vehicle, the plea will result in the suspension or revocation of my privilege to drive.
- [C] **OFFENDER REGISTRATION FOR SEX OFFENSE OR KIDNAPPING OFFENSE:** Because this crime involves a sex offense, or a kidnapping offense involving a minor, or sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation, or conspiracy to commit a sex offense or a kidnapping offense involving a minor, as defined in RCW 9A.44.130, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.
- [D] **DNA TESTING:** If this crime involves a felony or stalking, harassment, or communication with a minor for immoral purposes, I will be required to have a biological sample collected for purposes of DNA identification analysis. RCW 43.43.754.
- [E] **HIV TESTING:** If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus. RCW 70.24.340.
- [F] **DOMESTIC VIOLENCE ASSESSMENT:** If this offense involves domestic violence, I may be required to pay a domestic violence assessment of up to \$100.
- [G] **CRIME LAB FEES:** If this offense involves a controlled substance, I will be required to pay \$100 for the State Patrol Crime Lab fees to test the substance.
- [H] **SCHOOL NOTIFICATION:** If I am enrolled in a common school, the court will notify the principal of my plea of guilty if the offense for which I am pleading guilty is a violent offense as defined in RCW 9.94A.030; a sex offense as defined in RCW 9.94A.030; inhaling toxic fumes under chapter 9.47A RCW; a controlled substance violation under chapter 69.50 RCW; a liquor violation under RCW 66.44.270; or any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48 RCW. RCW 13.04.155.
- [I] **SCHOOL ATTENDANCE WITH VICTIM PROHIBITED:** I understand that if I am pleading guilty to a sex offense, I will not be allowed to attend the school attended by the victim or victim's siblings. RCW 13.40.160.
- [J] **FEDERAL BENEFITS:** I understand that if I am pleading guilty to a felony drug offense, my eligibility for state and federal food stamps and welfare will be affected. 21 U.S.C. § 862a.
- [K] **MANDATORY MINIMUM SENTENCE:** The crime of _____ has a mandatory minimum sentence of at least _____ weeks of total confinement. The law does not allow any reduction of this sentence.
- [L] **RIGHT TO POSSESS FIREARMS:** [JUDGE MUST READ THE FOLLOWING TO OFFENDER] I have been informed that if I am pleading guilty to any offense that is classified as a felony or any of the following crimes when committed by one family or household member against another: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence; that I may not possess, own, or have under my control any firearm unless my right to do so has been restored by a court of record. RCW 9.41.040(1).
- [M] **FIREARMS POSSESSION OR COMMISSION WHILE ARMED:**
- [i] **Minimum 10 Days for Possession Under Age 18:** I understand that the offense I am pleading guilty to includes possession of a firearm in violation of RCW 9.41.040(1)(b)(iii), and pursuant to RCW 13.40.193, the judge will impose a mandatory minimum disposition of 10 days of confinement, which must be served in total confinement without possibility of release until a minimum of 10 days has been served.
- [ii] **Unlawful Possession with Stolen Firearm:** I understand that if the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm, that the sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

[iii] Armed During Commission of Any Offense: I understand that if the offense I am pleading guilty to includes a finding that either I or my accomplice was armed with a firearm during the commission of the offense, that the standard range disposition shall be determined pursuant to RCW 13.40.160, unless the judge finds a manifest injustice, in which case the disposition shall be determined pursuant to RCW 13.40.193(3). Such confinement will run consecutive to any other sentence that may be imposed.

[iv] Armed During Commission of a Felony: I further understand that the offense I am pleading guilty to includes a finding that either myself or my accomplice was armed with a firearm during the commission of a felony (other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, or use of a machine gun in a felony) and, therefore, the following mandatory periods of total confinement will be added to my sentence: For a class A felony, six (6) months; for a class B felony, four (4) months; and for a class C felony, two (2) months. Such confinement will run consecutive to any other sentence that may be imposed.

13. I understand that the prosecuting attorney will make the following recommendation to the judge:

14. I understand that the probation counselor will make the following recommendation to the judge:

15. Although the judge will consider recommendations of the prosecuting attorney and the probation officer, the judge may impose any sentence he or she feels is appropriate, up to the maximum allowed by law.

16. The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

[] Instead of making a statement, I agree that the judge may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

17. I plead guilty to count _____ in the _____ Information. I have received a copy of that Information.

18. I make this plea freely. No one has threatened to harm me or anyone else to get me to plead guilty.

19. No one has made any promises to make me plead guilty, except as written in this statement.

20. I have read or someone has read to me everything printed above, and in Attachment "A," if applicable, and I understand it in full. I have been given a copy of this statement. I have no more questions to ask the judge.

Dated: _____

Respondent
I have read and discussed this statement with the respondent and believe that the respondent is competent and fully understands the statement.

Deputy Prosecuting Attorney WSBA No.

Type or Print Name

Attorney for Respondent WSBA NO.

Type or Print Name

JUDGE'S CERTIFICATE

The foregoing statement was signed by the respondent in open court in the presence of his or her lawyer and the undersigned judge. The respondent asserted that [check appropriate box]:

(a) The respondent had previously read the entire statement above and that the respondent understood it in full;

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- (b) The respondent's lawyer had previously read to him or her the entire statement above and that the respondent understood it in full; or
- (c) An interpreter had previously read to the respondent the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the respondent's plea of guilty is knowingly, intelligently, and voluntarily made. Respondent understands the charge and the consequences of the plea. There is a factual basis for the plea. The respondent is guilty as charged.

Dated: _____
Judge/Commissioner

INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the respondent understands, and I have translated the _____

(Identify document being translated)

for the respondent from English into that language. The respondent has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED: _____
Interpreter

LOCATION: _____

Case Name: _____ Cause No.: _____

"OFFENDER REGISTRATION" ATTACHMENT: OFFENDER REGISTRATION FOR SEX OFFENSE OR KIDNAPPING OFFENSE (If required, attach to Statement on Plea of Guilty.):

Because this crime involves a sex offense or a kidnapping offense involving a minor as defined in RCW 9A.44.130, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed or where I carry on a vocation.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within 30 days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. I must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution. If I become employed at a public or private institution of higher education, I am required to notify the sheriff for the county of my residence of my employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If my enrollment or

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employment at a public or private institution of higher education is terminated, I am required to notify the sheriff for the county of my residence of my termination of enrollment or employment within 10 days of such termination.

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody or within 48 hours, excluding weekends and holidays, after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I may be required to provide a list of the locations where I have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

Date: _____

Respondent's signature

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

WSR 04-16-071
AGENDA
DEPARTMENT OF HEALTH
[Filed July 30, 2004, 4:21 p.m.]

State Board of Health and Department of Health
July 2004 Rules Agenda

This report details the anticipated rule-making activities of the State Board of Health and the Department of Health for the next six months. If you have any questions regarding this report or Department of Health rule-making activities, please contact Michelle Davis at (360) 236-4044. If you have any questions regarding State Board of Health rule-making activities please contact Craig McLaughlin at (360) 236-4106.

State Board of Health Rules

Pre CR-101, (State Board of Health (SBOH) Rules Anticipated Rule Making)					
WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
246-100-166	28A.210.140	State Board of Health	Immunization of child care and school children	Tara Wolff, (360) 236-4101, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	04-15-148 7/21/04 Anticipate CR-102 12/04
246-101-015, 246-101-101, 246-101-201, 246-101-301	43.20.050, 70.28.010	State Board of Health/Department of Health joint rules	Notifiable conditions-West Nile Virus	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	Anticipate CR-102 12/04
246-230-360	70.62	State Board of Health	Transient accommodations standards for homeless shelters	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	Anticipate CR-101 12/04
246-366	43.20.050	State Board of Health/Department of Health	Primary and secondary schools	Marianne Seifert, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	Anticipate CR-101 by 8/04

MISC.

CR-101 Filed (SBOH Rules)					
WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
246-XXX	70.83, 43.20	State Board of Health/Department of Health joint rules	Storage, retention and use of specimens in public health lab	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	03-02-101 1/2/03
246-100	70.24.13 [70.24.130], 43.20.050	State Board of Health	HIV counseling/testing and partner notification	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	03-20-043 9/24/03
246-101-015, 246-101-101, 246-101-201, 246-101-301	43.20.050, 70.28.010	State Board of Health/Department of Health joint rules	Notifiable conditions	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	04-12-119 6/2/04 Anticipate CR-102 9/04
246-215	43.20.050	State Board of Health	Food service	Marianne Seifert, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	01-23-096 11/21/01
246-272	43.20.050	State Board of Health	On-site wastewater sewage systems	Marianne Seifert, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	02-03-137 1/23/02
246-272B, 246-272C	43.20.050	State Board of Health	Large on-site sewage systems and sewage tank standards	Marianne Seifert, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	04-03-010 1/9/04
246-291	43.20.050	State Board of Health	Group B public water system	Marianne Seifert, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	02-19-060 9/12/02
246-100-166	28A.210.140	State Board of Health	Immunization of child care and school children	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	03-09-126 4/23/03 Anticipate CR-102 12/04

Pending Adoption, SBOH CR-102 Filed					
WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
246-230-360	70.62	State Board of Health	Transient accommodations	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	04-12-117 6/3/04
246-260	70.90.120, 70.90.150, 43.20.050	State Board of Health	Water recreation facilities	Marianne Seifert, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	04-08-099 4/6/04 Anticipate CR-103 8/04
246-217-010	69.06	State Board of Health	Food worker cards	Marianne Seifert, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044	04-11-097 5/19/04 Anticipate CR-103 8/04

MISC.

Department of Health Rules

Pre CR-101					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-294	70.119A	Secretary	Water use efficiency sur-charge	Theresa Phillips, (360) 236-3147, Environmental Health Programs	Anticipate CR-101 by 7/04
246-329	18.46.060	Secretary	Childbirth centers	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	Anticipate CR-101 by 8/04
246-853-990	18.130.250, 18.57.005	Osteopathic Board	Renewal fee for retired active license	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-817-130, 246-817-135, 246-817-140, 246-817-186	Chapter 57, Laws 2003	Dental Commission	Increasing the supply of dentists	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 4/04
246-976-010	18.71, 18.73, 70.168	Secretary	EMS and trauma WAC definition section	Tami Schweppe, (360) 236-2859, EMS and Trauma System	Anticipate CR-105 by 7/04
246-916-141, 246-916-191, 246-916-031	18.71.205, 18.73.081	Secretary	Certification of prehospital EMS personnel	Tami Schweppe, (360) 236-2859, EMS and Trauma System	Anticipate CR-101 by 1/05
246-10	43.70.040	Secretary	Adjudicative proceedings	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-11	18.130.050(1)	Secretary	Model procedural rules for boards	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-808-010	18.25	Chiropractic Commission	Definitions	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-808-101	18.25	Chiropractic Commission	Purpose	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-808-130	18.25	Chiropractic Commission	Temporary permits—Issuance and duration	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-808-201	18.25	Chiropractic Commission	Purpose	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-808-301	18.25	Chiropractic Commission	Purpose	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-808-350	18.25	Chiropractic Commission	Unethical requests	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-808-380	18.25	Chiropractic Commission	Degree of skill	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-808-615	18.25	Chiropractic Commission	Professional notices, letterheads, cards, and mailings	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-808-700	18.25	Chiropractic Commission	Cooperation with investigation	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-810-030, 246-810-031	18.19.050 (1)(a)	Secretary (Registered Counselor Program)	Client disclosure Required disclosure information	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-810	18.19.050 (1)(a)	Secretary (Registered Counselor Program)	Parenting evaluations	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04

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Pre CR-101					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-811	18.205.060(1)	Secretary (Chemical Dependency Professionals)	Educational programs and alternative training—Standards and procedures	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-811	18.205.060(1)	Secretary (Chemical Dependency Professionals)	Applicant credentialed in another state—Certification without examination	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-817-130	18.32.215	Dental Commission	Licensure without examination for dentists—Eligibility	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-817-140	18.32.215	Dental Commission	Licensing examination standards	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-830-475	18.108	Secretary	Qualification of program for continuing education credit	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-840-020, 246-840-030, 246-840-040, 246-840-050, 246-840-060, 246-840-070, 246-840-080, 246-840-090	18.79	Nursing Commission	Requirements for licensure	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-840-311, 246-840-320, 246-840-330, 246-840-345	18.79	Nursing Commission	ARNP certification	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-847	18.59	Occupational Therapy Board	Persons exempt from the definition of an occupational therapy aid	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-847	18.59	Occupational Therapy Board	OT acting in a consulting capacity	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-847	18.59	Occupational Therapy Board	Initial application for individuals who have not practiced within the past four years	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-847	18.59	Occupational Therapy Board	Expired license	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-847	18.59	Occupational Therapy Board	Inactive credential	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-847	18.59	Occupational Therapy Board	Persons exempt from licensure	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-847	18.59	Occupational Therapy Board	Applicants currently licensed in other states or territories	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-847	18.59	Occupational Therapy Board	Definitions	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-847	18.59	Occupational Therapy Board	Mandatory reporting	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-853	18.130.250, 18.57.005	Osteopathic Board	Retired active license	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-865-060	18.64.005(7)	Pharmacy Board	Controlled substance registration—Extended care facility	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-103 by 12/04

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Pre CR-101					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-885-030	18.64.005(7), 69.41.075	Pharmacy Board	Identification of legend drugs	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 8/04
246-919	18.71.017, 18.130.050(12)	Medical Commission	Use of lasers	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-889-050	18.64.005(7), 69.43	Pharmacy Board	Precursor substance control	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-901	18.64A.020	Pharmacy Board	Pharmacy technician examination requirements	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-924	18.83.121, 18.83.050 (1), (5)	Psychology Board	Parental access evaluations	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-924	18.83.121, 18.83.050 (1), (5)	Psychology Board	Ethical conduct	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-924-040, 246-924-055, 246-924-060, 246-924-065, 246-924-070, 246-924-080, 246-924-095; 246-924-100	18.83.050, chapter 262, Laws of 2004	Psychology Board	Eliminate barriers to licensing	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-933-060	18.92	Veterinary Board	Patient abandonment	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-933-250	18.92	Veterinary Board	Exam requirement and procedures	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-933-260	18.92	Veterinary Board	Frequency and location of examinations	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-933-280	18.92	Veterinary Board	Examination review procedures	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-933-320	18.92	Veterinary Board	General requirements for all veterinary medical facilities	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-933-330	18.92	Veterinary Board	Minimum physical facilities	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-933-340	18.92	Veterinary Board	Practice management	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-933-360	18.92	Veterinary Board	Programs approved	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04
246-935-050	18.92	Veterinary Board	Animal health care tasks	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04

CR-101 Filed					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-XXX	43.170.460, [43.170.]470	Secretary	Retired provider malpractice program	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-12-121 6/2/04

CR-101 Filed					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-01, 246-08	34.05.220, 42.17.250, 43.70, 70.02	Secretary	Description and organization, practice and procedure	Michelle Davis, Department of Health, (360) 236-4044	04-06-043 3/1/04
246-224, 246-225, 246-227, 246-228	70.98	Secretary	Radiation protection x-ray	Kelly Cooper, (360) 236-3012, Environmental Health Programs	00-16-106 8/2/03 [8/2/00]
246-249-080	70.98.050, 70.98.080	Secretary	Naturally occurring radioactive materials	Kelly Cooper, (360) 236-3012, Environmental Health Programs	96-11-129 5/22/96
246-290	70.119A	Secretary	Water use efficiency	Theresa Phillips, (360) 236-3147, Environmental Health Programs	04-06-044 3/1/04
246-292	70.119	Secretary	Revision of water works operator certification	Kelly Cooper, (360) 236-3012, Environmental Health Programs	04-13-051 6/11/04
246-323, 246-325, 246-326	71.12	Secretary	Residential treatment facilities	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	00-05-097 2/16/00
246-380	43.70.040, 43.70.130	Secretary	Sanitation and health care standards for state institutions	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	98-15-085 7/16/98
246-808	18.130.050	Chiropractic Commission	Independent chiropractic exams	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	00-22-123 11/1/00
246-808-135	18.25.0171, 18.25.040	Chiropractic Commission	Licensure by endorsement	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-01-199 12/24/03
246-808-150, 246-808-155, 246-808-165, 246-808-170	18.25.0171, 18.25.070	Chiropractic Commission	Chiropractic continuing education requirements	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-01-198 12/24/03
246-808-190, 246-808-535	18.25.0171	Chiropractic Commission	Chiropractic program preceptor and delegation	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-02-064 1/7/03
246-809	18.225	Secretary	Boundary requirements for counselors	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	02-04-042 1/29/02
246-809	18.225, chapter 251, Laws of 2001	Secretary	Licensed counselor-experience requirements	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	01-22-068 11/1/01
246-812-XXX	18.30.065(4)	Dental Commission	Denturist program	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-12-120 6/2/04
246-817-110, 246-817-120	18.32.0365, 18.32.040	Dental Commission	Dental licensure—Initial eligibility and application requirements	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	02-15-160 7/23/02
246-817-135	18.325.0365, 18.32.215	Dental Commission	Licensure without examination for dentists—Application procedures	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-08-096 4/6/04
246-817-560	Chapter 257, Laws of 2003	Dental Commission	Dental hygienists placing anti-microbial	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-09-055 4/16/04
246-828-500, 246-828-510, 246-828-530, 246-828-550	18.35.40 [18.35.040]	Hearing and Speech Board	Continuing education requirements for licensed hearing instrument fitter/dispenser program	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-13-050 6/11/04
246-834	18.130.050(12)	Secretary	Midwifery standards of practice	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	02-17-052 8/18/02

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CR-101 Filed					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-834-220, 246-834-230, 246-834-240	18.50.040	Secretary	Educational requirements for nonlicensed midwives	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	97-22-024 10/29/97
246-834-250	18.50.115	Secretary	Legend drugs and devices	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	02-17-053 8/15/053 [8/15/02]
246-847-190	18.59.130, 70.24.270	Occupational Therapy Board	AIDS education and training	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-11-095 5/19/04
246-915-040	18.74.023	Physical Therapy Board	Licensure by endorsement—Applicants from approved schools	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-07-195 3/24/04
246-915-050	18.74.023	Physical Therapy Board	Reinstatement	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-07-178 3/24/04
246-915-100	18.74.023	Physical Therapy Board	Approved physical therapy schools	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-07-173 3/24/04
246-915-105	18.74.023	Physical Therapy Board	Approved physical therapist assistant programs	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-07-174 3/24/04
246-915-120	18.74.023	Physical Therapy Board	Applicants from unapproved schools	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-07-176 3/24/04
246-915-180	18.74.023	Physical Therapy Board	Professional conduct principles	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-07-177 3/24/04
246-834-990	18.50.135	Secretary	Midwifery fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-13-126 6/18/03
246-840-010, 246-840-840, 246-840-850 through 246-840-900	Chapter 246, Laws of 2003	Nursing Commission	Nursing technician registration	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-12-087 6/4/03
246-840-500 to 246-840-575	18.70.110	Nursing Commission	Approval of RN and PN education	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	00-11-163 5/24/00
246-841-400 through 246-841-510	18.88A	Secretary	Nursing assistants	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	00-03-072 1/19/00
246-847-010	18.59.130	Occupational Therapy	Occupational therapy definitions	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-08-031 3/27/03
246-847-065	18.59.130	Occupational Therapy	Occupational therapy competency	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-08-029 3/27/03
246-847-120	18.59.130	Occupational Therapy	Foreign trained applicants	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-08-092 4/2/03
246-847-170	18.59.130	Occupational Therapy	Occupational therapy code of ethics	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-08-030 3/27/03
246-851-160, 246-851-170	18.54.070	Optometry Board	Optometry—Continue education	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-04-043 1/28/03
246-853	18.57.080, 18.57.005, 18.130.050	Osteopathic Board	COMSPEX—USA exam	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	99-11-035 5/13/99
246-853	18.57.005, 18.57.020	Osteopathic Board	Approved schools of osteopathic medicine	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	99-13-020 6/7/99

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CR-101 Filed					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-853-225	18.57.005, 18.57.020	Osteopathic Board	Osteopathic pain management guidelines	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	98-22-086 11/3/98
246-854	18.57A.020	Osteopathic Board	Review of controlled substances issued by physician assistants	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	98-02-078 3/17/98
246-887-220 through 246-887-280	Chapter 175, Laws of 2003, 18.64.005	Pharmacy Board	Chemical capture programs	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-15-103 7/21/03
246-915-085	18.74.023	Physical Therapy Board	Continuing competency—Physical therapists	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-03-104 1/21/04
246-915-020, 246-915-030, 246-915-120	18.74.023, 18.74.035	Physical Therapy Board	Application requirements—Physical therapists	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	98-13-107 6/17/98
246-919	18.71.017	Medical Commission	Oversight of office-based surgery	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-08-032 3/27/03
246-922-195	18.22.015	Podiatry Board	Podiatry pain management	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	98-22-084 11/3/98
246-924-354	18.83	Psychology Board	Maintenance and retention of records	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-05-020 2/10/03
246-918-120	18.71A	Medical Commission	Physician assistant remote site criteria	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-05-044 2/12/04
246-915-085	18.74.023	Physical Therapy Board	Continuing competency—Physical therapists	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-03-104 1/21/04
246-915-182	18.74.023	Physical Therapy Board	Sexual misconduct-physical therapist	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-03-119 1/21/04
246-915-210 to 246-915-280	18.74.023, 18.130.070	Physical Therapy Board	Mandatory reporting—Physical therapists	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-03-107 1/21/04
246-924-510, 246-924-515	18.83.050, 18.83.121	Psychology Board	Parenting evaluation standards	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-08-098 4/6/04
246-926	18.84.040	Secretary	Radiologic technologist—General	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-14-144 7/2/03
246-926-020, 246-926-140, 246-926-180, 246-926-190	18.84.040	Secretary	Radiologic technologist—Training	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-14-032 6/23/03
246-976-161, 246-976-171	18.71.205	Secretary	CE, skills maintenance, and ongoing training and evaluation	Tami Schweppe, (360) 236-2859, Emergency Medical & Trauma Prevention	02-11-077 5/13/02
246-323	43.70.250, 43.70.110.71 [43.70.110, 71.12.420]	Secretary	Fees for psychiatrically impaired children and youth facilities	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	04-14-066 7/2/04

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Pending Hearing, CR-102 Filed					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-230-990, 246-230-990, 246-322-990, 246-324-990, 246-325-990, 246-326-990, 246-329-990, 246-360-990	43.70.250, 18.46.030, 43.70	Secretary	Misc fees within I-601	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	04-13-161 6/23/04
246-335-990	43.70.250, 70.127.090	Board	In-home services fees	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	04-09-057 4/16/04
246-815-020, 246-815-050, 246-815-100, 246-815-110, 246-815-115	18.29.120	Secretary	Dental hygiene, exam, application, licensure	Todd Henry, (360) 236- 4984, Health Professions Quality Assurance	04-12-122 6/3/04
246-840-010, 246-840-840, 246-840-850 through 246-840-900	Chapter 246, Laws 2003	Nursing Commission	Nursing technician registra- tion	Todd Henry, (360) 236- 4984, Health Professions Quality Assurance	04-09-057 4/16/04
246-887	18.64.005, 69.50	Pharmacy Board	Updating Controlled Sub- stances Act	Todd Henry, (360) 236- 4984, Health Professions Quality Assurance	03-09-124 4/23/03

Pending Adoption					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-247	43.70.040, 43.70.080	Secretary	Radiation protection air emissions	Kelly Cooper, (360) 236- 3012, Environmental Health Programs	04-07-180 3/24/04
246-310-010	70.38	Secretary	Certificate of need	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	04-10-014 4/26/04
246-310-261, 246-310-262, 246-310-263	70.38	Secretary	Certificate of need (cardiol- ogy standards)	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	04-11-099 5/19/04
246-887-160	18.64.005, 69.50.201	Pharmacy Board	Adding buprenorphine to Schedule III of UCSA	Lisa Salmi contact Board of Pharmacy, (360) 236-4828	(CR-105) 04-03-105 1/21/04

Emergency					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-840-010, 246-840-840, 246-840-850, 246-840-900	18.79, Chapter 258	Nursing Commission	Registration of nursing technicians	Todd Henry, (360) 236- 4984, Health Professions Quality Assurance	04-13-053 6/11/04
246-101-101, 246-101-201, 246-101-301	43.20.050	Secretary	Arthropod-borne viruses— Arboviral disease	Michelle Davis, (360) 236- 4044, Department of Health	Anticipate CR-103 8/3/04

Expedited, CR-105					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-869-095	18.64.005(7)	Pharmacy Board	Repeal facsimile transmis- sion of prescription orders	Todd Henry, (360) 236- 4984, Health Professions Quality Assurance	Anticipate CR-105 by 12/04
246-915-150	18.74	Physical Therapy Board	Repeal	Todd Henry, (360) 236- 4984, Health Professions Quality Assurance	Anticipate CR-105 by 12/04
246-915-170	18.74	Physical Therapy Board	Repeal	Todd Henry, (360) 236- 4984, Health Professions Quality Assurance	Anticipate CR-105 by 12/04

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Expedited, CR-105					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-919-600	18.71.017, 18.130.050(12)	Medical Commission	Repeal of prescription rule	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 12/04

KEY:

- Pre CR-101:* Anticipated Rule Making.
- CR-101 Filed:* The statement of inquiry has been filed with the Code Reviser's Office.
- Pending Hearing:* The CR-102 has been filed but the hearing has not been held yet.
- Pending Adoption:* The hearing has been held OR the rule qualifies under the Expedited Repeal or Adoption processes (RCW 34.05.354 and 34.05.356), but the CR-103 has not been filed.

WSR 04-17-008
NOTICE OF PUBLIC MEETINGS
TACOMA COMMUNITY COLLEGE
 [Memorandum—August 4, 2004]

Pursuant to RCW 42.30.075, the following is the revised 2004 schedule for District 22 Tacoma Community College board of trustees meetings, as well as the meeting dates through 2005.

- October 13, 2004 (changed from October 7)
- November 4, 2004
- December 2, 2004
- January 13, 2005
- January 21-22, 2005 (possible winter board retreat)
- February 3, 2005
- March 3, 2005 (begins at 3:00)
- April 7, 2005
- May 5, 2005 (begins at 3:00)
- June 2, 2005
- July 15-16, 2005 (possible summer board retreat)
- There is no meeting in August
- September 1, 2005
- October 6, 2005
- November 3, 2005
- December 1, 2005

All meetings of the board of trustees will be held at Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466. The meetings begin at 4:00 p.m. unless otherwise noted.

If you need any other information, you may call Cathie Bitz at (253) 566-5101 or send an e-mail to cbitz@tcc.ctc.edu.

WSR 04-17-009
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
 [Memorandum—August 3, 2004]

The Presidential Search Advisory Committee of Bates Technical College will have a special meeting on August 16, 2004, from 9:00 a.m. to approximately 11:00 a.m. in the Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma. The committee will adjourn into executive session for the purpose of evaluating the qualifications of applicants

for public employment. No action will be taken during executive session.

WSR 04-17-010
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
 [Memorandum—August 3, 2004]

The board of trustees of Bates Technical College will have a special meeting on August 17, 2003 [2004], from 12:00 p.m. to approximately 2:00 p.m. in the President's Conference Room, 1101 South Yakima Avenue, Tacoma. The board will go into executive session for the purpose of discussing personnel matters regarding the presidential search. No action will be taken during executive session.

WSR 04-17-012
NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION
 [Memorandum—August 3, 2004]

SPECIAL MEETING NOTICE

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 Washington State Conservation Commission will hold a special meeting on Thursday, August 19, 2004, from 12:15 p.m. to 3:15 p.m. This meeting will be held at the Department of Ecology building for the purpose of approving the agency's budget for submittal to Office of Financial Management.

MISC.

WSR 04-17-015
NOTICE OF PUBLIC MEETINGS
HIGHLINE COMMUNITY COLLEGE
 [Memorandum—August 3, 2004]

In the memorandum of January 16, 2004, the meeting schedule for 2004 for the board of trustees of Highline Community College was listed. This is to inform you that the board of trustees of Community College District 9 has changed their scheduled October 14, 2004, meeting to October 21, 2004. This meeting as well as the other scheduled meetings for the remainder of 2004 will be held at Highline Community College in Building 25 and begin with a study session at 8:00 a.m. followed by the regular meeting at 10:00 a.m.

DATE	STUDY SESSION	MEETING
August 2004 - NO MEETING		
September 9, 2004	8:00 a.m.	10:00 a.m.
REVISED October 21, 2004	8:00 a.m.	10:00 a.m.
November 18, 2004	8:00 a.m.	10:00 a.m.
December 8, 2004	8:00 a.m.	10:00 a.m.

WSR 04-17-027
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE
 [Memorandum—July 14, 2004]

NOTIFICATION OF MEETING CANCELLATION

The board of trustees of Everett Community College has cancelled their regularly scheduled meeting of August 11, 2004. Please call (425) 388-9572 for information.

WSR 04-17-030
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE
 [Memorandum—August 9, 2004]

Everett Community College Board of Trustees
Board Meeting Schedule
2004-05

The meeting each month will begin at 5:00 p.m.

- September 8, 2004
- October 13, 2004
- November 10, 2004
- December 8, 2004
- January 12, 2005
- March 9, 2005
- April 13, 2005
- May 11, 2005

- June 8, 2005
- July 13, 2005
- August 10, 2005

WSR 04-17-031
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—August 9, 2004]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, August 19, 2004, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 04-17-032
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
 [Memorandum—August 6, 2004]

Revised Board Meeting Schedule

The board of directors of the Washington State Convention and Trade Center has revised the board meeting schedule for the next year. The board approved the following regular meeting dates:

- September 24, 2004
(revised date, Friday)
- November 16, 2004
- January 18, 2005
- March 15, 2005
- May 17, 2005
- July 19, 2005
- September 20, 2005

Except for September 24, 2004, all dates are on a Tuesday. All meetings begin at 2:00 p.m. Meeting rooms are not noted because the location may be changed on short notice, as Convention Center event bookings dictate.

All regular meetings of the board of directors are open to the public.

WSR 04-17-040
POLICY STATEMENT
DEPARTMENT OF HEALTH
 [Filed August 10, 2004, 1:20 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Case Reviews: Use of multiple board members/pro tem members.
 Issuing Entity: Podiatric medicine.

MISC.

Description: This policy allows multiple board members to review the same case(s) when the reviewing board member does not have sufficient knowledge to make a case determination.

Effective Date: March 20, 2003.

Contact Person: Arlene Robertson, Program Manager, Health Professions Quality Assurance, Department of Health, Podiatric Medicine, P.O. Box 47869, Olympia, WA 98504-7869, (360) 236-4945.

WSR 04-17-041
POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed August 10, 2004, 1:21 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Closure of Investigative Cases.

Issuing Entity: Podiatric Medical Board.

Description: This policy outlines the process for closing investigative cases that fall within the jurisdiction of the Washington State Podiatry Board. A reviewing board member (RBM) reviews investigative evidence in a case. The RBM makes a recommendation to the board whether or not an investigation or below threshold complaint should be closed.

Effective Date: March 20, 2003.

Contact Person: Arlene Robertson, Program Manager, Health Professions Quality Assurance, Department of Health, Podiatric Medicine, P.O. Box 47869, Olympia, WA 98504-7869, (360) 236-4945.

WSR 04-17-042
POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed August 10, 2004, 1:21 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Reviewing Board Member Role - Complaints.

Issuing Entity: Podiatric Medical Board.

Description: This policy sets the timeline requirements for the reviewing board member to review the complaint and provide written direction to staff about additional information to collect during their investigation or determine if further information is needed to proceed.

Effective Date: November 22, 2002.

Contact Person: Arlene Robertson, Program Manager, Department of Health, Health Professions Quality Assurance, Podiatric Medical Board, P.O. Box 47869, Olympia, WA 98504-7869, (360) 236-4945.

WSR 04-17-043

POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed August 10, 2004, 1:21 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Review of Applicants with Felony or Gross Misdemeanor Convictions.

Issuing Entity: Podiatry Board.

Description: This policy defines the process for the board and program managers in reviewing applications with felony or gross misdemeanor convictions.

Effective Date: March 20, 2003.

Contact Person: Arlene Robertson, Program Manager, Health Professions Quality Assurance, Department of Health, P.O. Box 47869, Olympia, WA 98504-7869, (360) 236-4945.

WSR 04-17-044
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH

[Filed August 10, 2004, 1:22 p.m.]

NOTICE OF ADOPTION OF A INTERPRETIVE STATEMENT

Title of Policy: Medication Security in Hospitals.

Issuing Entity: Pharmacy Board.

Description: Hospitals should lock up drugs and limit who has access to the drugs. Provisions were made for emergency access drugs.

Effective Date: May 14, 2003.

Contact Person: Tim Fuller, Pharmacy Consultant, Health Professions Quality Assurance, Department of Health, P.O. Box 47863, Olympia, WA 98504-7863, (253) 395-6714, tim.fuller@doh.wa.gov.

WSR 04-17-045
POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed August 10, 2004, 1:22 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Can a registered nurse (RN) delegate medication assistance to a certified nursing assistant (CNA) if the main caregiver can no longer help the patient? This may involve changing Duragesic patches.

Issuing Entity: Nursing Care Quality Assurance Commission.

Description: A registered nurse (RN) has the authority to delegate certain tasks to a certified nursing assistant (CNA). The registered nurse is responsible for determining whether the delegated appointee has the knowledge or training to carry out the task and may ask for return demonstration before proceeding.

Effective Date: September 2003.

Contact Person: Chuck Cumiskey, Nurse Practice Manager, Nursing Care Quality Assurance Commission, Depart-

ment of Health, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4725.

WSR 04-17-048
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed August 10, 2004, 1:23 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Nursing Assistant Training Program Approvals.

Issuing Entity: Nursing Care Quality Assurance Commission.

Description: This policy states that a nursing assistant (NA) applicant must complete a nursing commission-approved training program and complete a competency evaluation prior to certification. The purpose of this requirement is to ensure NAs are engaged in safe patient care.

Effective Date: September 12, 2003.

Contact Person: Kendra Pitzler, Program Manager, Nursing Care Quality Assurance Commission, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4723.

WSR 04-17-046

INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH

[Filed August 10, 2004, 1:22 p.m.]

NOTICE OF ADOPTION OF A INTERPRETIVE STATEMENT

Question Asked: Is it within the scope of practice for a women's health care nurse practitioner (WHCNP) to treat men for common dermatology problems as well as genital dermatology conditions?

Issuing Entity: Nursing Care Quality Assurance Commission.

Description: A women's health care nurse practitioner (WHCNP) may treat the male partner of the infected female patient. However, it is not within the scope of practice for a WHCNP to treat male dermatology or genital dermatology conditions.

Effective Date: September 12, 2003.

Contact Person: Chuck Cumiskey, Nurse Practice Manager, Nursing Care Quality Assurance Commission, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4725.

WSR 04-17-049
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed August 10, 2004, 1:23 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Nursing Assistant Training Program Approvals.

Issuing Entity: Nursing Care Quality Assurance Commission.

Description: This policy states that a nursing assistant (NA) applicant must complete a nursing care quality assurance commission-approved training program and complete a competency evaluation prior to certification. The purpose of this requirement is to ensure NAs are engaged in safe patient care.

Effective Date: September 12, 2003.

Contact Person: Kendra Pitzler, Program Manager, Nursing Care Quality Assurance Commission, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4723.

WSR 04-17-047

INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH

[Filed August 10, 2004, 1:23 p.m.]

NOTICE OF ADOPTION OF A INTERPRETIVE STATEMENT

Title of Policy: Is it within the scope of practice for a registered nurse (RN) working in a hospital environment, with no physician available, to perform an emergency episiotomy?

Issuing Entity: Nursing Care Quality Assurance Commission.

Description: It is not within the scope of practice for a registered nurse to perform an episiotomy in an emergent situation or any situation. Basic RN education preparation does not include performance of an episiotomy, nor does inpatient OB certification.

Effective Date: September 2003.

Contact Person: Chuck Cumiskey, Nurse Practice Manager, Nursing Care Quality Assurance Commission, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4725.

WSR 04-17-050
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed August 10, 2004, 1:24 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Nursing Program Approval Process.

Issuing Entity: Nursing Care Quality Assurance Commission.

Description: The nursing program approval process was created to further protect and improve patient safety by allowing the Nursing Care Quality [Assurance] Commission (NCQAC) to conduct site surveys of nursing schools and pro-

MISC.

grams to ensure they are complying with the law. Also, this process allows the NCQAC to determine minimum education requirements and approve training programs for nursing assistants.

Effective Date: September 12, 2003.

Contact Person: Chuck Cumiskey, Nurse Practice Manager, Nursing Care Quality Assurance Commission, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4725.

WSR 04-17-051

INTERPRETIVE STATEMENT DEPARTMENT OF HEALTH

[Filed August 10, 2004, 1:24 p.m.]

NOTICE OF ADOPTION OF A INTERPRETIVE STATEMENT

Title of Policy: 1.) Is it within the scope of practice for a licensed practical nurse (LPN) to mark a surgical site when the physician is not present?

2.) Is it within the scope of practice for a registered nurse (RN) to mark a surgical site when the physician is not present?

Issuing Entity: Nursing Care Quality Assurance Commission.

Description: Although the physician is primarily responsible for surgical site marking, an RN can perform this procedure with observation and confirmation from the physician. An LPN is not allowed to surgical site mark.

Effective Date: September 12, 2003.

Contact Person: Chuck Cumiskey, Practice Manager, Nursing Care Quality Assurance Commission, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4724.

WSR 04-17-062

NOTICE OF PUBLIC MEETINGS OFFICE OF THE INTERAGENCY COMMITTEE (Biodiversity Council)

[Memorandum—August 10, 2004]

The first public meeting of the Governor's Biodiversity Council (Executive Order #04-02) will be Thursday, October 14, 2004, from 9:00 a.m. to 4:00 p.m. in Room 172 of the Natural Resources Building, 111 Washington Street S.E., Olympia.

For further information, please contact Patty Dickason, Interagency Committee for Outdoor Recreation (IAC), (360) 902-3012 or check the web page at <http://www.iac.wa.gov/iac/specproj.htm>.

The IAC schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Patty Dickason at the number listed above or by e-mail at pattyd@iac.wa.gov.

WSR 04-17-063

OFFICE OF INSURANCE COMMISSIONER

[Filed August 11, 2004, 4:45 p.m.]

TECHNICAL ASSISTANCE ADVISORY

T 04-04

The purpose of this Technical Assistance Advisory is to inform you that the Office of Insurance Commissioner (OIC) is currently contemplating changes to chapter 284-53 WAC that will impact the existing method of calculating minimum chemical dependency benefits.

The revisions under consideration are expected to take effect January 1, 2005. They will establish the benefit amount for calendar year 2005. Additionally, they will include a set progression of escalating benefit amounts through 2009, which will eliminate the need to recalculate the benefit each year.

For calendar year 2005, the anticipated revisions will establish a minimum benefit of \$12,500 for chemical dependency. This benefit will apply to new or revised contracts with effective dates from January 1, 2005, through December 31, 2005, and is exclusive of cost-sharing amounts.

In the event we are not able to adopt the proposed revisions by January 1, 2005, the minimum benefit will continue to be calculated as specified in existing WAC 284-53-010(4). Under existing WAC 284-53-010(4), the minimum benefit for 2005 is \$12,316.

To allow for the possibility of this change in the benefit amount, the Rates & Forms Division will make an administrative exception and permit carriers to bracket the chemical dependency benefit amount in contract filings for 2005. Filings containing bracketed benefit amounts must include the written assurance that the benefit will be consistent with the rule changes, if adopted by January 1, 2005, or the new CPI calculation if the rule changes are not adopted.

If you have any questions concerning the new minimum benefit amount or wish to receive copies of any rule drafting changes, please contact Janis LaFlash at (360) 725-7040 or JanisL@oic.wa.gov. Questions concerning contract filings should be directed to Donna Dorris at (360) 725-7119 or DonnaD@oic.wa.gov.

WSR 04-17-079

NOTICE OF PUBLIC MEETINGS HEALTH CARE AUTHORITY (Public Employees Benefits Board)

[Memorandum—August 12, 2004]

SPECIAL MEETING

In accordance with the requirements of the Open Public Meetings Act, a special meeting of the Public Employees Benefits Board has been called by the presiding officer.

The meeting will be held on Tuesday, September 21, 2004, beginning at 1:30 p.m., at the Health Care Authority, 676 Woodland Square Loop S.E., Rooms E101 A & B, Lacey, WA.

If you have questions regarding this notice or the special meeting of the board, please call Theresa Rush at (360) 923-2811 or e-mail trus107@hca.wa.gov.

WSR 04-17-084
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE

[Memorandum—August 13, 2004]

Pursuant to RCW 42.30.075, this letter is notification of Bates Technical College board of trustees' regularly scheduled meetings for the year 2004-2005.

The board of trustees of Bates Technical College regularly meets on the third Wednesday of each month except August. All meetings begin at 3 p.m.

Date (2004-05)	Location
September 15, 2004	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
October 20, 2004	Bates Technical College 2201 South 78th Tacoma, WA 98409 (South Campus)
November 17, 2004	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
December 15, 2004	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
January 19, 2005	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
February 16, 2005	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
March 16, 2005	Bates Technical College 2320 South 19th Street Tacoma, WA 98405-2946 (Mohler Campus)
April 20, 2005	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
May 18, 2005	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)

Date (2004-05)	Location
June 15, 2005	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
July 20, 2005	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)

WSR 04-17-090
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE

(Interagency Committee for Outdoor Recreation)
 [Memorandum—August 16, 2004]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, September 9, and Friday, September 10, 2004, beginning at 8:15 a.m. in Olympia, Washington, at the Natural Resources Building, Room 172, 1111 Washington Street S.E.

Day one of this two-day meeting is a funding recommendation session for projects in all seven categories of the Washington wildlife and recreation program, the general and education categories of the National Recreational Trails Program, the aquatic lands enhancement program, and the boating infrastructure grant program. Additional agenda items include manual adoptions, possible WAC changes for various programs, and management update reports. The second day will be a strategic planning session for the board along with presentations on partner agency programs.

If you plan to participate or have materials for board review, please submit information to our office no later than August 25, 2004. This will allow for distribution to board 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 August 25, 2004, at (360) 902-2637 or TDD (360) 902-1996.

MISC.

WSR 04-17-099
AGENDA
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES

[Filed August 17, 2004, 11:06 a.m.]

Rules Development Agenda for July Through December 2004

WAC	RCW	AUTHORITY	SUBJECT	CONTACT - Rules Coordinator	WSR/ DATE
Pre-CR-101¹					
326-30-030	39.19.030	RCW 39.19.030	Establish annual state agency goals	Cathy V. Canorro 1-866-208-1064 (toll free) ccanorro@omwbe.wa.gov	None
326-02, 326-07, and 326-20	39.19.030	RCW 39.19.525	Establish ownership and control review process and standards for vendors in good standing	Cathy V. Canorro 1-866-208-1064 (toll free) ccanorro@omwbe.wa.gov	None
CR-101 Filed					
			None		
CR-102 Filed					
			None		
Pending Adoption					
			None		

¹ **Pre-CR-101:** OMWBE is considering rule making but the statement of inquiry has not been filed with the Code Reviser's Office.

If you have any questions regarding the agenda, you may contact Cathy V. Canorro, OMWBE's Rules Coordinator, at (360) 704-1187 or ccanorro@omwbe.wa.gov.

Carolyn Crowson
Director

WSR 04-17-101
DEPARTMENT OF ECOLOGY

[Filed August 17, 2004, 1:17 p.m.]

Below is a table of toxics cleanup program (TCP) policies, procedures, or implementation memos that have been updated, deleted, or are newly created. A description of each document, the document number, description of the document contents, and the action taken are included.

This information is also being forwarded to Linda Thompson to be included in the toxics cleanup program site register. In addition, Carol Dorn, TCP's forms and records analyst and Barb Huether, TCP's internet coordinator, are being notified of the changes.

To receive a copy of any one of the following documents please contact Carol Dorn at (360) 407-7224.

TCP Policy (POL) Number	Title	Description	Change	Contact for Copies
POL 130A	Coordination of SEPA and MTCA	This policy clarifies the relationship and coordination between the State Environmental Policy Act and the MTCA regulation.	Updated and includes attachment	Carol Dorn (360) 407-7224
POL 310A	Policy 310A Initial Investigations	This policy provides guidance regarding the initial investigation process set forth in WAC 173-340-310.	Updated and includes Attachments A and B	Carol Dorn (360) 407-7224

Tim Nord, Manager
Toxics Cleanup Program
Headquarters Section

MISC.

WSR 04-17-129
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SERVICES FOR THE BLIND
[Memorandum—August 18, 2004]

Community Meeting
Friday, September 10, 2004
3:30 - 5:30 p.m.

Bellingham Public Library
Fairhaven Branch
Northwest Room
1117 12th Street
Bellingham, WA 98225
(360) 676-6877

We Want To Hear From You!

Community meetings give us a chance to inform you about the latest changes at the Department of Services for the Blind, and to discuss issues and challenges. We want to know about your experience with our services. What is working well in your community? What could we do better? What needs are not being met? We will use your comments to develop our state and strategic plans for the coming year.

Whether you are a past, present, or potential consumer of the Department of Services for the Blind, a family member, a community service provider, a friend to someone who is blind, a member of a blind consumer organization, or an interested citizen, we want to hear from you. Please join us to talk to us in person at our upcoming Seattle community meeting.

Statewide Rehabilitation Council Meeting
Saturday, September 11, 2004
9 a.m. - 4 p.m.

Bellingham Public Library
Fairhaven Branch
Northwest Room
1117 12th Street
Bellingham, WA 98225
(360) 676-6877

Agendas and information relating to specific agenda items, taped agendas, agendas in Braille, or interpreters are provided upon request by contacting Marla Oughton at the Department of Services for the Blind locally at (206) 721-6430 or toll-free 1-800-552-7103 or by e-mail maroughton@dsb.wa.gov. Requests for information must be made no later than September 3, 2004. The meeting site is barrier free, including the restrooms.

WSR 04-17-135
POLICY STATEMENT
DEPARTMENT OF ECOLOGY
[Filed August 18, 2004, 9:02 a.m.]

Notice of Policy Statement—Water Resources Policy 1210

The Water Resources Program has adopted the following policy and hereby requests that notice thereof be published in the state register.

Purpose: In order to comply with RCW 34.05.230(4) of the Administrative Procedure Act, the Department of Ecology submits the following:

Document Title: Policy 1210—Evaluation of Changes to Enable Irrigation of Additional Acreage or the Addition of New Purposes of Use to Existing Water Rights.

Subject: To document generally applicable procedures that the Department of Ecology will use in reviewing water right change applications pursuant to RCW 90.03.380(1) that enable irrigation of additional acreage or the addition of new purposes of use to existing water rights.

Document Description: This policy documents generally applicable procedures that the Department of Ecology will use in reviewing water right change applications pursuant to RCW 90.03.380(1) that enable irrigation of additional acreage or the addition of new purposes of use to existing water rights, including the factors that ecology staff will consider in determining the annual consumptive quantity of water that may be transferred as part of a change application. This policy will be applied in conjunction with Procedure 1210—Calculating and Applying the Annual Consumptive Quantity.

Effective Date: July 12, 2004.

Doug McChesney
Water Resources Policy
and Planning Section

WSR 04-17-140
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed August 18, 2004, 10:44 a.m.]

The public is invited to review the year 2005 Washington state application for federal substance abuse prevention and treatment (SAPT) block grant funding. The application is submitted annually to the federal Centers for Substance Abuse Treatment and Substance Abuse Prevention. The 2005 application will result in approximately \$35 million in federal funds being awarded to the state of Washington for substance abuse prevention and treatment.

A public hearing to review the application and consider questions or comments will be held September 16, 2004, at 10:00 a.m. **The location of the public hearing is the Red Lion Hotel located at 100 Columbia, Vancouver, WA.** The hearing is sponsored by The Citizens Advisory Council on Alcoholism and Drug Addiction, a statutorily empowered body charged with the role of advising the Department of Social and Health Services on matters relating to the state substance abuse program.

MISC.

The application is being prepared by the Department of Social and Health Services, Division of Alcohol and Substance Abuse. A summary of the SAPT block grant requirements and the plan for award allocation is available to anyone interested upon request.

If you have questions, or wish to request a copy of the review material, please contact Vince Collins, Federal Block Grant Administrator, Department of Social and Health Services, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, WA 98504-5330, (360) 438-8226, fax (360) 438-8078, e-mail collivl@dshs.wa.gov.

WSR 04-17-141

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed August 18, 2004, 10:45 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 04-006.

Subject: Change of custodian for dependent health care insurance.

Effective Date: August 10, 2004.

Document Description: This memo clarifies how SEOs are to notify employers, insurance plan administrators, and insurance companies when a new custodian is named for a dependent covered by an NCPs health care insurance.

To receive a copy of the interpretive or policy statement, contact Beth Heston, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail eheston@dshs.wa.gov.

August 12, 2004

Beth Heston

WSR 04-17-142

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed August 18, 2004, 10:46 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 04-005.

Subject: Case transfer for files in hearings.

Effective Date: August 10, 2004.

Document Description: This memo clarifies when it is appropriate for SEOs to transfer a file to another field office.

To receive a copy of the interpretive or policy statement, contact Beth Heston, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail eheston@dshs.wa.gov.

August 12, 2004

Beth Heston

WSR 04-17-143

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed August 18, 2004, 10:47 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-27 MAA.

Subject: Quality chart reviews of client medical records J-codes.

Effective Date: July 9, 2004.

Document Description: The Medical Assistance Administration (MAA) has contracted with review organizations to conduct several quality review studies to fulfill state requirements.

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.

August 17, 2004

E. A. Myers, Manager

Rules and Publications Section

WSR 04-17-145

**BOARD OF
PILOTAGE COMMISSIONERS**

[Filed August 18, 2004, 11:07 a.m.]

OPEN LETTER TO THOSE INTERESTED IN WASHINGTON STATE MARITIME PILOTAGE:

The Washington State Board of Pilotage Commissioners has formed a committee to look into the pilot licensing standards for prospective Washington state pilots. The committee has developed and proposed amendments to portions of the Pilotage Act (chapter 88.16 RCW) which relate to the requirements established therein that must be met in order to qualify for a license as a Washington state pilot. By board action taken in regular session on August 12, 2004, the board has adopted the committee's proposal as agency request legislation. The board will be taking written and oral comments concerning the proposed legislation for consideration at its next regular meeting.

The next meeting of the Board of Pilotage Commissioners will be on September 9, 2004, commencing at 9:30 a.m. in the Level B Conference Room at 2911 Second Avenue, Seattle, WA 98121. The meeting will be open to the public and an opportunity will be provided for anyone to present oral testimony. If you desire to submit written comments, contact me at the above address or fax no later than September 8, 2004.

If anyone desires more information or a copy of the proposed legislation, please contact the board office at 2911 Sec-

MISC.

ond Avenue, Suite 100, Seattle, WA 98121, (206) 515-3904,
fax (206) 515-3906.

Captain Harry Dudley
Chairman

WSR 04-17-146
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed August 18, 2004, 11:08 a.m.]

Rescinding Outdated Policy

The Department of Health, Office of Drinking Water, is in the process of examining all office policies to determine if they are still needed and if they comply with the Administrative Procedure Act. The office has determined that Policy F.06, Home Treatment Units for Individual Homes on Public Water Systems, is outdated and does not reflect our current approach in implementing the program. The Office of Drinking Water is electing to rescind this policy. We will present our position regarding home treatment units in the "Water System Design Manual," a guidance document for public water systems. Please contact Denise Addotta Clifford if you need any additional information regarding rescinding this policy. Denise Addotta Clifford's phone number is (360) 236-3110.

Policy	ID	Effective Date
Home Treatment Units for Individual Homes on Public Water Systems	F.06	4/23/85

Denise Addotta Clifford, Director
Office of Drinking Water

MISC.

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	4- 25-721	AMD-P	04-17-085	16-170-010	NEW	04-08-062
4- 25-400	PREP	04-08-033	4- 25-730	PREP	04-08-033	16-170-020	NEW-P	04-05-119
4- 25-400	AMD-P	04-17-085	4- 25-730	AMD-P	04-17-085	16-170-020	NEW	04-08-062
4- 25-410	PREP	04-08-033	4- 25-735	PREP	04-08-033	16-170-030	NEW-P	04-05-119
4- 25-410	AMD-P	04-17-085	4- 25-735	AMD-P	04-17-085	16-170-030	NEW	04-08-062
4- 25-510	PREP	04-08-033	4- 25-745	PREP	04-08-033	16-170-035	NEW-P	04-05-119
4- 25-510	AMD-P	04-17-085	4- 25-745	AMD-P	04-17-085	16-170-035	NEW	04-08-062
4- 25-530	PREP	04-06-085	4- 25-746	PREP	04-08-033	16-170-037	NEW-P	04-05-119
4- 25-530	AMD-P	04-17-086	4- 25-746	AMD-P	04-17-085	16-170-037	NEW	04-08-062
4- 25-540	PREP	04-08-033	4- 25-750	PREP	04-08-033	16-170-040	NEW-P	04-05-119
4- 25-540	AMD-P	04-17-085	4- 25-750	AMD-P	04-17-085	16-170-040	NEW	04-08-062
4- 25-550	PREP	04-08-033	4- 25-756	PREP	04-11-033	16-170-050	NEW-P	04-05-119
4- 25-550	AMD-P	04-17-085	4- 25-756	AMD-P	04-17-087	16-170-050	NEW	04-08-062
4- 25-551	PREP	04-08-033	4- 25-782	PREP	04-11-033	16-170-060	NEW-P	04-05-119
4- 25-551	AMD-P	04-17-085	4- 25-782	AMD-P	04-17-087	16-170-060	NEW	04-08-062
4- 25-610	PREP	04-08-033	4- 25-783	PREP	04-08-033	16-170-070	NEW-P	04-05-119
4- 25-610	AMD-P	04-17-085	4- 25-783	AMD-P	04-17-085	16-170-070	NEW	04-08-062
4- 25-620	PREP	04-08-033	4- 25-790	PREP	04-08-033	16-170-075	NEW-P	04-05-119
4- 25-620	AMD-P	04-17-085	4- 25-790	AMD-P	04-17-085	16-170-075	NEW	04-08-062
4- 25-626	PREP	04-08-033	4- 25-791	PREP	04-08-033	16-170-080	NEW-P	04-05-119
4- 25-626	AMD-P	04-17-085	4- 25-791	AMD-P	04-17-085	16-170-080	NEW	04-08-062
4- 25-630	PREP	04-08-033	4- 25-792	PREP	04-08-033	16-170-090	NEW-P	04-05-119
4- 25-630	AMD-P	04-17-085	4- 25-792	AMD-P	04-17-085	16-170-090	NEW	04-08-062
4- 25-631	PREP	04-08-033	4- 25-793	PREP	04-08-033	16-170-100	NEW-P	04-05-119
4- 25-631	AMD-P	04-17-085	4- 25-793	AMD-P	04-17-085	16-170-100	NEW	04-08-062
4- 25-640	PREP	04-08-033	4- 25-795	PREP	04-08-033	16-170-110	NEW-P	04-05-119
4- 25-640	AMD-P	04-17-085	4- 25-795	AMD-P	04-17-085	16-170-110	NEW	04-08-062
4- 25-650	PREP	04-08-033	4- 25-820	PREP	04-11-033	16-170-115	NEW-P	04-05-119
4- 25-650	AMD-P	04-17-085	4- 25-820	AMD-P	04-17-087	16-170-115	NEW	04-08-062
4- 25-660	PREP	04-08-033	4- 25-830	PREP	04-08-033	16-170-120	NEW-P	04-05-119
4- 25-660	AMD-P	04-17-085	4- 25-830	AMD-P	04-17-085	16-170-120	NEW	04-08-062
4- 25-661	PREP	04-08-033	4- 25-831	PREP	04-08-033	16-170-125	NEW-P	04-05-119
4- 25-661	AMD-P	04-17-085	4- 25-831	AMD-P	04-17-085	16-170-125	NEW	04-08-062
4- 25-670	PREP	04-08-033	4- 25-910	PREP	04-08-033	16-170-130	NEW-P	04-05-119
4- 25-670	AMD-P	04-17-085	4- 25-910	AMD-P	04-17-085	16-170-130	NEW	04-08-062
4- 25-710	PREP	04-08-033	16- 08-003	NEW	04-02-063	16-170-135	NEW-P	04-05-119
4- 25-710	AMD-P	04-17-085	16- 08-004	NEW	04-02-063	16-170-135	NEW	04-08-062
4- 25-720	PREP	04-08-033	16- 54-030	AMD-E	04-15-021	16-170-140	NEW-P	04-05-119
4- 25-720	AMD-P	04-17-085	16-157-020	AMD-X	04-16-092	16-170-140	NEW	04-08-062
4- 25-721	PREP	04-08-033	16-170-010	NEW-P	04-05-119	16-170-145	NEW-P	04-05-119

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-170-145	NEW	04-08-062	16-230-855	PREP	04-03-004	16-231-600	PREP	04-03-004
16-170-150	NEW-P	04-05-119	16-230-860	PREP	04-03-004	16-231-605	PREP	04-03-004
16-170-150	NEW	04-08-062	16-230-860	PREP	04-13-057	16-231-610	PREP	04-03-004
16-170-155	NEW-P	04-05-119	16-230-861	PREP	04-03-004	16-231-613	PREP	04-03-004
16-170-155	NEW	04-08-062	16-230-862	PREP	04-03-004	16-231-615	PREP	04-03-004
16-170-170	NEW-P	04-05-119	16-230-863	PREP	04-03-004	16-231-620	PREP	04-03-004
16-170-170	NEW	04-08-062	16-230-864	PREP	04-03-004	16-231-700	PREP	04-03-004
16-170-175	NEW-P	04-05-119	16-230-866	PREP	04-03-004	16-231-705	PREP	04-03-004
16-170-175	NEW	04-08-062	16-230-868	PREP	04-03-004	16-231-710	PREP	04-03-004
16-170-180	NEW-P	04-05-119	16-231-100	PREP	04-03-004	16-231-715	PREP	04-03-004
16-170-180	NEW	04-08-062	16-231-105	PREP	04-03-004	16-231-720	PREP	04-03-004
16-219-010	REP-X	04-13-059	16-231-107	PREP	04-03-004	16-231-725	PREP	04-03-004
16-219-100	REP-X	04-06-073	16-231-110	PREP	04-03-004	16-231-800	PREP	04-03-004
16-219-100	REP	04-10-105	16-231-115	PREP	04-03-004	16-231-805	PREP	04-03-004
16-219-105	REP-X	04-06-073	16-231-119	PREP	04-03-004	16-231-810	PREP	04-03-004
16-219-105	REP	04-10-105	16-231-125	PREP	04-03-004	16-231-815	PREP	04-03-004
16-228-1220	PREP	04-03-005	16-231-130	PREP	04-03-004	16-231-820	PREP	04-03-004
16-228-1231	PREP	04-03-004	16-231-135	PREP	04-03-004	16-231-825	PREP	04-03-004
16-228-1250	PREP	04-03-004	16-231-140	PREP	04-03-004	16-231-830	PREP	04-03-004
16-229	PREP	04-14-102	16-231-145	PREP	04-03-004	16-231-835	PREP	04-03-004
16-230-250	REP-X	04-13-058	16-231-149	PREP	04-03-004	16-231-840	PREP	04-03-004
16-230-260	REP-X	04-13-058	16-231-153	PREP	04-03-004	16-231-900	PREP	04-03-004
16-230-270	REP-X	04-13-058	16-231-156	PREP	04-03-004	16-231-905	PREP	04-03-004
16-230-281	REP-X	04-13-058	16-231-159	PREP	04-03-004	16-231-910	PREP	04-03-004
16-230-290	REP-X	04-13-058	16-231-162	PREP	04-03-004	16-231-912	PREP	04-03-004
16-230-400	PREP	04-03-004	16-231-165	PREP	04-03-004	16-231-915	PREP	04-03-004
16-230-410	PREP	04-03-004	16-231-168	PREP	04-03-004	16-231-920	PREP	04-03-004
16-230-420	PREP	04-03-004	16-231-171	PREP	04-03-004	16-231-925	PREP	04-03-004
16-230-430	PREP	04-03-004	16-231-174	PREP	04-03-004	16-231-930	PREP	04-03-004
16-230-440	PREP	04-03-004	16-231-177	PREP	04-03-004	16-231-935	PREP	04-03-004
16-230-450	PREP	04-03-004	16-231-180	PREP	04-03-004	16-232-001	PREP	04-03-004
16-230-460	PREP	04-03-004	16-231-183	PREP	04-03-004	16-232-005	PREP	04-03-004
16-230-470	PREP	04-03-004	16-231-200	PREP	04-03-004	16-232-007	PREP	04-03-004
16-230-600	PREP	04-03-004	16-231-205	PREP	04-03-004	16-232-010	PREP	04-03-004
16-230-605	PREP	04-03-004	16-231-210	PREP	04-03-004	16-232-015	PREP	04-03-004
16-230-610	PREP	04-03-004	16-231-215	PREP	04-03-004	16-232-020	PREP	04-03-004
16-230-615	PREP	04-03-004	16-231-220	PREP	04-03-004	16-232-025	PREP	04-03-004
16-230-620	PREP	04-03-004	16-231-225	PREP	04-03-004	16-232-027	PREP	04-03-004
16-230-625	PREP	04-03-004	16-231-230	PREP	04-03-004	16-232-030	PREP	04-03-004
16-230-630	PREP	04-03-004	16-231-235	PREP	04-03-004	16-232-035	PREP	04-03-004
16-230-635	PREP	04-03-004	16-231-300	PREP	04-03-004	16-232-041	PREP	04-03-004
16-230-640	PREP	04-03-004	16-231-305	PREP	04-03-004	16-232-044	PREP	04-03-004
16-230-645	PREP	04-03-004	16-231-310	PREP	04-03-004	16-232-047	PREP	04-03-004
16-230-650	PREP	04-03-004	16-231-315	PREP	04-03-004	16-232-050	PREP	04-03-004
16-230-655	PREP	04-03-004	16-231-320	PREP	04-03-004	16-232-053	PREP	04-03-004
16-230-660	PREP	04-03-004	16-231-325	PREP	04-03-004	16-232-056	PREP	04-03-004
16-230-665	PREP	04-03-004	16-231-330	PREP	04-03-004	16-232-059	PREP	04-03-004
16-230-670	PREP	04-03-004	16-231-335	PREP	04-03-004	16-232-062	PREP	04-03-004
16-230-673	PREP	04-03-004	16-231-400	PREP	04-03-004	16-232-065	PREP	04-03-004
16-230-675	PREP	04-03-004	16-231-405	PREP	04-03-004	16-232-068	PREP	04-03-004
16-230-800	PREP	04-03-004	16-231-410	PREP	04-03-004	16-232-071	PREP	04-03-004
16-230-810	PREP	04-03-004	16-231-413	PREP	04-03-004	16-232-074	PREP	04-03-004
16-230-813	PREP	04-03-004	16-231-415	PREP	04-03-004	16-232-077	PREP	04-03-004
16-230-815	PREP	04-03-004	16-231-420	PREP	04-03-004	16-232-100	PREP	04-03-004
16-230-820	PREP	04-03-004	16-231-425	PREP	04-03-004	16-232-105	PREP	04-03-004
16-230-825	PREP	04-03-004	16-231-500	PREP	04-03-004	16-232-110	PREP	04-03-004
16-230-830	PREP	04-03-004	16-231-505	PREP	04-03-004	16-232-115	PREP	04-03-004
16-230-835	PREP	04-03-004	16-231-510	PREP	04-03-004	16-232-120	PREP	04-03-004
16-230-835	PREP	04-13-057	16-231-515	PREP	04-03-004	16-232-200	PREP	04-03-004
16-230-840	PREP	04-03-004	16-231-520	PREP	04-03-004	16-232-205	PREP	04-03-004
16-230-845	PREP	04-03-004	16-231-525	PREP	04-03-004	16-232-210	PREP	04-03-004
16-230-850	PREP	04-03-004	16-231-530	PREP	04-03-004	16-232-215	PREP	04-03-004

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-232-220	PREP	04-03-004	16-324-375	AMD-X	04-07-170	16-390-280	NEW	04-11-078
16-232-225	PREP	04-03-004	16-324-375	AMD	04-12-026	16-400-007	REP-P	04-08-128
16-232-300	PREP	04-03-004	16-324-393	AMD-X	04-07-170	16-400-007	REP	04-11-078
16-232-305	PREP	04-03-004	16-324-393	AMD	04-12-026	16-400-008	REP-P	04-08-128
16-232-310	PREP	04-03-004	16-324-398	AMD-X	04-07-170	16-400-008	REP	04-11-078
16-232-315	PREP	04-03-004	16-324-398	AMD	04-12-026	16-400-010	REP-P	04-08-128
16-250-155	PREP	04-06-074	16-324-720	REP-X	04-07-170	16-400-010	REP	04-11-078
16-250-155	AMD-P	04-11-093	16-324-720	REP	04-12-026	16-400-040	REP-P	04-08-128
16-250-155	AMD	04-14-076	16-324-730	REP-X	04-07-170	16-400-040	REP	04-11-078
16-252-155	PREP	04-06-074	16-324-730	REP	04-12-026	16-400-045	REP-P	04-08-128
16-252-155	AMD-P	04-11-093	16-324-740	REP-X	04-07-170	16-400-045	REP	04-11-078
16-252-155	AMD	04-14-076	16-324-740	REP	04-12-026	16-400-060	REP-P	04-08-128
16-301-250	AMD	04-06-019	16-324-750	REP-X	04-07-170	16-400-060	REP	04-11-078
16-301-265	AMD	04-06-019	16-324-750	REP	04-12-026	16-400-100	REP-P	04-08-128
16-301-270	AMD	04-06-019	16-328	PREP	04-09-082	16-400-100	REP	04-11-078
16-301-310	AMD	04-06-019	16-328-011	AMD-P	04-13-150	16-400-150	REP-P	04-08-128
16-301-325	AMD	04-06-019	16-328-011	AMD	04-17-039	16-400-150	REP	04-11-078
16-301-330	AMD	04-06-019	16-333	PREP	04-09-081	16-400-210	REP-P	04-08-128
16-301-335	AMD	04-06-019	16-333-041	AMD-P	04-13-149	16-400-210	REP	04-11-078
16-301-365	AMD-P	04-05-118	16-333-041	AMD	04-17-038	16-400-270	REP-P	04-08-128
16-301-365	AMD	04-08-043	16-350-040	AMD-P	04-07-171	16-400-270	REP	04-11-078
16-301-375	AMD-P	04-05-118	16-350-040	AMD	04-11-025	16-401	PREP	04-04-108
16-301-375	AMD	04-08-043	16-350-045	AMD-P	04-07-171	16-401	PREP	04-06-082
16-301-380	AMD-P	04-05-118	16-350-045	AMD	04-11-025	16-401	PREP	04-09-079
16-301-380	AMD	04-08-043	16-354	PREP	04-13-145	16-401-027	AMD-P	04-13-146
16-301-395	AMD-P	04-05-118	16-390-005	NEW-P	04-08-128	16-401-027	AMD	04-17-037
16-301-395	AMD	04-08-043	16-390-005	NEW	04-11-078	16-401-070	NEW-P	04-07-172
16-301-396	NEW-P	04-05-118	16-390-010	NEW-P	04-08-128	16-401-070	NEW	04-11-026
16-301-396	NEW	04-08-043	16-390-010	NEW	04-11-078	16-402	AMD-P	04-06-083
16-301-410	AMD-P	04-05-118	16-390-020	NEW-P	04-08-128	16-402	PREP	04-07-045
16-301-410	AMD	04-08-043	16-390-020	NEW	04-11-078	16-402	AMD	04-09-084
16-301-415	AMD-P	04-05-118	16-390-030	NEW-P	04-08-128	16-402-010	AMD-P	04-06-083
16-301-415	AMD	04-08-043	16-390-030	NEW	04-11-078	16-402-010	AMD	04-09-084
16-301-420	AMD-P	04-05-118	16-390-040	NEW-P	04-08-128	16-402-020	AMD-P	04-06-083
16-301-420	AMD	04-08-043	16-390-040	NEW	04-11-078	16-402-020	AMD	04-09-084
16-301-430	AMD-P	04-05-118	16-390-060	NEW-P	04-08-128	16-402-030	NEW-P	04-06-083
16-301-430	AMD	04-08-043	16-390-060	NEW	04-11-078	16-402-030	NEW	04-09-084
16-301-435	AMD-P	04-05-118	16-390-100	NEW-P	04-08-128	16-402-040	NEW-P	04-06-083
16-301-435	AMD	04-08-043	16-390-100	NEW	04-11-078	16-402-040	NEW	04-09-084
16-301-440	AMD-P	04-05-118	16-390-150	NEW-P	04-08-128	16-402-100	NEW-E	04-07-046
16-301-440	AMD	04-08-043	16-390-150	NEW	04-11-078	16-402-100	NEW-P	04-11-111
16-301-450	REP-P	04-05-118	16-390-200	NEW-P	04-08-128	16-402-100	NEW	04-14-090
16-301-450	REP	04-08-043	16-390-200	NEW	04-11-078	16-402-100	NEW-E	04-14-103
16-301-455	REP-P	04-05-118	16-390-210	NEW-P	04-08-128	16-402-110	NEW-E	04-07-046
16-301-455	REP	04-08-043	16-390-210	NEW	04-11-078	16-402-110	NEW-P	04-11-111
16-301-460	REP-P	04-05-118	16-390-220	NEW-P	04-08-128	16-402-110	NEW	04-14-090
16-301-460	REP	04-08-043	16-390-220	NEW	04-11-078	16-402-110	NEW-E	04-14-103
16-301-465	REP-P	04-05-118	16-390-230	NEW-P	04-08-128	16-402-120	NEW-E	04-07-046
16-301-465	REP	04-08-043	16-390-230	NEW	04-11-078	16-402-120	NEW-P	04-11-111
16-301-470	REP-P	04-05-118	16-390-240	NEW-P	04-08-128	16-402-120	NEW	04-14-090
16-301-470	REP	04-08-043	16-390-240	NEW	04-11-078	16-402-120	NEW-E	04-14-103
16-301-475	REP-P	04-05-118	16-390-242	NEW-P	04-08-128	16-402-130	NEW-E	04-07-046
16-301-475	REP	04-08-043	16-390-242	NEW	04-11-078	16-402-130	NEW-P	04-11-111
16-301-480	REP-P	04-05-118	16-390-245	NEW-P	04-08-128	16-402-130	NEW	04-14-090
16-301-480	REP	04-08-043	16-390-245	NEW	04-11-078	16-402-130	NEW-E	04-14-103
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16-450-020	NEW	04-05-117	16-512-020	AMD	04-07-128	16-561-030	REP-P	04-07-194
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16-450-044	NEW	04-05-117	16-528-030	REP	04-10-057	16-690-015	REP	04-05-117
16-450-046	NEW	04-05-117	16-528-040	AMD	04-10-057	16-690-020	REP	04-05-117
16-450-048	NEW	04-05-117	16-528-110	AMD	04-10-058	16-690-025	REP	04-05-117
16-450-050	NEW	04-05-117	16-528-150	AMD	04-10-058	16-690-030	REP	04-05-117
16-450-060	NEW	04-05-117	16-528-220	REP	04-10-058	16-690-035	REP	04-05-117
16-450-070	NEW	04-05-117	16-530-005	NEW-P	04-03-111	16-690-040	REP	04-05-117
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16-458-075	REP	04-11-078	16-530-006	NEW-P	04-03-111	16-690-100	REP	04-05-117
16-458-085	REP-P	04-08-128	16-530-006	NEW	04-16-026	16-750	PREP	04-13-015
16-458-085	REP	04-11-078	16-530-010	AMD-P	04-03-111	16-750-011	AMD-X	04-07-021
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16-459-00101	REP	04-05-117	16-530-020	AMD-P	04-03-111	16-750-015	AMD-X	04-07-021
16-459-010	REP	04-05-117	16-530-020	AMD	04-16-026	16-750-015	AMD	04-13-014
16-459-020	REP	04-05-117	16-530-030	REP-P	04-03-111	16-752	PREP	04-10-111
16-459-030	REP	04-05-117	16-530-030	REP	04-16-026	16-752-500	AMD-P	04-14-104
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16-470-912	AMD	04-17-036	16-532-103	NEW-W	04-10-055	36- 14-200	NEW-P	04-13-144
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16-481-020	AMD-P	04-13-147	16-536-010	AMD	04-17-021	51- 11-0602	AMD-W	04-07-082
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51-11-1416	AMD-W	04-07-082	51-54-0800	NEW-P	04-17-020	132L-26-040	REP-P	04-10-052
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51-11-1432	AMD-W	04-07-082	67-16-020	NEW-X	04-07-110	132L-26-060	REP-P	04-10-052
51-11-1433	AMD-W	04-07-082	67-16-020	NEW	04-12-029	132L-26-065	REP-P	04-10-052
51-11-1433	AMD-P	04-17-120	67-16-030	NEW-X	04-07-110	132L-26-070	REP-P	04-10-052
51-11-1436	AMD-W	04-07-082	67-16-030	NEW	04-12-029	132L-26-075	REP-P	04-10-052
51-11-1437	AMD-W	04-07-082	67-16-040	NEW-X	04-07-110	132L-26-080	REP-P	04-10-052
51-11-1437	AMD-P	04-17-120	67-16-040	NEW	04-12-029	132L-108-050	AMD-P	04-10-052
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51-11-1454	AMD-W	04-07-082	82-50-021	AMD	04-15-006	132L-108-100	NEW-P	04-10-052
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51-11-1513	AMD-W	04-07-082	106-116-203	AMD	04-17-067	132L-117-020	AMD-P	04-10-052
51-11-1513	AMD-P	04-17-120	106-116-305	AMD-P	04-14-063	132L-117-030	AMD-P	04-10-052
51-11-1521	AMD-W	04-07-082	106-116-305	AMD	04-17-067	132L-117-040	AMD-P	04-10-052
51-11-1521	AMD-P	04-17-120	106-116-521	AMD-P	04-14-063	132L-117-060	AMD-P	04-10-052
51-11-1532	AMD-P	04-17-120	106-116-521	AMD	04-17-067	132L-117-080	AMD-P	04-10-052
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51-13-201	AMD-X	04-03-033	106-116-801	AMD-P	04-14-063	132L-117-130	AMD-P	04-10-052
51-13-201	AMD	04-07-192	106-116-801	AMD	04-17-067	132L-117-140	AMD-P	04-10-052
51-13-302	AMD-X	04-03-033	106-124-900	NEW-P	04-06-014	132L-117-160	AMD-P	04-10-052
51-13-302	AMD	04-07-192	106-124-900	NEW	04-12-015	132L-117-170	AMD-P	04-10-052
51-13-303	AMD-X	04-03-033	106-124-910	NEW-P	04-06-014	132L-117-180	AMD-P	04-10-052
51-13-303	AMD	04-07-192	106-124-910	NEW	04-12-015	132L-117-190	AMD-P	04-10-052
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51-13-304	AMD	04-07-192	106-124-920	NEW	04-12-015	132L-117-230	AMD-P	04-10-052
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51-13-402	AMD	04-07-192	118-33-020	REP	04-08-007	132L-117-250	AMD-P	04-10-052
51-13-502	AMD-X	04-03-033	118-33-030	REP	04-08-007	132L-117-260	AMD-P	04-10-052
51-13-502	AMD	04-07-192	118-33-040	REP	04-08-007	132L-117-270	AMD-P	04-10-052
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51-50-1109	AMD-P	04-17-019	131-16-070	AMD-P	04-04-033	132L-136-011	RECOD-P	04-10-052
51-50-1208	AMD-P	04-17-019	131-16-070	AMD	04-07-094	132L-136-020	AMD-P	04-10-052
51-50-1210	NEW-P	04-17-019	131-16-091	AMD-P	04-04-033	132L-136-020	DECOD-P	04-10-052
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51-50-1605	NEW-P	04-17-019	131-16-092	AMD-P	04-04-033	132L-136-025	NEW-P	04-10-052
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132L-276-120	AMD-P	04-10-052	132V-120-100	AMD	04-17-017	137- 59-050	NEW-P	04-16-103
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192-16-016	AMD-E	04-02-039	192-120-050	NEW-E	04-02-039	192-150-110	NEW-P	04-10-114
192-16-016	AMD-E	04-10-071	192-120-050	NEW-E	04-10-071	192-150-115	NEW-E	04-02-039
192-16-016	AMD-P	04-10-114	192-120-050	NEW-P	04-10-114	192-150-115	NEW-E	04-10-071
192-16-019	REP-E	04-02-039	192-130-060	NEW-E	04-02-039	192-150-115	NEW-P	04-10-114
192-16-019	REP-E	04-10-071	192-130-060	NEW-E	04-10-071	192-150-120	NEW-E	04-02-039
192-16-019	REP-P	04-10-114	192-130-060	NEW-P	04-10-114	192-150-120	NEW-E	04-10-071
192-16-023	REP-E	04-02-039	192-130-065	NEW-E	04-02-039	192-150-120	NEW-P	04-10-114
192-16-023	REP-E	04-10-071	192-130-065	NEW-E	04-10-071	192-150-125	NEW-E	04-02-039
192-16-023	REP-P	04-10-114	192-130-065	NEW-P	04-10-114	192-150-125	NEW-E	04-10-071
192-23-014	REP-E	04-02-039	192-130-070	NEW-E	04-02-039	192-150-125	NEW-P	04-10-114
192-23-014	REP-E	04-10-071	192-130-070	NEW-E	04-10-071	192-150-130	NEW-E	04-02-039
192-23-014	REP-P	04-10-114	192-130-070	NEW-P	04-10-114	192-150-130	NEW-E	04-10-071
192-23-015	REP-E	04-02-039	192-130-080	NEW-E	04-02-039	192-150-130	NEW-P	04-10-114
192-23-015	REP-E	04-10-071	192-130-080	NEW-E	04-10-071	192-150-135	NEW-E	04-02-039
192-23-015	REP-P	04-10-114	192-130-080	NEW-P	04-10-114	192-150-135	NEW-E	04-10-071
192-23-016	REP-E	04-02-039	192-140-070	NEW-E	04-02-039	192-150-135	NEW-P	04-10-114
192-23-016	REP-E	04-10-071	192-140-070	NEW-E	04-10-071	192-150-140	NEW-E	04-02-039
192-23-016	REP-P	04-10-114	192-140-070	NEW-P	04-10-114	192-150-140	NEW-E	04-10-071
192-23-017	REP-E	04-02-039	192-140-075	NEW-E	04-02-039	192-150-140	NEW-P	04-10-114
192-23-017	REP-E	04-10-071	192-140-075	NEW-E	04-10-071	192-150-140	NEW-P	04-10-114
192-23-017	REP-P	04-10-114	192-140-075	NEW-P	04-10-114	192-150-150	NEW-E	04-02-039
192-23-019	REP-E	04-02-039	192-140-080	NEW-E	04-02-039	192-150-150	NEW-E	04-10-114
192-23-019	REP-E	04-10-071	192-140-080	NEW-E	04-10-071	192-150-200	NEW-E	04-02-039
192-23-019	REP-P	04-10-114	192-140-080	NEW-P	04-10-114	192-150-200	NEW-E	04-10-071
192-23-061	REP-E	04-02-039	192-140-085	NEW-E	04-02-039	192-150-200	NEW-P	04-10-114
192-23-061	REP-E	04-10-071	192-140-085	NEW-E	04-10-071	192-150-205	NEW-E	04-02-039
192-23-061	REP-P	04-10-114	192-140-085	NEW-P	04-10-114	192-150-205	NEW-E	04-10-071
192-23-096	REP-E	04-02-039	192-140-090	NEW-E	04-02-039	192-150-205	NEW-P	04-10-114
192-23-096	REP-E	04-10-071	192-140-090	NEW-E	04-10-071	192-150-210	NEW-E	04-02-039
192-23-096	REP-P	04-10-114	192-140-090	NEW-P	04-10-114	192-150-210	NEW-E	04-10-071
192-23-800	REP-E	04-02-039	192-140-100	NEW-E	04-02-039	192-150-210	NEW-P	04-10-114
192-23-800	REP-E	04-10-071	192-140-100	NEW-E	04-10-071	192-150-215	NEW-E	04-02-039
192-23-800	REP-P	04-10-114	192-140-100	NEW-P	04-10-114	192-150-215	NEW-E	04-10-071
192-23-810	REP-E	04-02-039	192-140-120	NEW-E	04-02-039	192-150-215	NEW-P	04-10-114
192-23-810	REP-E	04-10-071	192-140-120	NEW-E	04-10-071	192-150-220	NEW-E	04-02-039
192-23-810	REP-P	04-10-114	192-140-120	NEW-P	04-10-114	192-150-220	NEW-E	04-10-071
192-28-105	REP-E	04-02-039	192-140-200	NEW-E	04-02-039	192-150-220	NEW-P	04-10-114
192-28-105	REP-E	04-10-071	192-140-200	NEW-E	04-10-071	192-180-010	AMD-E	04-02-039
192-28-105	REP-P	04-10-114	192-140-200	NEW-P	04-10-114	192-180-010	AMD-E	04-10-071
192-28-110	REP-E	04-02-039	192-140-210	NEW-E	04-02-039	192-180-010	AMD-P	04-10-114
192-28-110	REP-E	04-10-071	192-140-210	NEW-E	04-10-071	192-180-015	AMD-E	04-02-039
192-28-110	REP-P	04-10-114	192-140-210	NEW-P	04-10-114	192-180-015	AMD-E	04-10-071
192-28-115	REP-E	04-02-039	192-150-050	AMD-E	04-02-039	192-180-015	AMD-P	04-10-114
192-28-115	REP-E	04-10-071	192-150-050	AMD-E	04-10-071	192-180-020	AMD-E	04-02-039
192-28-115	REP-P	04-10-114	192-150-050	AMD-P	04-10-114	192-180-020	AMD-E	04-10-071
192-28-120	REP-E	04-02-039	192-150-055	AMD-E	04-02-039	192-180-020	AMD-P	04-10-114
192-28-120	REP-E	04-10-071	192-150-055	AMD-E	04-10-071	192-180-025	AMD-E	04-02-039
192-28-120	REP-P	04-10-114	192-150-055	AMD-P	04-10-114	192-180-025	AMD-E	04-10-071
192-33	PREP	04-15-034	192-150-060	AMD-E	04-02-039	192-180-025	AMD-P	04-10-114
192-100-010	NEW-E	04-02-039	192-150-060	AMD-E	04-10-071	192-180-030	AMD-E	04-02-039
192-100-010	NEW-E	04-10-071	192-150-060	AMD-P	04-10-114	192-180-030	AMD-E	04-10-071
192-100-010	NEW-P	04-10-114	192-150-065	AMD-E	04-02-039	192-180-030	AMD-P	04-10-114
192-100-020	NEW-E	04-02-039	192-150-065	AMD-E	04-10-071	192-180-040	NEW-E	04-02-039
192-100-020	NEW-P	04-10-114	192-150-065	AMD-P	04-10-114	192-180-040	NEW-E	04-10-071
192-100-030	NEW-E	04-02-039	192-150-085	AMD-E	04-02-039	192-180-040	NEW-P	04-10-114
192-100-030	NEW-P	04-10-114	192-150-085	AMD-E	04-10-071	192-200-005	NEW-E	04-02-039
192-100-035	NEW-P	04-10-114	192-150-085	AMD-P	04-10-114	192-200-005	NEW-E	04-10-071
192-110-200	NEW-E	04-02-039	192-150-090	AMD-E	04-02-039	192-200-005	NEW-P	04-10-114
192-110-200	NEW-P	04-10-114	192-150-090	AMD-E	04-10-071	192-200-010	NEW-E	04-02-039
192-110-210	NEW-E	04-02-039	192-150-090	AMD-P	04-10-114	192-200-010	NEW-E	04-10-071

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-200-010	NEW-P	04-10-114	196- 16-010	AMD	04-04-001	199- 08-450	NEW-E	04-10-002
192-200-030	NEW-E	04-02-039	196- 16-020	AMD	04-04-001	199- 08-455	NEW-E	04-10-002
192-200-030	NEW-E	04-10-071	196- 16-031	AMD	04-04-001	199- 08-460	NEW-E	04-10-002
192-200-030	NEW-P	04-10-114	196- 16-035	NEW	04-04-001	199- 08-465	NEW-E	04-10-002
192-220-010	NEW-E	04-02-039	196- 20-005	NEW-P	04-04-027	199- 08-470	NEW-E	04-10-002
192-220-010	NEW-E	04-10-071	196- 20-005	NEW	04-10-067	199- 08-475	NEW-E	04-10-002
192-220-010	NEW-P	04-10-114	196- 20-010	AMD-P	04-04-027	199- 08-480	NEW-E	04-10-002
192-220-020	NEW-E	04-02-039	196- 20-010	AMD	04-10-067	199- 08-485	NEW-E	04-10-002
192-220-020	NEW-E	04-10-071	196- 20-020	AMD-P	04-04-027	199- 08-490	NEW-E	04-10-002
192-220-020	NEW-P	04-10-114	196- 20-020	AMD	04-10-067	199- 08-495	NEW-E	04-10-002
192-220-030	NEW-E	04-02-039	196- 20-030	AMD-P	04-04-027	199- 08-500	NEW-E	04-10-002
192-220-030	NEW-E	04-10-071	196- 20-030	AMD	04-10-067	199- 08-510	NEW-E	04-10-002
192-220-030	NEW-P	04-10-114	196- 21-005	NEW	04-04-001	199- 08-515	NEW-E	04-10-002
192-230-100	NEW-E	04-02-039	196- 21-010	AMD	04-04-001	199- 08-520	NEW-E	04-10-002
192-230-100	NEW-E	04-10-071	196- 21-020	AMD	04-04-001	199- 08-525	NEW-E	04-10-002
192-230-100	NEW-P	04-10-114	196- 21-030	AMD	04-04-001	199- 08-535	NEW-E	04-10-002
192-240-035	AMD-E	04-02-039	196- 23	PREP	04-10-011	199- 08-540	NEW-E	04-10-002
192-240-035	AMD-E	04-10-071	196- 23-070	AMD	04-04-001	199- 08-545	NEW-E	04-10-002
192-240-035	AMD-P	04-10-114	196- 24-041	REP	04-04-001	199- 08-550	NEW-E	04-10-002
192-240-040	AMD-E	04-02-039	196- 24-080	REP	04-04-001	199- 08-555	NEW-E	04-10-002
192-240-040	AMD-E	04-10-071	196- 24-085	REP	04-04-001	199- 08-565	NEW-E	04-10-002
192-240-040	AMD-P	04-10-114	196- 24-100	REP	04-04-001	199- 08-570	NEW-E	04-10-002
192-300-050	AMD-E	04-02-039	196- 24-105	REP	04-04-001	199- 08-580	NEW-E	04-10-002
192-300-050	AMD-E	04-10-071	196- 24-110	REP-W	04-05-061	204- 74A	PREP	04-17-132
192-300-050	AMD-P	04-10-113	196- 25-001	AMD	04-04-001	204- 91A	PREP	04-10-054
192-310-010	AMD-E	04-02-039	196- 25-002	AMD-W	04-05-061	204- 91A-030	AMD-P	04-13-040
192-310-010	AMD-E	04-10-071	196- 25-005	AMD	04-04-001	204- 91A-040	AMD-P	04-13-040
192-310-010	AMD-P	04-10-113	196- 25-010	AMD	04-04-001	204- 91A-050	AMD-P	04-13-040
192-310-025	AMD-E	04-02-039	196- 25-020	REP	04-04-001	204- 91A-060	AMD-P	04-13-040
192-310-025	AMD-E	04-10-071	196- 25-030	REP	04-04-001	204- 91A-070	AMD-P	04-13-040
192-310-025	AMD-P	04-10-113	196- 25-040	AMD-W	04-05-061	204- 91A-080	AMD-P	04-13-040
192-310-030	AMD-E	04-02-039	196- 25-050	AMD	04-04-001	204- 91A-090	AMD-P	04-13-040
192-310-030	AMD-E	04-10-071	196- 25-100	REP	04-04-001	204- 91A-120	AMD-P	04-13-040
192-310-030	AMD-P	04-10-113	196- 26A	PREP	04-10-011	204- 91A-130	AMD-P	04-13-040
192-320-070	AMD-E	04-02-039	196- 26A	PREP	04-15-079	204- 91A-140	AMD-P	04-13-040
192-320-070	AMD-E	04-10-071	196- 27A-025	NEW-W	04-05-061	204- 91A-170	AMD-P	04-13-040
192-320-070	AMD-P	04-10-113	199- 08-300	NEW-E	04-10-002	204- 96-010	AMD	04-07-012
192-320-075	NEW-E	04-02-039	199- 08-305	NEW-E	04-10-002	208-690-010	NEW-E	04-07-182
192-320-075	NEW-E	04-10-071	199- 08-310	NEW-E	04-10-002	208-690-010	NEW-P	04-11-110
192-320-075	NEW-P	04-10-113	199- 08-315	NEW-E	04-10-002	208-690-010	NEW	04-15-005
192-340-100	NEW-E	04-02-039	199- 08-320	NEW-E	04-10-002	208-690-020	NEW-E	04-07-182
192-340-100	NEW-E	04-10-071	199- 08-325	NEW-E	04-10-002	208-690-020	NEW-P	04-11-110
192-340-100	NEW-P	04-10-113	199- 08-335	NEW-E	04-10-002	208-690-020	NEW	04-15-005
196- 09	AMD	04-04-001	199- 08-340	NEW-E	04-10-002	208-690-030	NEW-E	04-07-182
196- 09	PREP	04-15-050	199- 08-350	NEW-E	04-10-002	208-690-030	NEW-P	04-11-110
196- 09-010	AMD	04-04-001	199- 08-385	NEW-E	04-10-002	208-690-030	NEW	04-15-005
196- 09-050	NEW	04-04-001	199- 08-390	NEW-E	04-10-002	208-690-031	NEW-E	04-07-182
196- 09-055	NEW	04-04-001	199- 08-395	NEW-E	04-10-002	208-690-031	NEW-P	04-11-110
196- 09-060	NEW	04-04-001	199- 08-400	NEW-E	04-10-002	208-690-035	NEW-E	04-07-182
196- 09-100	NEW	04-04-001	199- 08-405	NEW-E	04-10-002	208-690-035	NEW-P	04-11-110
196- 09-110	NEW	04-04-001	199- 08-410	NEW-E	04-10-002	208-690-035	NEW	04-15-005
196- 09-120	NEW	04-04-001	199- 08-415	NEW-E	04-10-002	208-690-040	NEW-E	04-07-182
196- 12-005	NEW	04-04-001	199- 08-420	NEW-E	04-10-002	208-690-040	NEW-P	04-11-110
196- 12-010	AMD	04-04-001	199- 08-425	NEW-E	04-10-002	208-690-040	NEW	04-15-005
196- 12-020	AMD	04-04-001	199- 08-426	NEW-E	04-10-002	208-690-045	NEW-E	04-07-182
196- 12-030	AMD	04-04-001	199- 08-427	NEW-E	04-10-002	208-690-045	NEW-P	04-11-110
196- 12-045	AMD	04-04-001	199- 08-428	NEW-E	04-10-002	208-690-045	NEW	04-15-005
196- 12-050	AMD	04-04-001	199- 08-429	NEW-E	04-10-002	208-690-050	NEW-E	04-07-182
196- 12-055	NEW	04-04-001	199- 08-430	NEW-E	04-10-002	208-690-050	NEW-P	04-11-110
196- 12-065	NEW	04-04-001	199- 08-435	NEW-E	04-10-002	208-690-050	NEW	04-15-005
196- 16-006	NEW	04-04-001	199- 08-440	NEW-E	04-10-002	208-690-060	NEW-E	04-07-182
196- 16-007	AMD	04-04-001	199- 08-445	NEW-E	04-10-002	208-690-060	NEW-P	04-11-110

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
208-690-060	NEW	04-15-005	220-16-270	AMD	04-07-009	220-32-06000B	REP-E	04-10-064
208-690-070	NEW-E	04-07-182	220-16-470	AMD-X	04-12-073	220-33-01000A	NEW-E	04-08-011
208-690-070	NEW-P	04-11-110	220-16-470	AMD	04-16-126	220-33-01000A	REP-E	04-08-026
208-690-070	NEW	04-15-005	220-16-47000B	NEW-E	04-10-034	220-33-01000B	NEW-E	04-08-026
208-690-075	NEW-E	04-07-182	220-16-550	AMD	04-07-009	220-33-01000B	REP-E	04-09-021
208-690-075	NEW-P	04-11-110	220-16-800	NEW	04-07-009	220-33-01000C	NEW-E	04-09-021
208-690-075	NEW	04-15-005	220-16-800	NEW-W	04-14-085	220-33-01000C	REP-E	04-11-001
208-690-080	NEW-E	04-07-182	220-16-810	NEW	04-07-009	220-33-01000D	NEW-E	04-11-075
208-690-080	NEW-P	04-11-110	220-16-810	NEW-W	04-14-085	220-33-01000D	REP-E	04-11-075
208-690-080	NEW	04-15-005	220-16-820	NEW-W	04-14-085	220-33-01000E	NEW-E	04-14-048
208-690-090	NEW-E	04-07-182	220-16-830	NEW-W	04-14-085	220-33-01000E	REP-E	04-14-048
208-690-090	NEW-P	04-11-110	220-16-840	NEW-W	04-14-085	220-33-01000F	NEW-E	04-16-067
208-690-090	NEW	04-15-005	220-16-850	NEW-W	04-14-085	220-33-01000F	REP-E	04-16-067
208-690-100	NEW-E	04-07-182	220-20-056	REP	04-10-108	220-33-01000F	REP-E	04-17-069
208-690-100	NEW-P	04-11-110	220-20-080	AMD	04-08-025	220-33-01000G	NEW-E	04-17-091
208-690-100	NEW	04-15-005	220-20-100	AMD-W	04-14-085	220-33-01000G	REP-E	04-17-091
208-690-110	NEW-E	04-07-182	220-22-40000F	NEW-E	04-13-024	220-33-01000Q	REP-E	04-04-071
208-690-110	NEW-P	04-11-110	220-24-04000L	NEW-E	04-10-001	220-33-01000R	NEW-E	04-04-071
208-690-110	NEW	04-15-005	220-24-04000L	REP-E	04-10-001	220-33-01000R	REP-E	04-04-071
208-690-112	NEW-E	04-07-182	220-24-04000L	REP-E	04-11-010	220-33-01000S	NEW-E	04-06-002
208-690-112	NEW-P	04-11-110	220-24-04000M	NEW-E	04-11-052	220-33-01000S	REP-E	04-06-002
208-690-112	NEW	04-15-005	220-24-04000M	REP-E	04-11-052	220-33-01000S	REP-E	04-06-059
208-690-115	NEW-E	04-07-182	220-24-04000N	NEW-E	04-12-011	220-33-01000T	NEW-E	04-06-059
208-690-115	NEW-P	04-11-110	220-24-04000N	REP-E	04-12-011	220-33-01000T	REP-E	04-07-008
208-690-115	NEW	04-15-005	220-24-04000P	NEW-E	04-14-009	220-33-01000U	NEW-E	04-07-008
208-690-120	NEW-E	04-07-182	220-24-04000P	REP-E	04-14-009	220-33-01000U	REP-E	04-07-028
208-690-120	NEW-P	04-11-110	220-24-04000Q	NEW-E	04-14-092	220-33-01000V	NEW-E	04-07-028
208-690-120	NEW	04-15-005	220-24-04000Q	REP-E	04-14-092	220-33-01000V	REP-E	04-07-050
208-690-130	NEW-E	04-07-182	220-24-04000Q	REP-E	04-15-086	220-33-01000W	NEW-E	04-07-050
208-690-130	NEW-P	04-11-110	220-24-04000R	NEW-E	04-15-086	220-33-01000W	REP-E	04-07-078
208-690-130	NEW	04-15-005	220-32-05100A	NEW-E	04-15-133	220-33-01000X	NEW-E	04-07-078
208-690-140	NEW-E	04-07-182	220-32-05100A	REP-E	04-15-133	220-33-01000X	REP-E	04-07-118
208-690-140	NEW-P	04-11-110	220-32-05100P	NEW-E	04-03-075	220-33-01000Y	NEW-E	04-07-118
208-690-140	NEW	04-15-005	220-32-05100P	REP-E	04-03-075	220-33-01000Y	REP-E	04-07-169
208-690-150	NEW-E	04-07-182	220-32-05100P	REP-E	04-04-053	220-33-01000Z	NEW-E	04-07-169
208-690-150	NEW-P	04-11-110	220-32-05100Q	NEW-E	04-04-053	220-33-01000Z	REP-E	04-08-011
208-690-150	NEW	04-15-005	220-32-05100Q	REP-E	04-04-053	220-33-03000U	NEW-E	04-09-018
208-690-160	NEW-E	04-07-182	220-32-05100Q	REP-E	04-07-027	220-33-03000U	REP-E	04-09-018
208-690-160	NEW-P	04-11-110	220-32-05100R	NEW-E	04-07-027	220-33-04000U	REP-E	04-07-117
208-690-160	NEW	04-15-005	220-32-05100R	REP-E	04-07-027	220-33-04000V	NEW-E	04-07-117
208-690-170	NEW-E	04-07-182	220-32-05100S	NEW-E	04-10-064	220-33-04000V	REP-E	04-07-117
208-690-170	NEW-P	04-11-110	220-32-05100S	REP-E	04-10-064	220-33-070	NEW-W	04-10-074
208-690-170	NEW	04-15-005	220-32-05100T	NEW-E	04-11-022	220-36-023	AMD-X	04-11-109
208-690-180	NEW-E	04-07-182	220-32-05100T	REP-E	04-11-022	220-36-023	AMD	04-16-013
208-690-180	NEW-P	04-11-110	220-32-05100T	REP-E	04-11-074	220-40-027	AMD-X	04-11-109
208-690-180	NEW	04-15-005	220-32-05100U	NEW-E	04-11-074	220-40-027	AMD	04-16-013
212-17-060	AMD-E	04-11-061	220-32-05100U	REP-E	04-11-074	220-44-05000A	NEW-E	04-03-010C
212-17-480	NEW-E	04-11-061	220-32-05100U	REP-E	04-12-021	220-44-05000A	REP-E	04-12-012
212-17-485	NEW-E	04-11-061	220-32-05100V	NEW-E	04-12-021	220-44-05000B	NEW-E	04-12-012
212-17-490	NEW-E	04-11-061	220-32-05100V	REP-E	04-12-021	220-44-05000Z	REP-E	04-03-010C
212-17-495	NEW-E	04-11-061	220-32-05100W	NEW-E	04-13-065	220-47-301	AMD-X	04-12-129
212-17-500	NEW-E	04-11-061	220-32-05100W	REP-E	04-13-117	220-47-301	AMD	04-16-125
212-17-505	NEW-E	04-11-061	220-32-05100X	NEW-E	04-13-117	220-47-302	AMD-X	04-12-129
212-17-510	NEW-E	04-11-061	220-32-05100X	REP-E	04-13-117	220-47-302	AMD	04-16-125
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212-17-520	NEW-E	04-11-061	220-32-05100Y	NEW-E	04-14-046	220-47-303	AMD	04-16-125
212-17-525	NEW-E	04-11-061	220-32-05100Y	REP-E	04-14-046	220-47-307	AMD-X	04-12-129
212-17-530	NEW-E	04-11-061	220-32-05100Y	REP-E	04-15-051	220-47-307	AMD	04-16-125
212-17-535	NEW-E	04-11-061	220-32-05100Z	NEW-E	04-15-051	220-47-311	AMD-X	04-12-129
212-17-540	NEW-E	04-11-061	220-32-05100Z	REP-E	04-15-051	220-47-311	AMD	04-16-125
212-80	PREP	04-17-131	220-32-05100Z	REP-E	04-15-133	220-47-325	AMD-X	04-12-129
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220-47-411	AMD	04-16-125	220-52-04000W	REP-E	04-06-003	220-52-07100D	REP-E	04-05-008
220-47-428	AMD-X	04-12-129	220-52-04000X	NEW-E	04-06-003	220-52-07100E	NEW-E	04-05-008
220-47-428	AMD	04-16-125	220-52-04000X	REP-E	04-07-013	220-52-07100E	REP-E	04-05-045
220-47-430	REP-X	04-12-129	220-52-04000Y	NEW-E	04-07-013	220-52-07100F	NEW-E	04-05-045
220-47-430	REP	04-16-125	220-52-04000Y	REP-E	04-07-019	220-52-07100F	REP-E	04-06-041
220-47-601	NEW-E	04-16-030	220-52-04000Z	NEW-E	04-07-019	220-52-07100G	NEW-E	04-06-041
220-47-601	REP-E	04-16-049	220-52-04600D	REP-E	04-03-049	220-52-07100H	NEW-E	04-14-093
220-47-602	NEW-E	04-16-049	220-52-04600F	REP-E	04-05-007	220-52-07100H	REP-E	04-16-012
220-47-602	REP-E	04-16-072	220-52-04600G	NEW-E	04-03-049	220-52-07100I	NEW-E	04-16-012
220-47-603	NEW-E	04-16-072	220-52-04600G	REP-E	04-06-042	220-52-07100I	REP-E	04-17-071
220-47-603	REP-E	04-17-028	220-52-04600H	NEW-E	04-05-007	220-52-07100J	NEW-E	04-17-071
220-47-604	NEW-E	04-17-028	220-52-04600H	REP-E	04-06-013	220-52-073	AMD-P	04-13-033
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220-48-01500T	REP-E	04-14-047	220-52-04600I	REP-E	04-07-013	220-52-07300J	REP-E	04-03-010B
220-48-01500U	NEW-E	04-14-047	220-52-04600J	NEW-E	04-06-042	220-52-07300K	NEW-E	04-03-010B
220-48-029	AMD-P	04-13-005	220-52-04600J	REP-E	04-08-038	220-52-07300K	REP-E	04-03-074
220-48-029	AMD	04-17-098	220-52-04600K	NEW-E	04-07-013	220-52-07300L	NEW-E	04-03-074
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220-48-02900F	NEW-E	04-14-007	220-52-04600M	NEW-E	04-08-038	220-55-115	AMD-P	04-13-061
220-48-032	AMD-P	04-13-005	220-52-04600M	REP-E	04-08-038	220-55-115	AMD	04-17-097
220-48-032	AMD	04-17-098	220-52-04600N	NEW-E	04-13-024	220-56-100	AMD-W	04-05-060
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220-48-03200E	NEW-E	04-14-007	220-52-05100A	NEW-E	04-16-048	220-56-115	AMD	04-07-009
220-48-062	AMD-P	04-13-005	220-52-05100A	REP-E	04-16-073	220-56-118	NEW	04-07-009
220-48-062	AMD	04-17-098	220-52-05100B	NEW-E	04-16-073	220-56-123	AMD-X	04-11-119
220-48-06200C	NEW-E	04-05-056	220-52-05100B	REP-E	04-16-089	220-56-128	AMD-X	04-11-119
220-48-06200C	REP-E	04-13-055	220-52-05100C	NEW-E	04-16-089	220-56-128	AMD-P	04-13-005
220-48-06200D	NEW-E	04-13-055	220-52-05100C	REP-E	04-17-004	220-56-128	AMD	04-17-098
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220-49-020	AMD	04-17-098	220-52-05100D	REP-E	04-17-014	220-56-150	AMD	04-07-009
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220-49-02000P	REP-E	04-13-055	220-52-05100E	REP-E	04-17-055	220-56-180	AMD-X	04-11-119
220-49-02000Q	NEW-E	04-13-055	220-52-05100F	NEW-E	04-17-055	220-56-18000C	NEW-E	04-10-034
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220-49-023	AMD	04-17-089	220-52-05100G	NEW-E	04-17-095	220-56-19500M	NEW-E	04-10-034
220-49-056	AMD-P	04-13-005	220-52-05100P	NEW-E	04-09-007	220-56-215	AMD	04-07-009
220-49-056	AMD	04-17-098	220-52-05100P	REP-E	04-10-025	220-56-232	NEW-W	04-10-077
220-49-05600C	NEW-E	04-05-056	220-52-05100Q	NEW-E	04-10-025	220-56-235	AMD	04-07-009
220-49-05600C	REP-E	04-13-055	220-52-05100Q	REP-E	04-11-044	220-56-235	AMD-W	04-10-073
220-49-05600D	NEW-E	04-13-055	220-52-05100R	NEW-E	04-11-044	220-56-235	AMD-P	04-13-005
220-52-03000U	NEW-E	04-11-051	220-52-05100R	REP-E	04-13-007	220-56-235	AMD	04-17-098
220-52-03000U	REP-E	04-11-051	220-52-05100S	NEW-E	04-13-007	220-56-23500S	NEW-E	04-05-057
220-52-03000V	NEW-E	04-14-004	220-52-05100S	REP-E	04-13-027	220-56-23500S	REP-E	04-13-056
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220-52-03000W	REP-E	04-16-031	220-52-05100U	NEW-E	04-13-082	220-56-23500U	NEW-E	04-13-056
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220-52-03000W	REP-E	04-17-055	220-52-05100V	NEW-E	04-14-058	220-56-250	AMD-W	04-10-073
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220-52-03000X	REP-E	04-17-055	220-52-05100W	NEW-E	04-15-024	220-56-25000G	NEW-E	04-10-042
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220-52-04000A	REP-E	04-13-024	220-52-05100X	NEW-E	04-15-087	220-56-25500K	NEW-E	04-10-027
220-52-04000B	NEW-E	04-13-060	220-52-05100X	REP-E	04-15-132	220-56-25500K	REP-E	04-10-043
220-52-04000B	REP-E	04-13-060	220-52-05100Y	NEW-E	04-15-132	220-56-25500L	NEW-E	04-10-043
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220-56-25500N	NEW-E	04-12-032	220-56-35000R	NEW-E	04-06-035	220-69-274	AMD-P	04-13-193
220-56-25500N	REP-E	04-13-026	220-56-35000R	REP-E	04-07-043	220-69-274	AMD	04-17-096
220-56-25500P	NEW-E	04-13-026	220-56-35000S	NEW-E	04-07-043	220-69-280	AMD-P	04-13-193
220-56-25500P	REP-E	04-14-024	220-56-35000S	REP-E	04-09-006	220-69-280	AMD	04-17-096
220-56-25500Q	NEW-E	04-14-024	220-56-35000T	NEW-E	04-09-006	220-69-300	AMD-P	04-13-193
220-56-25500Q	REP-E	04-16-004	220-56-36000A	NEW-E	04-10-070	220-69-300	AMD	04-17-096
220-56-25500R	NEW-E	04-16-004	220-56-36000A	REP-E	04-10-070	220-72-01000B	NEW-E	04-08-037
220-56-25500R	REP-E	04-16-004	220-56-36000W	NEW-E	04-03-048	220-72-011	AMD-P	04-05-069
220-56-267	AMD-P	04-13-005	220-56-36000W	REP-E	04-03-048	220-72-089	AMD-P	04-05-069
220-56-267	AMD	04-17-098	220-56-36000X	NEW-E	04-05-100	220-72-08900C	NEW-E	04-08-037
220-56-26700B	NEW-E	04-05-057	220-56-36000X	REP-E	04-05-100	220-72-090	AMD-P	04-05-069
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220-56-270	AMD-P	04-13-005	220-56-36000Z	NEW-E	04-09-058	220-88B-040	AMD	04-05-027
220-56-270	AMD	04-17-098	220-56-36000Z	REP-E	04-09-058	220-88C-030	AMD-P	04-07-186
220-56-27000R	REP-E	04-07-116	220-56-370	REP	04-07-009	220-88C-030	AMD	04-10-035
220-56-27000R	REP-E	04-07-123	220-56-380	AMD	04-07-009	220-88C-03000	NEW-E	04-10-041
220-56-27000S	NEW-E	04-05-057	220-56-38000G	NEW-E	04-03-010A	220-88C-040	AMD-P	04-07-186
220-56-27000S	REP-E	04-13-056	220-56-390	AMD-P	04-13-005	220-88C-040	AMD	04-10-035
220-56-27000T	NEW-E	04-07-116	220-56-390	AMD	04-17-098	220-88C-04000	NEW-E	04-10-041
220-56-27000T	REP-E	04-07-116	220-56-39000B	NEW-E	04-05-057	220-100-110	AMD-X	04-09-046
220-56-27000T	REP-E	04-07-123	220-56-39000B	REP-E	04-13-056	220-100-110	AMD	04-14-006
220-56-27000U	NEW-E	04-07-123	220-56-39000C	NEW-E	04-13-056	220-110-035	PREP	04-04-008
220-56-27000U	REP-E	04-07-123	220-56-410	AMD-P	04-13-005	220-110-035	AMD-P	04-08-064
220-56-27000V	NEW-E	04-13-056	220-56-410	AMD	04-17-098	220-110-035	AMD-C	04-17-013
220-56-282	AMD	04-07-009	220-56-41000A	NEW-E	04-05-057	220-120-010	REP-P	04-13-141
220-56-310	AMD	04-07-009	220-56-41000A	REP-E	04-13-056	220-120-020	REP-P	04-13-141
220-56-310	AMD-P	04-13-023	220-56-41000B	NEW-E	04-13-056	220-120-030	REP-P	04-13-141
220-56-310	AMD	04-17-088	220-69-210	AMD-P	04-13-193	220-120-040	REP-P	04-13-141
220-56-315	AMD	04-07-009	220-69-210	AMD	04-17-096	220-120-050	REP-P	04-13-141
220-56-325	AMD	04-07-009	220-69-215	AMD-P	04-13-193	220-120-060	REP-P	04-13-141
220-56-32500K	NEW-E	04-09-020	220-69-215	AMD	04-17-096	220-120-070	REP-P	04-13-141
220-56-32500K	REP-E	04-09-052	220-69-220	AMD-P	04-13-193	220-120-080	REP-P	04-13-141
220-56-32500L	NEW-E	04-09-052	220-69-220	AMD	04-17-096	220-120-090	REP-P	04-13-141
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220-56-32500M	NEW-E	04-09-102	220-69-23402	AMD	04-17-096	220-125-010	AMD	04-05-026
220-56-32500M	REP-E	04-10-028	220-69-236	AMD-P	04-13-193	220-130-04000A	NEW-E	04-16-047
220-56-32500N	NEW-E	04-10-028	220-69-236	AMD	04-17-096	222-08-010	AMD	04-05-122
220-56-32500N	REP-E	04-11-014	220-69-240	AMD-P	04-13-033	222-08-020	AMD	04-05-122
220-56-32500P	NEW-E	04-11-014	220-69-240	AMD-P	04-13-193	222-08-020	DECOD	04-05-122
220-56-32500P	REP-E	04-11-077	220-69-240	AMD	04-17-096	222-08-030	AMD	04-05-122
220-56-32500Q	NEW-E	04-11-077	220-69-241	AMD	04-05-028	222-08-030	DECOD	04-05-122
220-56-32500Q	REP-E	04-12-036	220-69-241	AMD-P	04-13-193	222-08-035	DECOD	04-05-122
220-56-32500R	NEW-E	04-12-036	220-69-241	AMD	04-17-096	222-08-040	AMD	04-05-122
220-56-32500R	REP-E	04-12-061	220-69-242	AMD-P	04-13-193	222-08-050	NEW	04-05-122
220-56-32500S	NEW-E	04-12-061	220-69-242	AMD	04-17-096	222-08-060	NEW	04-05-122
220-56-32500S	REP-E	04-13-034	220-69-243	AMD-P	04-13-193	222-08-070	NEW	04-05-122
220-56-32500T	NEW-E	04-13-034	220-69-243	AMD	04-17-096	222-08-080	NEW	04-05-122
220-56-32500T	REP-E	04-13-093	220-69-250	AMD-P	04-13-193	222-08-090	NEW	04-05-122
220-56-32500U	NEW-E	04-13-093	220-69-250	AMD	04-17-096	222-08-100	NEW	04-05-122
220-56-32500U	REP-E	04-15-023	220-69-254	AMD-P	04-13-193	222-08-120	NEW	04-05-122
220-56-32500V	NEW-E	04-15-023	220-69-254	AMD	04-17-096	222-08-130	NEW	04-05-122
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220-56-33000J	NEW-E	04-13-004	220-69-260	AMD	04-17-096	222-08-150	RECOD	04-05-122
220-56-33000J	REP-E	04-13-028	220-69-262	REP-P	04-13-193	222-08-160	RECOD	04-05-122
220-56-33000K	NEW-E	04-13-008	220-69-262	REP	04-17-096	222-12-090	AMD	04-05-087
220-56-33000L	NEW-E	04-13-066	220-69-264	AMD-P	04-13-193	222-16-010	AMD	04-05-087
220-56-33000L	REP-E	04-13-066	220-69-264	AMD	04-17-096	230-02-030	AMD-X	04-12-038
220-56-335	AMD	04-07-009	220-69-26401	AMD-P	04-13-193	230-02-030	AMD	04-17-066
220-56-350	AMD	04-07-009	220-69-26401	AMD	04-17-096	230-02-035	AMD-X	04-12-038

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230- 02-205	AMD-P	04-15-049	232- 16-740	AMD-P	04-13-168	232- 28-61900G	REP-E	04-03-047
230- 04-124	AMD-W	04-05-059	232- 16-740	AMD	04-17-061	232- 28-61900G	REP-E	04-04-028
230- 04-192	REP-P	04-05-078	232- 28-248	AMD-P	04-05-115	232- 28-61900G	NEW-E	04-11-003
230- 04-192	REP	04-09-028	232- 28-248	AMD	04-11-036	232- 28-61900G	REP-E	04-11-003
230- 04-196	REP-P	04-05-078	232- 28-271	AMD	04-03-026	232- 28-61900G	NEW-E	04-16-023
230- 04-196	REP	04-09-028	232- 28-272	AMD-P	04-05-109	232- 28-61900G	REP-E	04-17-136
230- 04-208	NEW-P	04-17-124	232- 28-272	AMD	04-11-036	232- 28-61900H	NEW-E	04-04-028
230- 12-045	AMD-P	04-07-103	232- 28-272	AMD-P	04-13-165	232- 28-61900H	REP-E	04-04-028
230- 12-045	AMD	04-11-091	232- 28-273	AMD-P	04-05-111	232- 28-61900H	REP-E	04-05-032
230- 12-330	AMD-P	04-11-090	232- 28-273	AMD	04-11-036	232- 28-61900H	NEW-E	04-11-021
230- 12-340	AMD-P	04-11-090	232- 28-282	AMD-P	04-05-111	232- 28-61900H	REP-E	04-11-021
230- 20-059	AMD	04-07-102	232- 28-282	AMD	04-11-036	232- 28-61900H	NEW-E	04-16-069
230- 30-033	AMD-P	04-09-088	232- 28-285	NEW-P	04-13-170	232- 28-61900I	NEW-E	04-04-060
230- 30-033	AMD	04-15-047	232- 28-333	AMD-P	04-05-113	232- 28-61900I	NEW-E	04-11-050
230- 30-072	AMD-P	04-02-045	232- 28-335	AMD-P	04-05-114	232- 28-61900I	REP-E	04-11-050
230- 30-072	AMD-W	04-15-108	232- 28-335	AMD	04-11-036	232- 28-61900I	NEW-E	04-16-041
230- 40-070	PREP	04-04-061	232- 28-337	AMD-P	04-05-116	232- 28-61900I	REP-E	04-16-041
230- 40-070	AMD-P	04-07-147	232- 28-337	AMD	04-11-036	232- 28-61900J	NEW-E	04-05-015
230- 40-070	AMD-P	04-09-087	232- 28-341	AMD-P	04-05-112	232- 28-61900J	REP-E	04-05-015
230- 40-070	AMD	04-11-092	232- 28-341	AMD	04-11-036	232- 28-61900J	NEW-E	04-11-076
230- 40-070	AMD	04-17-125	232- 28-341	AMD-P	04-13-169	232- 28-61900J	REP-E	04-11-076
230- 40-120	AMD-C	04-04-036	232- 28-351	AMD-P	04-05-107	232- 28-61900J	NEW-E	04-16-068
230- 40-120	AMD	04-06-005	232- 28-351	AMD	04-11-036	232- 28-61900K	NEW-E	04-05-033
230- 40-120	AMD-W	04-07-051	232- 28-352	AMD-P	04-05-108	232- 28-61900K	REP-E	04-05-033
230- 40-120	AMD-P	04-15-048	232- 28-352	AMD	04-11-036	232- 28-61900K	REP-E	04-07-026
230- 40-625	AMD-P	04-11-089	232- 28-427	REP-P	04-13-171	232- 28-61900K	NEW-E	04-12-013
230- 40-823	AMD	04-06-058	232- 28-427	REP	04-17-061	232- 28-61900K	REP-E	04-12-013
230- 40-825	AMD-P	04-11-089	232- 28-428	NEW-P	04-13-171	232- 28-61900K	NEW-E	04-17-070
232- 12-004	AMD-P	04-05-099	232- 28-428	NEW	04-17-061	232- 28-61900K	REP-E	04-17-070
232- 12-004	AMD	04-11-036	232- 28-515	AMD-P	04-13-166	232- 28-61900L	NEW-E	04-05-048
232- 12-005	NEW-P	04-05-099	232- 28-515	AMD	04-17-061	232- 28-61900L	REP-E	04-05-048
232- 12-005	NEW	04-11-036	232- 28-619	AMD	04-07-009	232- 28-61900L	NEW-E	04-12-033
232- 12-014	AMD-P	04-05-110	232- 28-619	AMD-X	04-11-069	232- 28-61900L	REP-E	04-12-033
232- 12-014	AMD	04-11-036	232- 28-619	AMD-X	04-11-119	232- 28-61900L	NEW-E	04-17-137
232- 12-019	AMD	04-07-009	232- 28-619	AMD-P	04-13-094	232- 28-61900L	REP-E	04-17-137
232- 12-021	AMD-E	04-17-060	232- 28-619	AMD	04-16-046	232- 28-61900M	NEW-E	04-07-007
232- 12-047	AMD-P	04-05-106	232- 28-61900A	NEW-E	04-09-103	232- 28-61900M	REP-E	04-07-007
232- 12-047	AMD	04-11-036	232- 28-61900A	REP-E	04-09-103	232- 28-61900M	NEW-E	04-12-060
232- 12-054	AMD-P	04-05-106	232- 28-61900A	REP-E	04-11-003	232- 28-61900M	REP-E	04-14-049
232- 12-054	AMD	04-11-036	232- 28-61900A	NEW-E	04-15-022	232- 28-61900M	NEW-E	04-07-004
232- 12-064	AMD-P	04-05-099	232- 28-61900B	NEW-E	04-10-005	232- 28-61900N	REP-E	04-07-004
232- 12-064	AMD	04-11-036	232- 28-61900B	REP-E	04-10-005	232- 28-61900N	NEW-E	04-13-035
232- 12-168	AMD	04-07-009	232- 28-61900B	REP-E	04-10-036	232- 28-61900N	REP-E	04-13-035
232- 12-224	REP-P	04-13-038	232- 28-61900B	NEW-E	04-15-044	232- 28-61900P	NEW-E	04-07-026
232- 12-224	REP-C	04-17-081	232- 28-61900B	REP-E	04-15-044	232- 28-61900P	REP-E	04-07-026
232- 12-243	AMD-P	04-13-165	232- 28-61900C	NEW-E	04-10-034	232- 28-61900P	REP-E	04-09-049
232- 12-271	AMD-P	04-05-099	232- 28-61900C	REP-E	04-13-069	232- 28-61900P	NEW-E	04-13-054
232- 12-271	AMD	04-11-036	232- 28-61900C	NEW-E	04-15-146	232- 28-61900P	REP-E	04-13-054
232- 12-275	AMD-P	04-13-167	232- 28-61900C	REP-E	04-15-146	232- 28-61900Q	NEW-E	04-07-067
232- 12-31500K	REP-E	04-08-065	232- 28-61900D	NEW-E	04-10-036	232- 28-61900Q	REP-E	04-07-067
232- 12-31500L	NEW-E	04-08-065	232- 28-61900D	REP-E	04-10-036	232- 28-61900Q	NEW-E	04-13-064
232- 12-31500L	REP-E	04-08-065	232- 28-61900D	REP-E	04-11-002	232- 28-61900Q	REP-E	04-13-164
232- 12-619	AMD	04-07-009	232- 28-61900D	NEW-E	04-16-005	232- 28-61900R	NEW-E	04-08-005
232- 12-619	AMD-X	04-11-119	232- 28-61900D	REP-E	04-16-069	232- 28-61900R	REP-E	04-08-005
232- 12-619	AMD-P	04-13-094	232- 28-61900D	REP-E	04-16-069	232- 28-61900R	REP-E	04-08-013
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232- 12-828	AMD-P	04-05-106	232- 28-61900E	REP-E	04-12-060	232- 28-61900R	NEW-E	04-13-069
232- 12-828	AMD	04-11-036	232- 28-61900E	NEW-E	04-16-011	232- 28-61900R	REP-E	04-16-021
232- 16-270	REP-P	04-13-168	232- 28-61900F	REP-E	04-07-004	232- 28-61900R	REP-E	04-16-021
232- 16-270	REP	04-17-061	232- 28-61900F	NEW-E	04-11-002	232- 28-61900S	NEW-E	04-08-013
232- 16-610	NEW-P	04-13-168	232- 28-61900F	REP-E	04-11-073	232- 28-61900S	NEW-E	04-13-164
			232- 28-61900F	NEW-E	04-16-021	232- 28-61900S	REP-E	04-14-008
						232- 28-61900T	NEW-E	04-08-049

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232-28-61900T	REP-E	04-08-049	236-51-400	NEW	04-07-104	246-215-120	REP-P	04-16-109
232-28-61900T	NEW-E	04-14-008	236-51-405	NEW	04-07-104	246-215-121	NEW-P	04-16-109
232-28-61900T	REP-E	04-14-091	236-51-410	NEW	04-07-104	246-215-130	REP-P	04-16-109
232-28-61900U	NEW-E	04-09-047	236-51-500	NEW	04-07-104	246-215-131	NEW-P	04-16-109
232-28-61900U	REP-E	04-14-059	236-51-502	NEW	04-07-104	246-215-140	REP-P	04-16-109
232-28-61900V	NEW-E	04-09-019	236-51-505	NEW	04-07-104	246-215-141	NEW-P	04-16-109
232-28-61900V	REP-E	04-09-019	236-51-510	NEW	04-07-104	246-215-150	REP-P	04-16-109
232-28-61900V	NEW-E	04-14-049	236-51-515	NEW	04-07-104	246-215-151	NEW-P	04-16-109
232-28-61900W	NEW-E	04-09-023	236-51-600	NEW	04-07-104	246-215-160	REP-P	04-16-109
232-28-61900W	REP-E	04-09-023	236-51-605	NEW	04-07-104	246-215-170	REP-P	04-16-109
232-28-61900W	REP-E	04-09-103	236-51-610	NEW	04-07-104	246-215-180	REP-P	04-16-109
232-28-61900W	NEW-E	04-14-057	236-51-615	NEW	04-07-104	246-215-181	NEW-P	04-16-109
232-28-61900X	NEW-E	04-09-022	236-51-620	NEW	04-07-104	246-215-190	REP-P	04-16-109
232-28-61900X	REP-E	04-09-022	236-51-700	NEW	04-07-104	246-215-191	NEW-P	04-16-109
232-28-61900X	NEW-E	04-14-059	236-51-710	NEW	04-07-104	246-215-200	AMD-P	04-16-109
232-28-61900X	REP-E	04-15-022	236-51-715	NEW	04-07-104	246-215-210	AMD-P	04-16-109
232-28-61900Y	NEW-E	04-09-048	236-51-720	NEW	04-07-104	246-215-220	AMD-P	04-16-109
232-28-61900Y	REP-E	04-11-072	236-51-725	NEW	04-07-104	246-215-230	REP-P	04-16-109
232-28-61900Y	REP-E	04-16-005	236-51-730	NEW	04-07-104	246-215-240	AMD-P	04-16-109
232-28-61900Z	NEW-E	04-09-049	236-51-735	NEW	04-07-104	246-215-250	REP-P	04-16-109
232-28-61900Z	REP-E	04-09-049	236-51-740	NEW	04-07-104	246-215-251	NEW-P	04-16-109
232-28-61900Z	REP-E	04-10-005	236-51-745	NEW	04-07-104	246-215-260	AMD-P	04-16-109
232-28-61900Z	NEW-E	04-14-091	246-01	PREP	04-06-043	246-215-270	REP-P	04-16-109
232-28-620	AMD-X	04-11-079	246-08	PREP	04-06-043	246-215-280	AMD-P	04-16-109
232-28-620	AMD	04-16-006	246-50-001	AMD-W	04-02-066	246-215-290	AMD-P	04-16-109
232-28-62000P	NEW-E	04-10-034	246-50-005	NEW-W	04-02-066	246-215-300	AMD-P	04-16-109
232-28-62000P	REP-E	04-13-142	246-50-010	AMD-W	04-02-066	246-215-311	NEW-P	04-16-109
232-28-62000Q	NEW-E	04-13-142	246-50-020	AMD-W	04-02-066	246-217-010	PREP-W	04-06-020
232-28-62000Q	REP-E	04-15-110	246-50-030	AMD-W	04-02-066	246-217-010	AMD-P	04-09-056
232-28-62000R	NEW-E	04-15-110	246-50-035	NEW-W	04-02-066	246-217-010	AMD-C	04-11-097
232-28-62000R	REP-E	04-17-059	246-50-040	REP-W	04-02-066	246-217-010	AMD	04-16-100
232-28-62000S	NEW-E	04-17-059	246-50-990	AMD-W	04-02-066	246-217-015	PREP-W	04-06-020
232-28-621	AMD-X	04-11-079	246-100-166	PREP	04-15-148	246-232-020	AMD	04-04-055
232-28-621	AMD	04-16-006	246-101-015	PREP	04-12-119	246-232-040	AMD	04-04-055
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232-28-62100N	REP-E	04-13-068	246-101-101	AMD-E	04-16-099	246-232-060	AMD	04-04-055
232-28-62100P	NEW-E	04-13-068	246-101-201	PREP	04-12-119	246-233-001	AMD	04-04-055
232-28-62100P	REP-E	04-17-005	246-101-201	AMD-E	04-16-099	246-233-005	NEW	04-04-055
232-28-62100Q	NEW-E	04-17-005	246-101-301	PREP	04-12-119	246-233-015	NEW	04-04-055
232-28-62100Q	REP-E	04-17-005	246-101-301	AMD-E	04-16-099	246-233-020	AMD	04-04-055
236-12-290	AMD-P	04-05-101	246-215-001	AMD-P	04-16-109	246-233-025	NEW	04-04-055
236-12-470	PREP	04-10-112	246-215-005	NEW-P	04-16-109	246-233-030	NEW	04-04-055
236-51-001	NEW	04-07-104	246-215-010	REP-P	04-16-109	246-233-035	NEW	04-04-055
236-51-005	NEW	04-07-104	246-215-011	NEW-P	04-16-109	246-233-040	NEW	04-04-055
236-51-006	NEW	04-07-104	246-215-020	REP-P	04-16-109	246-235-093	AMD	04-04-055
236-51-010	NEW	04-07-104	246-215-021	NEW-P	04-16-109	246-235-095	AMD	04-04-055
236-51-100	NEW	04-07-104	246-215-030	REP-P	04-16-109	246-235-097	AMD	04-04-055
236-51-110	NEW	04-07-104	246-215-031	NEW-P	04-16-109	246-239-080	AMD	04-04-055
236-51-115	NEW	04-07-104	246-215-040	REP-P	04-16-109	246-247-010	AMD-P	04-07-180
236-51-120	NEW	04-07-104	246-215-041	NEW-P	04-16-109	246-247-040	AMD-P	04-07-180
236-51-200	NEW	04-07-104	246-215-050	REP-P	04-16-109	246-247-045	NEW-P	04-07-180
236-51-205	NEW	04-07-104	246-215-051	NEW-P	04-16-109	246-247-075	AMD-W	04-02-067
236-51-210	NEW	04-07-104	246-215-060	REP-P	04-16-109	246-247-075	AMD-P	04-07-180
236-51-215	NEW	04-07-104	246-215-061	NEW-P	04-16-109	246-247-080	AMD-P	04-07-180
236-51-220	NEW	04-07-104	246-215-070	REP-P	04-16-109	246-247-085	AMD-P	04-07-180
236-51-225	NEW	04-07-104	246-215-071	NEW-P	04-16-109	246-247-110	AMD-W	04-02-067
236-51-300	NEW	04-07-104	246-215-080	REP-P	04-16-109	246-247-110	AMD-P	04-07-180
236-51-302	NEW	04-07-104	246-215-081	NEW-P	04-16-109	246-247-120	AMD-W	04-02-067
236-51-305	NEW	04-07-104	246-215-090	REP-P	04-16-109	246-247-120	AMD-P	04-07-180
236-51-306	NEW	04-07-104	246-215-091	NEW-P	04-16-109	246-247-130	AMD-W	04-02-067
236-51-310	NEW	04-07-104	246-215-100	REP-P	04-16-109	246-247-130	AMD-P	04-07-180
236-51-320	NEW	04-07-104	246-215-110	REP-P	04-16-109	246-254-053	AMD-P	04-07-181

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246-254-053	AMD	04-12-125	246-282-990	AMD-P	04-11-098	246-360-030	AMD-P	04-12-117
246-254-070	AMD-P	04-07-175	246-282-990	AMD	04-15-154	246-360-035	NEW-P	04-12-117
246-254-070	AMD	04-12-124	246-290	PREP	04-06-044	246-360-040	AMD-P	04-12-117
246-254-080	AMD-P	04-07-175	246-290-010	AMD	04-04-056	246-360-050	AMD-P	04-12-117
246-254-080	AMD	04-12-124	246-290-025	AMD	04-04-056	246-360-070	AMD-P	04-12-117
246-254-090	AMD	04-04-055	246-290-130	AMD	04-04-056	246-360-080	AMD-P	04-12-117
246-254-090	AMD-P	04-07-175	246-290-300	AMD	04-04-056	246-360-090	AMD-P	04-12-117
246-254-090	AMD	04-12-124	246-290-310	AMD	04-04-056	246-360-100	AMD-P	04-12-117
246-254-100	AMD-P	04-07-175	246-290-320	AMD	04-04-056	246-360-110	AMD-P	04-12-117
246-254-100	AMD	04-12-124	246-290-480	AMD	04-04-056	246-360-120	AMD-P	04-12-117
246-254-120	AMD-P	04-07-175	246-290-601	AMD	04-04-056	246-360-130	AMD-P	04-12-117
246-254-120	AMD	04-12-124	246-290-630	AMD	04-04-056	246-360-140	AMD-P	04-12-117
246-260	AMD-C	04-12-118	246-290-660	AMD	04-04-056	246-360-150	AMD-P	04-12-117
246-260-001	AMD-P	04-08-099	246-290-664	AMD	04-04-056	246-360-160	AMD-P	04-12-117
246-260-010	AMD-P	04-08-099	246-290-666	AMD	04-04-056	246-360-180	AMD-P	04-12-117
246-260-020	REP-P	04-08-099	246-290-72010	AMD	04-04-056	246-360-200	AMD-P	04-12-117
246-260-021	NEW-P	04-08-099	246-290-72012	AMD	04-04-056	246-360-220	NEW-P	04-12-117
246-260-030	REP-P	04-08-099	246-290-990	AMD-P	04-06-046	246-360-230	NEW-P	04-12-117
246-260-031	NEW-P	04-08-099	246-290-990	AMD-C	04-10-013	246-360-500	AMD-P	04-12-117
246-260-040	REP-P	04-08-099	246-290-990	AMD	04-12-123	246-360-990	AMD-P	04-13-161
246-260-041	NEW-P	04-08-099	246-292	PREP	04-13-051	246-802-060	PREP	04-15-149
246-260-050	REP-P	04-08-099	246-292-160	AMD-P	04-06-046	246-808-190	PREP	04-02-064
246-260-051	NEW-P	04-08-099	246-292-160	AMD-C	04-10-013	246-808-535	PREP	04-02-064
246-260-060	REP-P	04-08-099	246-292-160	AMD	04-12-123	246-809	PREP	04-17-052
246-260-061	NEW-P	04-08-099	246-294	PREP	04-15-147	246-809	PREP	04-17-053
246-260-070	REP-P	04-08-099	246-294-001	AMD	04-06-047	246-809-610	AMD	04-06-010
246-260-071	NEW-P	04-08-099	246-294-010	AMD	04-06-047	246-809-620	AMD	04-06-010
246-260-080	REP-P	04-08-099	246-294-020	AMD	04-06-047	246-809-630	AMD	04-06-010
246-260-081	NEW-P	04-08-099	246-294-030	AMD	04-06-047	246-809-700	NEW	04-06-011
246-260-090	REP-P	04-08-099	246-294-040	AMD	04-06-047	246-809-710	NEW	04-06-011
246-260-091	NEW-P	04-08-099	246-294-050	AMD	04-06-047	246-809-720	NEW	04-06-011
246-260-100	REP-P	04-08-099	246-294-060	AMD	04-06-047	246-812	PREP	04-12-120
246-260-101	NEW-P	04-08-099	246-294-070	AMD	04-06-047	246-815-020	AMD-P	04-12-122
246-260-110	REP-P	04-08-099	246-294-080	AMD	04-06-047	246-815-050	AMD-P	04-12-122
246-260-111	NEW-P	04-08-099	246-294-090	AMD	04-06-047	246-815-100	AMD-P	04-12-122
246-260-120	REP-P	04-08-099	246-310-010	AMD-X	04-10-014	246-815-110	AMD-P	04-12-122
246-260-121	NEW-P	04-08-099	246-310-010	PREP	04-15-150	246-815-115	AMD-P	04-12-122
246-260-130	REP-P	04-08-099	246-310-010	AMD	04-17-054	246-817-135	PREP	04-08-096
246-260-131	NEW-P	04-08-099	246-310-132	REP-P	04-11-099	246-817-180	PREP	04-15-151
246-260-140	REP-P	04-08-099	246-310-210	PREP	04-15-150	246-817-440	PREP	04-08-095
246-260-141	NEW-P	04-08-099	246-310-220	PREP	04-15-150	246-817-560	PREP	04-09-055
246-260-150	REP-P	04-08-099	246-310-230	PREP	04-15-150	246-828-030	REP	04-02-068
246-260-151	NEW-P	04-08-099	246-310-240	PREP	04-15-150	246-828-045	AMD	04-02-068
246-260-160	REP-P	04-08-099	246-310-261	AMD-P	04-11-099	246-828-055	REP	04-02-068
246-260-170	REP-P	04-08-099	246-310-262	AMD-P	04-11-099	246-828-061	REP	04-02-068
246-260-171	NEW-P	04-08-099	246-310-263	NEW-P	04-11-099	246-828-070	REP	04-02-068
246-260-181	NEW-P	04-08-099	246-310-280	PREP	04-15-150	246-828-075	AMD	04-02-068
246-260-191	NEW-P	04-08-099	246-310-990	AMD-P	04-11-099	246-828-090	AMD	04-02-068
246-260-200	REP-P	04-08-099	246-320-010	AMD	04-11-057	246-828-095	AMD	04-02-068
246-260-201	NEW-P	04-08-099	246-320-370	NEW	04-11-057	246-828-100	AMD	04-02-068
246-260-210	REP-P	04-08-099	246-320-990	AMD-P	04-13-161	246-828-105	AMD	04-02-068
246-260-211	NEW-P	04-08-099	246-322-990	AMD-P	04-13-161	246-828-220	AMD	04-02-068
246-260-220	REP-P	04-08-099	246-323-990	AMD-P	04-14-066	246-828-270	AMD	04-02-068
246-260-221	NEW-P	04-08-099	246-324-990	AMD-P	04-13-161	246-828-290	AMD	04-02-068
246-260-230	REP-P	04-08-099	246-325-990	AMD-P	04-13-161	246-828-320	AMD	04-02-068
246-260-240	REP-P	04-08-099	246-326-990	AMD-P	04-13-161	246-828-330	AMD	04-02-068
246-260-250	REP-P	04-08-099	246-326-990	AMD-P	04-13-161	246-828-350	AMD	04-02-068
246-260-260	REP-P	04-08-099	246-329-990	AMD-P	04-13-161	246-828-500	AMD	04-02-068
246-260-999	NEW-P	04-08-099	246-335-990	PREP	04-09-054	246-828-500	PREP	04-13-050
246-260-99901	NEW-P	04-08-099	246-335-990	AMD-P	04-13-160	246-828-510	PREP	04-13-050
246-260-99902	NEW-P	04-08-099	246-360-001	AMD-P	04-12-117	246-828-530	PREP	04-13-050
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246-834-990	AMD-P	04-15-152	246-888-030	AMD-P	04-08-097	246-924-090	PREP	04-17-130
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246-840-010	AMD-P	04-09-057	246-888-040	REP-P	04-08-097	246-924-100	PREP	04-17-130
246-840-010	AMD	04-13-053	246-888-050	DECOD-P	04-08-097	246-924-150	PREP	04-17-130
246-840-700	AMD-E	04-06-009	246-888-050	RECOD-P	04-08-097	246-924-160	PREP	04-17-130
246-840-700	AMD-P	04-10-078	246-888-060	DECOD-P	04-08-097	246-924-480	PREP	04-17-130
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246-840-840	AMD-E	04-05-043	246-888-070	AMD-P	04-08-097	246-924-515	NEW-P	04-08-098
246-840-840	AMD-P	04-09-057	246-888-070	DECOD-P	04-08-097	246-930-010	PREP-W	04-10-012
246-840-840	AMD	04-13-053	246-888-070	RECOD-P	04-08-097	246-930-010	PREP	04-13-158
246-840-850	AMD-E	04-05-043	246-888-080	DECOD-P	04-08-097	246-930-030	PREP-W	04-10-012
246-840-850	AMD-P	04-09-057	246-888-080	RECOD-P	04-08-097	246-930-040	PREP-W	04-10-012
246-840-850	AMD	04-13-053	246-888-090	DECOD-P	04-08-097	246-930-040	PREP	04-13-159
246-840-860	AMD-E	04-05-043	246-888-090	RECOD-P	04-08-097	246-930-050	PREP-W	04-10-012
246-840-860	AMD-P	04-09-057	246-888-100	DECOD-P	04-08-097	246-930-050	PREP	04-13-159
246-840-860	AMD	04-13-053	246-888-100	RECOD-P	04-08-097	246-930-060	PREP	04-13-158
246-840-870	AMD-E	04-05-043	246-888-110	DECOD-P	04-08-097	246-930-075	PREP-W	04-10-012
246-840-870	AMD-P	04-09-057	246-915-010	AMD-P	04-08-046	246-930-075	PREP	04-13-159
246-840-870	AMD	04-13-053	246-915-010	AMD	04-13-052	246-930-200	PREP-W	04-10-012
246-840-880	AMD-E	04-05-043	246-915-040	PREP	04-07-195	246-930-310	PREP-W	04-10-012
246-840-880	AMD-P	04-09-057	246-915-050	PREP	04-07-178	246-930-320	PREP-W	04-10-012
246-840-880	AMD	04-13-053	246-915-078	AMD-P	04-08-046	246-930-320	PREP	04-13-158
246-840-890	AMD-E	04-05-043	246-915-078	AMD	04-13-052	246-930-330	PREP-W	04-10-012
246-840-890	AMD-P	04-09-057	246-915-085	AMD-P	04-03-104	246-930-330	PREP	04-13-159
246-840-890	AMD	04-13-053	246-915-085	AMD	04-08-101	246-930-410	PREP-W	04-10-012
246-840-900	REP-E	04-05-043	246-915-100	PREP	04-07-173	246-976-161	AMD	04-08-103
246-840-900	AMD-P	04-09-057	246-915-105	PREP	04-07-174	246-976-171	AMD	04-08-103
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246-840-905	NEW	04-13-053	246-915-140	AMD	04-13-052	246-976-935	AMD	04-12-126
246-840-910	AMD-E	04-06-009	246-915-160	AMD-P	04-08-046	250-20-041	AMD-P	04-03-108
246-840-910	AMD-P	04-10-078	246-915-160	AMD	04-13-052	250-20-041	AMD	04-08-060
246-840-910	AMD	04-14-065	246-915-180	PREP	04-07-177	250-65	PREP	04-08-059
246-840-930	AMD-E	04-06-009	246-915-182	NEW-P	04-03-119	250-65	AMD-P	04-16-077
246-840-930	AMD-P	04-10-078	246-915-182	NEW	04-08-102	250-65	AMD-E	04-16-078
246-840-930	AMD	04-14-065	246-915-210	AMD-P	04-03-107	250-65-061	NEW-E	04-16-078
246-840-940	AMD-E	04-06-009	246-915-210	AMD	04-08-100	250-65-062	NEW-E	04-16-078
246-840-940	AMD-P	04-10-078	246-915-220	AMD-P	04-03-107	250-65-063	NEW-E	04-16-078
246-840-940	AMD	04-14-065	246-915-220	AMD	04-08-100	250-65-064	NEW-E	04-16-078
246-840-990	AMD	04-04-054	246-915-230	AMD-P	04-03-107	250-65-070	NEW-P	04-16-077
246-841-405	AMD-E	04-06-008	246-915-230	AMD	04-08-100	250-65-080	NEW-P	04-16-077
246-841-405	AMD-P	04-10-079	246-915-240	AMD-P	04-03-107	250-65-090	NEW-P	04-16-077
246-841-405	AMD	04-14-064	246-915-240	AMD	04-08-100	250-65-100	NEW-P	04-16-077
246-847	PREP	04-11-094	246-915-250	AMD-P	04-03-107	250-65-110	NEW-P	04-16-077
246-847-080	PREP	04-11-096	246-915-250	AMD	04-08-100	250-65-120	NEW-P	04-16-077
246-847-115	PREP	04-11-096	246-915-260	AMD-P	04-03-107	250-65-130	NEW-P	04-16-077
246-847-190	PREP	04-11-095	246-915-260	AMD	04-08-100	251-01-160	AMD-P	04-11-115
246-851-160	REP-P	04-15-153	246-915-270	AMD-P	04-03-107	251-01-160	AMD	04-15-020
246-851-170	AMD-P	04-15-153	246-915-270	AMD	04-08-100	251-01-201	AMD-P	04-11-115
246-851-570	NEW	04-05-004	246-915-280	AMD-P	04-03-107	251-01-201	AMD	04-15-020
246-851-580	NEW-P	04-06-045	246-915-280	AMD	04-08-100	251-01-305	AMD-P	04-11-115
246-851-580	NEW	04-12-127	246-918-120	AMD-P	04-05-044	251-01-305	AMD	04-15-020
246-851-590	NEW-P	04-06-045	246-918-120	AMD	04-11-100	251-01-310	AMD-P	04-11-115
246-851-590	NEW	04-12-127	246-919-110	AMD	04-04-067	251-01-310	AMD	04-15-020
246-851-600	NEW	04-05-004	246-919-320	AMD	04-04-067	251-01-382	AMD-P	04-11-115
246-851-610	NEW-P	04-06-045	246-919-330	AMD-W	04-04-078	251-01-382	AMD	04-15-020
246-851-610	NEW	04-12-127	246-919-360	AMD	04-04-067	251-04-030	AMD-P	04-11-115
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251-04-060	AMD	04-15-020	251-30-010	DECOD	04-11-045	260-08-640	REP	04-05-089
251-04-070	AMD-P	04-11-115	251-30-010	RECOD	04-11-045	260-08-650	AMD	04-05-089
251-04-070	AMD	04-15-020	251-30-020	AMD-P	04-07-188	260-08-660	AMD	04-05-089
251-04-160	AMD-P	04-11-115	251-30-020	DECOD-P	04-07-188	260-14-010	AMD	04-05-090
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251-04-170	AMD-P	04-11-115	251-30-020	AMD	04-11-045	260-14-050	PREP	04-10-047
251-04-170	AMD	04-15-020	251-30-020	DECOD	04-11-045	260-14-050	AMD-P	04-16-035
251-05-040	AMD-P	04-11-115	251-30-020	RECOD	04-11-045	260-16-065	NEW	04-05-091
251-05-040	AMD	04-15-020	251-30-030	AMD-P	04-07-188	260-24-510	AMD-P	04-07-144
251-06-010	AMD-P	04-11-115	251-30-030	DECOD-P	04-07-188	260-24-510	AMD-E	04-09-053
251-06-010	AMD	04-15-020	251-30-030	RECOD-P	04-07-188	260-24-510	AMD-W	04-10-006
251-06-020	AMD-P	04-11-115	251-30-030	AMD	04-11-045	260-24-510	AMD-P	04-14-101
251-06-020	AMD	04-15-020	251-30-030	DECOD	04-11-045	260-24-510	AMD-E	04-15-038
251-06-090	AMD-P	04-11-115	251-30-030	RECOD	04-11-045	260-24-510	AMD	04-17-082
251-06-090	AMD	04-15-020	251-30-032	NEW-P	04-07-188	260-24-650	AMD-P	04-04-045
251-07-100	AMD-P	04-11-115	251-30-032	NEW	04-11-045	260-24-650	AMD	04-07-074
251-07-100	AMD	04-15-020	251-30-034	NEW-P	04-07-188	260-28-140	REP	04-05-092
251-08-005	AMD-P	04-11-115	251-30-034	NEW	04-11-045	260-32-200	PREP	04-10-007
251-08-005	AMD	04-15-020	251-30-040	REP-P	04-07-188	260-32-200	REP-P	04-16-033
251-08-007	AMD-P	04-11-115	251-30-040	REP	04-11-045	260-36-030	AMD-P	04-11-071
251-08-007	AMD	04-15-020	251-30-050	REP-P	04-07-188	260-36-030	AMD	04-15-039
251-08-031	AMD-P	04-11-115	251-30-050	REP	04-11-045	260-36-120	AMD-P	04-04-046
251-08-031	AMD	04-15-020	251-30-055	AMD-P	04-07-188	260-36-120	AMD	04-07-075
251-08-070	AMD-P	04-11-115	251-30-055	AMD	04-11-045	260-40-100	AMD-P	04-05-088
251-08-070	AMD	04-15-020	251-30-057	AMD-P	04-07-188	260-40-100	AMD	04-09-026
251-08-100	AMD-E	04-16-054	251-30-057	AMD	04-11-045	260-40-160	AMD-P	04-04-047
251-08-100	AMD-P	04-16-114	251-30-060	REP-P	04-07-188	260-40-160	AMD	04-07-076
251-08-112	AMD-P	04-11-115	251-30-060	REP	04-11-045	260-48	PREP	04-10-048
251-08-112	AMD	04-15-020	257-01-020	NEW-P	04-15-131	260-48-620	AMD-P	04-04-048
251-08-160	AMD-P	04-11-115	257-01-040	NEW-P	04-15-131	260-48-620	AMD	04-07-077
251-08-160	AMD	04-15-020	257-01-060	NEW-P	04-15-131	260-48-700	AMD-E	04-11-056
251-09-080	AMD-P	04-11-115	257-02-020	NEW-P	04-15-131	260-48-890	AMD-P	04-04-048
251-09-080	AMD	04-15-020	257-02-040	NEW-P	04-15-131	260-48-890	AMD	04-07-077
251-09-090	AMD-P	04-11-115	257-02-060	NEW-P	04-15-131	260-48-900	AMD-P	04-04-048
251-09-090	AMD	04-15-020	257-02-080	NEW-P	04-15-131	260-48-900	AMD	04-07-077
251-09-094	AMD-P	04-11-115	257-02-100	NEW-P	04-15-131	260-48-910	AMD-P	04-04-048
251-09-094	AMD	04-15-020	257-02-120	NEW-P	04-15-131	260-48-910	AMD	04-07-077
251-09-100	AMD-P	04-11-115	257-02-140	NEW-P	04-15-131	260-49-010	NEW-E	04-11-056
251-09-100	AMD	04-15-020	257-02-160	NEW-P	04-15-131	260-49-020	NEW-E	04-11-056
251-10-025	AMD-E	04-16-054	257-02-180	NEW-P	04-15-131	260-49-030	NEW-E	04-11-056
251-10-025	AMD-P	04-16-114	257-02-200	NEW-P	04-15-131	260-49-040	NEW-E	04-11-056
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251-19-070	AMD-P	04-11-115	257-05-040	NEW-P	04-17-138	260-49-060	NEW-E	04-11-056
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251-19-140	AMD-P	04-11-115	257-05-080	NEW-P	04-17-138	260-49-080	NEW-E	04-11-056
251-19-140	AMD	04-15-020	257-05-100	NEW-P	04-17-138	260-49-090	NEW-E	04-11-056
251-22-060	AMD-E	04-16-054	257-05-120	NEW-P	04-17-138	260-49-100	NEW-E	04-11-056
251-22-060	AMD-P	04-16-114	257-05-130	NEW-P	04-17-138	260-60-350	AMD	04-05-093
251-22-165	AMD-P	04-11-115	257-05-132	NEW-P	04-17-138	260-60-360	AMD	04-05-093
251-22-165	AMD	04-15-020	257-05-134	NEW-P	04-17-138	260-70-545	NEW	04-05-094
251-22-200	AMD-E	04-16-054	257-05-140	NEW-P	04-17-138	260-70-630	AMD	04-05-095
251-22-200	AMD-P	04-16-114	257-05-160	NEW-P	04-17-138	260-75	PREP	04-10-049
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251-22-240	AMD	04-15-020	257-05-200	NEW-P	04-17-138	260-75-030	AMD-P	04-16-034
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251-23-010	AMD	04-15-020	257-05-240	NEW-P	04-17-138	260-88-010	AMD	04-05-096
251-24-010	AMD-P	04-11-115	260	PREP	04-08-057	260-88-010	AMD-P	04-16-036
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251-30-010	AMD-P	04-07-188	260-08-600	REP	04-05-089	263-12-01501	AMD-S	04-16-008
251-30-010	DECOD-P	04-07-188	260-08-610	REP	04-05-089	263-12-01501	AMD-W	04-16-096
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263-12-020	AMD	04-16-009	284-17-220	PREP	04-15-155	296-14-4121	NEW-P	04-14-082
263-12-050	AMD-P	04-11-117	284-17-230	PREP	04-15-155	296-14-4122	NEW-P	04-14-082
263-12-050	AMD	04-16-009	284-17-235	PREP	04-15-155	296-14-4123	NEW-P	04-14-082
263-12-105	NEW-P	04-11-117	284-17-240	PREP	04-15-155	296-14-4124	NEW-P	04-14-082
263-12-106	NEW-P	04-11-117	284-17-250	PREP	04-15-155	296-14-4125	NEW-P	04-14-082
263-12-106	NEW	04-16-009	284-17-260	PREP	04-15-155	296-14-4126	NEW-P	04-14-082
263-12-117	AMD-P	04-11-117	284-17-270	PREP	04-15-155	296-14-4127	NEW-P	04-14-082
263-12-117	AMD	04-16-009	284-17-275	PREP	04-15-155	296-14-4128	NEW-P	04-14-082
284-03	AMD-P	04-11-107	284-17-280	PREP	04-15-155	296-14-4129	NEW-P	04-14-082
284-03	AMD	04-15-157	284-17-290	PREP	04-15-155	296-16	PREP	04-15-103
284-03-005	NEW-P	04-11-107	284-17-300	PREP	04-15-155	296-17	PREP	04-04-098
284-03-005	NEW	04-15-157	284-17-320	PREP	04-15-155	296-17	PREP	04-04-100
284-03-010	AMD-P	04-11-107	284-17B-005	NEW-P	04-15-156	296-17	PREP	04-09-098
284-03-010	AMD	04-15-157	284-17B-010	NEW-P	04-15-156	296-17	PREP	04-13-130
284-03-010	AMD	04-15-157	284-17B-015	NEW-P	04-15-156	296-17-31002	AMD-P	04-13-128
284-03-015	NEW-P	04-11-107	284-17B-020	NEW-P	04-15-156	296-17-31004	AMD-P	04-14-081
284-03-015	NEW	04-15-157	284-17B-025	NEW-P	04-15-156	296-17-310041	NEW-P	04-14-081
284-03-020	AMD-P	04-11-107	284-17B-030	NEW-P	04-15-156	296-17-310042	NEW-P	04-14-081
284-03-020	AMD	04-15-157	284-17B-035	NEW-P	04-15-156	296-17-310043	NEW-P	04-14-081
284-03-025	NEW-P	04-11-107	284-17B-040	NEW-P	04-15-156	296-17-310044	NEW-P	04-14-081
284-03-025	NEW	04-15-157	284-17B-045	NEW-P	04-15-156	296-17-310045	NEW-P	04-14-081
284-03-030	AMD-P	04-11-107	284-17B-050	NEW-P	04-15-156	296-17-310046	NEW-P	04-14-081
284-03-030	AMD	04-15-157	284-17B-055	NEW-P	04-15-156	296-17-310047	NEW-P	04-14-081
284-03-035	NEW-P	04-11-107	284-17B-060	NEW-P	04-15-156	296-17-31009	AMD-P	04-13-128
284-03-035	NEW	04-15-157	284-17B-065	NEW-P	04-15-156	296-17-31013	AMD-P	04-07-122
284-03-040	AMD-P	04-11-107	284-17B-070	NEW-P	04-15-156	296-17-31013	AMD	04-13-017
284-03-040	AMD	04-15-157	284-17B-075	NEW-P	04-15-156	296-17-31013	AMD-P	04-13-128
284-03-045	NEW-P	04-11-107	284-17B-080	NEW-P	04-15-156	296-17-31013	AMD-P	04-14-081
284-03-045	NEW	04-15-157	284-24A	PREP	04-11-108	296-17-31014	AMD-P	04-13-128
284-03-050	AMD-P	04-11-107	284-24A-005	AMD-P	04-17-127	296-17-31024	AMD-P	04-13-128
284-03-050	AMD	04-15-157	284-24A-010	AMD-P	04-17-127	296-17-31025	AMD-P	04-13-128
284-03-055	NEW-P	04-11-107	284-24A-033	NEW-P	04-17-127	296-17-31030	NEW-P	04-14-081
284-03-055	NEW	04-15-157	284-24A-045	AMD-P	04-17-127	296-17-31031	NEW-P	04-14-081
284-03-060	AMD-P	04-11-107	284-24A-050	AMD-P	04-17-127	296-17-31032	NEW-P	04-14-081
284-03-060	AMD	04-15-157	284-24A-055	AMD-P	04-17-127	296-17-31033	NEW-P	04-14-081
284-03-065	NEW-P	04-11-107	284-24A-065	AMD-P	04-17-127	296-17-517	AMD-P	04-14-081
284-03-065	NEW	04-15-157	284-43	PREP	04-17-126	296-17-52002	AMD-P	04-14-081
284-03-070	AMD-P	04-11-107	284-53-005	AMD-P	04-17-128	296-17-52102	AMD-P	04-14-081
284-03-070	AMD	04-15-157	284-53-010	AMD-P	04-17-128	296-17-52150	AMD-P	04-14-081
284-03-075	NEW-P	04-11-107	284-74-400	NEW	04-04-070	296-17-527	AMD-P	04-13-128
284-03-075	NEW	04-15-157	284-74-410	NEW	04-04-070	296-17-527	AMD-P	04-13-128
284-03-080	REP-P	04-11-107	284-74-420	NEW	04-04-070	296-17-644	AMD-W	04-06-060
284-03-080	REP	04-15-157	284-74-430	NEW	04-04-070	296-17-64999	AMD-P	04-13-128
284-03-090	REP-P	04-11-107	284-74-440	NEW	04-04-070	296-17-67701	NEW-P	04-07-122
284-03-090	REP	04-15-157	284-74-450	NEW	04-04-070	296-17-67701	NEW	04-13-017
284-03-100	AMD-P	04-11-107	284-74-460	NEW	04-04-070	296-17-72202	AMD-P	04-13-128
284-03-100	AMD	04-15-157	287-01-030	AMD	04-03-114	296-17-870	AMD-P	04-07-121
284-03-105	NEW-P	04-11-107	287-02-030	AMD	04-03-114	296-17-870	AMD	04-10-045
284-03-105	NEW	04-15-157	287-02-130	AMD	04-03-114	296-17-895	AMD-P	04-07-122
284-03-110	REP-P	04-11-107	288-02-010	NEW-X	04-14-019	296-17-895	AMD	04-13-017
284-03-110	REP	04-15-157	288-02-020	NEW-X	04-14-019	296-19A-210	AMD-S	04-03-035
284-03-120	REP-P	04-11-107	288-02-030	NEW-X	04-14-019	296-19A-210	AMD	04-08-045
284-03-120	REP	04-15-157	292-10-040	AMD-X	04-12-005	296-19A-480	AMD-S	04-03-035
284-03-130	REP-P	04-11-107	292-110-060	AMD-P	04-12-077	296-19A-480	AMD	04-08-045
284-03-130	REP	04-15-157	296-05	PREP	04-15-134	296-20-01002	AMD-P	04-03-082
284-03-140	REP-P	04-11-107	296-05-007	AMD-P	04-04-014	296-20-01002	AMD	04-08-040
284-03-140	REP	04-15-157	296-05-007	AMD	04-10-032	296-20-01002	AMD-E	04-13-063
284-03-990	REP-P	04-11-107	296-05-008	NEW-P	04-04-014	296-20-01002	PREP	04-13-131
284-03-990	REP	04-15-157	296-05-008	NEW	04-10-032	296-20-01002	AMD-P	04-17-093
284-03-99001	REP-P	04-11-107	296-14-400	AMD-E	04-13-063	296-20-01501	AMD-E	04-13-063
284-03-99001	REP	04-15-157	296-14-400	PREP	04-13-131	296-20-01501	PREP	04-13-131
284-17-200	PREP	04-15-155				296-20-01501	AMD-P	04-17-093

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296-20-01502	NEW-P	04-17-093	296-24	PREP	04-05-074	296-24-16509	REP	04-14-028
296-20-02704	AMD-P	04-03-082	296-24	PREP	04-06-078	296-24-16511	REP-P	04-03-085
296-20-02704	AMD	04-08-040	296-24	PREP	04-07-154	296-24-16511	REP	04-14-028
296-20-02705	AMD-P	04-03-082	296-24	PREP	04-07-157	296-24-16513	REP-P	04-03-085
296-20-02705	AMD	04-08-040	296-24	PREP	04-08-090	296-24-16513	REP	04-14-028
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296-20-03011	AMD	04-08-040	296-24-012	AMD	04-07-161	296-24-16515	REP	04-14-028
296-20-03012	AMD-P	04-03-082	296-24-110	REP-P	04-03-102	296-24-16517	REP-P	04-03-085
296-20-03012	AMD	04-08-040	296-24-110	REP	04-15-105	296-24-16517	REP	04-14-028
296-20-06101	AMD-E	04-13-063	296-24-11001	REP-P	04-03-102	296-24-16519	REP-P	04-03-085
296-20-06101	PREP	04-13-131	296-24-11001	REP	04-15-105	296-24-16519	REP	04-14-028
296-20-06101	AMD-P	04-17-093	296-24-11003	REP-P	04-03-102	296-24-16521	REP-P	04-03-085
296-20-135	AMD-P	04-05-075	296-24-11003	REP	04-15-105	296-24-16521	REP	04-14-028
296-20-135	AMD	04-09-100	296-24-11005	REP-P	04-03-102	296-24-16523	REP-P	04-03-085
296-20-200	AMD	04-04-029	296-24-11005	REP	04-15-105	296-24-16523	REP	04-14-028
296-20-2010	NEW	04-04-029	296-24-11007	REP-P	04-03-102	296-24-16525	REP-P	04-03-085
296-20-2015	NEW	04-04-029	296-24-11007	REP	04-15-105	296-24-16525	REP	04-14-028
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296-20-2030	NEW	04-04-029	296-24-11011	REP-P	04-03-102	296-24-16529	REP-P	04-03-085
296-20-210	REP	04-04-029	296-24-11011	REP	04-15-105	296-24-16529	REP	04-14-028
296-23-220	AMD-P	04-05-075	296-24-11013	REP-P	04-03-102	296-24-16531	REP-P	04-03-085
296-23-220	AMD	04-09-100	296-24-11013	REP	04-15-105	296-24-16531	REP	04-14-028
296-23-230	AMD-P	04-05-075	296-24-11015	REP-P	04-03-102	296-24-16533	REP-P	04-03-085
296-23-230	AMD	04-09-100	296-24-11015	REP	04-15-105	296-24-16533	REP	04-14-028
296-23-240	AMD-E	04-13-063	296-24-11017	REP-P	04-03-102	296-24-16535	REP-P	04-03-085
296-23-240	PREP	04-13-131	296-24-11017	REP	04-15-105	296-24-16535	REP	04-14-028
296-23-240	AMD-P	04-17-093	296-24-119	REP-P	04-03-102	296-24-16537	REP-P	04-03-085
296-23-241	NEW-E	04-13-063	296-24-119	REP	04-15-105	296-24-16537	REP	04-14-028
296-23-241	PREP	04-13-131	296-24-120	REP	04-07-161	296-24-16539	REP-P	04-03-085
296-23-241	NEW-P	04-17-093	296-24-135	REP-X	04-12-069	296-24-16539	REP	04-14-028
296-23-255	REP	04-04-029	296-24-13501	REP-X	04-12-069	296-24-180	REP-P	04-03-085
296-23-260	REP	04-04-029	296-24-140	REP-X	04-12-069	296-24-180	REP	04-14-028
296-23-265	REP	04-04-029	296-24-14001	REP-X	04-12-069	296-24-18001	REP-P	04-03-085
296-23-26501	REP	04-04-029	296-24-14003	REP-X	04-12-069	296-24-18001	REP	04-14-028
296-23-26502	REP	04-04-029	296-24-14005	REP-X	04-12-069	296-24-18003	REP-P	04-03-085
296-23-26503	REP	04-04-029	296-24-14007	REP-X	04-12-069	296-24-18003	REP	04-14-028
296-23-26504	REP	04-04-029	296-24-14009	REP-X	04-12-069	296-24-18005	REP-P	04-03-085
296-23-26505	REP	04-04-029	296-24-14011	REP-X	04-12-069	296-24-18005	REP	04-14-028
296-23-26506	REP	04-04-029	296-24-150	REP-P	04-03-085	296-24-18007	REP-P	04-03-085
296-23-267	REP	04-04-029	296-24-150	REP	04-14-028	296-24-18007	REP	04-14-028
296-23-270	REP	04-04-029	296-24-15001	REP-P	04-03-085	296-24-18009	REP-P	04-03-085
296-23-302	NEW	04-04-029	296-24-15001	REP	04-14-028	296-24-18009	REP	04-14-028
296-23-307	NEW	04-04-029	296-24-15003	REP-P	04-03-085	296-24-190	REP-P	04-03-085
296-23-312	NEW	04-04-029	296-24-15003	REP	04-14-028	296-24-190	REP	04-14-028
296-23-317	NEW	04-04-029	296-24-15005	REP-P	04-03-085	296-24-19001	REP-P	04-03-085
296-23-322	NEW	04-04-029	296-24-15005	REP	04-14-028	296-24-19001	REP	04-14-028
296-23-327	NEW	04-04-029	296-24-15007	REP-P	04-03-085	296-24-19003	REP-P	04-03-085
296-23-332	NEW	04-04-029	296-24-15007	REP	04-14-028	296-24-19003	REP	04-14-028
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296-23-352	NEW	04-04-029	296-24-165	REP	04-14-028	296-24-19007	REP	04-14-028
296-23-357	NEW	04-04-029	296-24-16501	REP-P	04-03-085	296-24-19009	REP-P	04-03-085
296-23-362	NEW	04-04-029	296-24-16501	REP	04-14-028	296-24-19009	REP	04-14-028
296-23-367	NEW	04-04-029	296-24-16503	REP-P	04-03-085	296-24-19011	REP-P	04-03-085
296-23-372	NEW	04-04-029	296-24-16503	REP	04-14-028	296-24-19011	REP	04-14-028
296-23-377	NEW	04-04-029	296-24-16505	REP-P	04-03-085	296-24-19013	REP-P	04-03-085
296-23-381	NEW	04-04-029	296-24-16505	REP	04-14-028	296-24-19013	REP	04-14-028
296-23-382	NEW	04-04-029	296-24-16507	REP-P	04-03-085	296-24-19015	REP-P	04-03-085

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296-24-195	REP-P	04-03-085	296-24-20515	REP-P	04-03-085	296-24-61703	AMD	04-07-161
296-24-195	REP	04-14-028	296-24-20515	REP	04-14-028	296-24-63399	AMD	04-07-161
296-24-19501	REP-P	04-03-085	296-24-20517	REP-P	04-03-085	296-24-67509	PREP	04-07-155
296-24-19501	REP	04-14-028	296-24-20517	REP	04-14-028	296-24-69003	AMD-P	04-03-085
296-24-19503	REP-P	04-03-085	296-24-20519	REP-P	04-03-085	296-24-69003	AMD	04-14-028
296-24-19503	REP	04-14-028	296-24-20519	REP	04-14-028	296-24-75011	AMD	04-07-161
296-24-19505	REP-P	04-03-085	296-24-20521	REP-P	04-03-085	296-24-860	REP-P	04-14-027
296-24-19505	REP	04-14-028	296-24-20521	REP	04-14-028	296-24-86005	REP-P	04-14-027
296-24-19507	REP-P	04-03-085	296-24-20523	REP-P	04-03-085	296-24-86010	REP-P	04-14-027
296-24-19507	REP	04-14-028	296-24-20523	REP	04-14-028	296-24-86015	REP-P	04-14-027
296-24-19509	REP-P	04-03-085	296-24-20525	REP-P	04-03-085	296-24-86020	REP-P	04-14-027
296-24-19509	REP	04-14-028	296-24-20525	REP	04-14-028	296-24-861	REP-P	04-14-027
296-24-19511	REP-P	04-03-085	296-24-20527	REP-P	04-03-085	296-24-86105	REP-P	04-14-027
296-24-19511	REP	04-14-028	296-24-20527	REP	04-14-028	296-24-86110	REP-P	04-14-027
296-24-19513	REP-P	04-03-085	296-24-20529	REP-P	04-03-085	296-24-86115	REP-P	04-14-027
296-24-19513	REP	04-14-028	296-24-20529	REP	04-14-028	296-24-86120	REP-P	04-14-027
296-24-19514	REP-P	04-03-085	296-24-20531	REP-P	04-03-085	296-24-86125	REP-P	04-14-027
296-24-19514	REP	04-14-028	296-24-20531	REP	04-14-028	296-24-86130	REP-P	04-14-027
296-24-19517	REP-P	04-03-085	296-24-20533	REP-P	04-03-085	296-24-88020	AMD-P	04-03-085
296-24-19517	REP	04-14-028	296-24-20533	REP	04-14-028	296-24-88020	AMD	04-14-028
296-24-197	REP-P	04-03-085	296-24-20699	REP-P	04-03-085	296-24-90003	AMD-P	04-03-085
296-24-197	REP	04-14-028	296-24-20699	REP	04-14-028	296-24-90003	AMD	04-14-028
296-24-200	REP-P	04-03-085	296-24-20700	REP-P	04-03-085	296-24-95603	AMD	04-07-161
296-24-200	REP	04-14-028	296-24-20700	REP	04-14-028	296-24-975	AMD-P	04-03-102
296-24-20001	REP-P	04-03-085	296-24-20710	REP-P	04-03-085	296-24-975	AMD	04-15-105
296-24-20001	REP	04-14-028	296-24-20710	REP	04-14-028	296-24-980	AMD-X	04-12-069
296-24-20003	REP-P	04-03-085	296-24-20720	REP-P	04-03-085	296-30-081	PREP	04-04-099
296-24-20003	REP	04-14-028	296-24-20720	REP	04-14-028	296-30-081	AMD-P	04-08-091
296-24-20005	REP-P	04-03-085	296-24-20730	REP-P	04-03-085	296-30-081	AMD	04-14-069
296-24-20005	REP	04-14-028	296-24-20730	REP	04-14-028	296-30-090	AMD-P	04-17-093
296-24-20007	REP-P	04-03-085	296-24-21701	REP-P	04-12-071	296-31-070	AMD-P	04-08-091
296-24-20007	REP	04-14-028	296-24-21703	REP-P	04-12-071	296-31-070	AMD	04-14-069
296-24-20009	REP-P	04-03-085	296-24-21707	REP-P	04-12-071	296-37-510	AMD-X	04-11-065
296-24-20009	REP	04-14-028	296-24-21709	REP-P	04-12-071	296-37-515	AMD-X	04-11-065
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296-24-20011	REP	04-14-028	296-24-21713	REP-P	04-12-071	296-37-575	AMD	04-10-026
296-24-20013	REP-P	04-03-085	296-24-230	REP-P	04-08-039	296-37-595	NEW-X	04-11-065
296-24-20013	REP	04-14-028	296-24-23001	REP-P	04-08-039	296-45-125	AMD	04-07-160
296-24-20015	REP-P	04-03-085	296-24-23003	REP-P	04-08-039	296-45-175	AMD-P	04-03-102
296-24-20015	REP	04-14-028	296-24-23005	REP-P	04-08-039	296-45-175	AMD	04-15-105
296-24-20017	REP-P	04-03-085	296-24-23007	REP-P	04-08-039	296-46B-010	AMD-P	04-08-088
296-24-20017	REP	04-14-028	296-24-23009	REP-P	04-08-039	296-46B-010	AMD	04-12-049
296-24-20019	REP-P	04-03-085	296-24-23011	REP-P	04-08-039	296-46B-020	AMD-P	04-08-088
296-24-20019	REP	04-14-028	296-24-23013	REP-P	04-08-039	296-46B-020	AMD	04-12-049
296-24-20021	REP-P	04-03-085	296-24-23015	REP-P	04-08-039	296-46B-030	AMD-P	04-08-088
296-24-20021	REP	04-14-028	296-24-23017	REP-P	04-08-039	296-46B-030	AMD	04-12-049
296-24-205	REP-P	04-03-085	296-24-23019	REP-P	04-08-039	296-46B-110	AMD-P	04-08-088
296-24-205	REP	04-14-028	296-24-23021	REP-P	04-08-039	296-46B-110	AMD	04-12-049
296-24-20501	REP-P	04-03-085	296-24-23023	REP-P	04-08-039	296-46B-210	AMD-P	04-08-088
296-24-20501	REP	04-14-028	296-24-23025	REP-P	04-08-039	296-46B-210	AMD	04-12-049
296-24-20503	REP-P	04-03-085	296-24-23027	REP-P	04-08-039	296-46B-250	AMD-P	04-08-088
296-24-20503	REP	04-14-028	296-24-23029	REP-P	04-08-039	296-46B-250	AMD	04-12-049
296-24-20505	REP-P	04-03-085	296-24-23031	REP-P	04-08-039	296-46B-300	AMD-P	04-08-088
296-24-20505	REP	04-14-028	296-24-23033	REP-P	04-08-039	296-46B-300	AMD	04-12-049
296-24-20507	REP-P	04-03-085	296-24-23035	REP-P	04-08-039	296-46B-314	AMD-P	04-08-088
296-24-20507	REP	04-14-028	296-24-23037	REP-P	04-08-039	296-46B-314	AMD	04-12-049
296-24-20509	REP-P	04-03-085	296-24-233	AMD-P	04-12-071	296-46B-334	AMD-P	04-08-088
296-24-20509	REP	04-14-028	296-24-260	REP	04-09-099	296-46B-334	AMD	04-12-049
296-24-20511	REP-P	04-03-085	296-24-33009	AMD-X	04-12-069	296-46B-410	AMD-P	04-08-088
296-24-20511	REP	04-14-028	296-24-37013	AMD-X	04-12-069	296-46B-410	AMD	04-12-049
296-24-20513	REP-P	04-03-085	296-24-47511	AMD-P	04-08-039	296-46B-430	AMD-P	04-08-088

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296- 46B-430	AMD	04-12-049	296- 62-05203	REP	04-10-026	296- 62-07214	REP-P	04-15-107
296- 46B-900	AMD-P	04-08-088	296- 62-05205	REP	04-10-026	296- 62-07217	REP-P	04-15-107
296- 46B-900	AMD	04-12-049	296- 62-05207	REP	04-10-026	296- 62-07218	REP-P	04-15-107
296- 46B-900	PREP	04-14-088	296- 62-05209	REP	04-10-026	296- 62-07219	REP-P	04-15-107
296- 46B-900	AMD-E	04-16-076	296- 62-05213	REP	04-10-026	296- 62-07222	REP-P	04-15-107
296- 46B-900	AMD-P	04-17-094	296- 62-05215	REP	04-10-026	296- 62-07223	REP-P	04-15-107
296- 46B-905	AMD-P	04-08-088	296- 62-05217	REP	04-10-026	296- 62-07224	REP-P	04-15-107
296- 46B-905	AMD	04-12-049	296- 62-05219	REP	04-10-026	296- 62-07225	REP-P	04-15-107
296- 46B-905	PREP	04-14-088	296- 62-05221	REP	04-10-026	296- 62-07230	REP-P	04-15-107
296- 46B-905	AMD-P	04-17-094	296- 62-05223	REP	04-10-026	296- 62-07231	REP-P	04-15-107
296- 46B-910	AMD-P	04-08-088	296- 62-05305	AMD-P	04-07-159	296- 62-07233	REP-P	04-15-107
296- 46B-910	AMD	04-12-049	296- 62-05305	AMD	04-14-026	296- 62-07234	REP-P	04-15-107
296- 46B-911	AMD-P	04-08-088	296- 62-071	REP-P	04-15-107	296- 62-07235	REP-P	04-15-107
296- 46B-911	AMD	04-12-049	296- 62-07101	REP-P	04-15-107	296- 62-07236	REP-P	04-15-107
296- 46B-915	AMD-P	04-08-088	296- 62-07102	REP-P	04-15-107	296- 62-07238	REP-P	04-15-107
296- 46B-915	AMD	04-12-049	296- 62-07103	REP-P	04-15-107	296- 62-07239	REP-P	04-15-107
296- 46B-915	PREP	04-14-088	296- 62-07105	REP-P	04-15-107	296- 62-07240	REP-P	04-15-107
296- 46B-915	AMD-P	04-17-094	296- 62-07107	REP-P	04-15-107	296- 62-07242	REP-P	04-15-107
296- 46B-920	AMD-P	04-08-088	296- 62-07109	REP-P	04-15-107	296- 62-07243	REP-P	04-15-107
296- 46B-920	AMD	04-12-049	296- 62-07111	REP-P	04-15-107	296- 62-07245	REP-P	04-15-107
296- 46B-925	AMD-P	04-08-088	296- 62-07113	REP-P	04-15-107	296- 62-07246	REP-P	04-15-107
296- 46B-925	AMD	04-12-049	296- 62-07115	REP-P	04-15-107	296- 62-07247	REP-P	04-15-107
296- 46B-925	PREP	04-14-088	296- 62-07117	REP-P	04-15-107	296- 62-07248	REP-P	04-15-107
296- 46B-925	AMD-P	04-17-094	296- 62-07130	REP-P	04-15-107	296- 62-07251	REP-P	04-15-107
296- 46B-930	AMD-P	04-08-088	296- 62-07131	REP-P	04-15-107	296- 62-07253	REP-P	04-15-107
296- 46B-930	AMD	04-12-049	296- 62-07132	REP-P	04-15-107	296- 62-07255	REP-P	04-15-107
296- 46B-935	AMD-P	04-08-088	296- 62-07133	REP-P	04-15-107	296- 62-07257	REP-P	04-15-107
296- 46B-935	AMD	04-12-049	296- 62-07150	REP-P	04-15-107	296- 62-07260	REP-P	04-15-107
296- 46B-940	AMD-P	04-08-088	296- 62-07151	REP-P	04-15-107	296- 62-07261	REP-P	04-15-107
296- 46B-940	AMD	04-12-049	296- 62-07152	REP-P	04-15-107	296- 62-07263	REP-P	04-15-107
296- 46B-945	AMD-P	04-08-088	296- 62-07153	REP-P	04-15-107	296- 62-07265	REP-P	04-15-107
296- 46B-945	AMD	04-12-049	296- 62-07154	REP-P	04-15-107	296- 62-07267	REP-P	04-15-107
296- 46B-950	AMD-P	04-08-088	296- 62-07155	REP-P	04-15-107	296- 62-07269	REP-P	04-15-107
296- 46B-950	AMD	04-12-049	296- 62-07156	REP-P	04-15-107	296- 62-07271	REP-P	04-15-107
296- 46B-970	AMD-P	04-08-088	296- 62-07160	REP-P	04-15-107	296- 62-07273	REP-P	04-15-107
296- 46B-970	AMD	04-12-049	296- 62-07161	REP-P	04-15-107	296- 62-07275	REP-P	04-15-107
296- 46B-970	PREP	04-14-088	296- 62-07162	REP-P	04-15-107	296- 62-07277	REP-P	04-15-107
296- 46B-970	AMD-E	04-16-076	296- 62-07170	REP-P	04-15-107	296- 62-07279	REP-P	04-15-107
296- 46B-970	AMD-P	04-17-094	296- 62-07171	REP-P	04-15-107	296- 62-07281	REP-P	04-15-107
296- 46B-990	AMD-P	04-08-088	296- 62-07172	REP-P	04-15-107	296- 62-07283	REP-P	04-15-107
296- 46B-990	AMD	04-12-049	296- 62-07175	REP-P	04-15-107	296- 62-07285	REP-P	04-15-107
296- 46B-995	AMD-P	04-08-088	296- 62-07176	REP-P	04-15-107	296- 62-07287	REP-P	04-15-107
296- 46B-995	AMD	04-12-049	296- 62-07177	REP-P	04-15-107	296- 62-07289	REP-P	04-15-107
296- 46B-999	AMD-P	04-08-088	296- 62-07178	REP-P	04-15-107	296- 62-07291	REP-P	04-15-107
296- 46B-999	AMD	04-12-049	296- 62-07179	REP-P	04-15-107	296- 62-07293	REP-P	04-15-107
296- 54-573	AMD-P	04-03-085	296- 62-07182	REP-P	04-15-107	296- 62-07295	REP-P	04-15-107
296- 54-573	AMD	04-14-028	296- 62-07184	REP-P	04-15-107	296- 62-07314	AMD	04-10-026
296- 54-57310	AMD-P	04-03-102	296- 62-07186	REP-P	04-15-107	296- 62-07329	AMD	04-10-026
296- 54-57310	AMD	04-15-105	296- 62-07188	REP-P	04-15-107	296- 62-07336	AMD	04-10-026
296- 56	PREP	04-07-154	296- 62-07190	REP-P	04-15-107	296- 62-07342	AMD	04-10-026
296- 56-60115	AMD-X	04-05-072	296- 62-07192	REP-P	04-15-107	296- 62-07375	AMD	04-10-026
296- 56-60115	AMD	04-11-066	296- 62-07194	REP-P	04-15-107	296- 62-07427	AMD	04-10-026
296- 56-60243	AMD-X	04-05-072	296- 62-07201	REP-P	04-15-107	296- 62-07460	AMD	04-10-026
296- 56-60243	AMD	04-11-066	296- 62-07202	REP-P	04-15-107	296- 62-07470	AMD	04-10-026
296- 59-130	AMD-P	04-03-085	296- 62-07203	REP-P	04-15-107	296- 62-075	REP-P	04-15-107
296- 59-130	AMD	04-14-028	296- 62-07205	REP-P	04-15-107	296- 62-07501	REP-P	04-15-107
296- 62	PREP	04-05-073	296- 62-07206	REP-P	04-15-107	296- 62-07503	REP-P	04-15-107
296- 62	PREP	04-07-155	296- 62-07208	REP-P	04-15-107	296- 62-07505	REP-P	04-15-107
296- 62	PREP	04-07-156	296- 62-07209	REP-P	04-15-107	296- 62-07507	REP-P	04-15-107
296- 62	PREP	04-09-097	296- 62-07210	REP-P	04-15-107	296- 62-07509	REP-P	04-15-107
296- 62-052	REP	04-10-026	296- 62-07212	REP-P	04-15-107	296- 62-07510	REP-P	04-15-107
296- 62-05201	REP	04-10-026	296- 62-07213	REP-P	04-15-107	296- 62-07511	REP-P	04-15-107

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-62-07513	REP-P	04-15-107	296-62-30110	REP-P	04-15-107	296-62-31110	REP-P	04-15-107
296-62-07515	REP-P	04-15-107	296-62-30115	REP-P	04-15-107	296-62-3120	REP-P	04-15-107
296-62-07521	AMD	04-10-026	296-62-30120	REP-P	04-15-107	296-62-3130	REP-P	04-15-107
296-62-07523	AMD-P	04-15-106	296-62-30125	REP-P	04-15-107	296-62-31305	REP-P	04-15-107
296-62-07540	AMD	04-10-026	296-62-30130	REP-P	04-15-107	296-62-31310	REP-P	04-15-107
296-62-07631	AMD	04-10-026	296-62-30135	REP-P	04-15-107	296-62-31315	REP-P	04-15-107
296-62-07727	AMD	04-10-026	296-62-30140	REP-P	04-15-107	296-62-31320	REP-P	04-15-107
296-62-08001	REP-P	04-15-107	296-62-30145	REP-P	04-15-107	296-62-31325	REP-P	04-15-107
296-62-08050	REP-P	04-15-107	296-62-3020	REP-P	04-15-107	296-62-31330	REP-P	04-15-107
296-62-09015	REP-P	04-15-107	296-62-30205	REP-P	04-15-107	296-62-31335	REP-P	04-15-107
296-62-09017	REP-P	04-15-107	296-62-30210	REP-P	04-15-107	296-62-3138	REP-P	04-15-107
296-62-09019	REP-P	04-15-107	296-62-30215	REP-P	04-15-107	296-62-3140	REP-P	04-15-107
296-62-09021	REP-P	04-15-107	296-62-30220	REP-P	04-15-107	296-62-31405	REP-P	04-15-107
296-62-09023	REP-P	04-15-107	296-62-30225	REP-P	04-15-107	296-62-31410	REP-P	04-15-107
296-62-09024	REP-P	04-15-107	296-62-30230	REP-P	04-15-107	296-62-31415	REP-P	04-15-107
296-62-09025	REP-P	04-15-107	296-62-30235	REP-P	04-15-107	296-62-31420	REP-P	04-15-107
296-62-09026	REP-P	04-15-107	296-62-3030	REP-P	04-15-107	296-62-31425	REP-P	04-15-107
296-62-09027	REP-P	04-15-107	296-62-30305	REP-P	04-15-107	296-62-31430	REP-P	04-15-107
296-62-09029	REP-P	04-15-107	296-62-30310	REP-P	04-15-107	296-62-31435	REP-P	04-15-107
296-62-09031	REP-P	04-15-107	296-62-30315	REP-P	04-15-107	296-62-31440	REP-P	04-15-107
296-62-09033	REP-P	04-15-107	296-62-3040	REP-P	04-15-107	296-62-31445	REP-P	04-15-107
296-62-09035	REP-P	04-15-107	296-62-30405	REP-P	04-15-107	296-62-31450	REP-P	04-15-107
296-62-09037	REP-P	04-15-107	296-62-30410	REP-P	04-15-107	296-62-31455	REP-P	04-15-107
296-62-09039	REP-P	04-15-107	296-62-30415	REP-P	04-15-107	296-62-31460	REP-P	04-15-107
296-62-09041	AMD	04-10-026	296-62-30420	REP-P	04-15-107	296-62-31465	REP-P	04-15-107
296-62-09041	REP-P	04-15-107	296-62-30425	REP-P	04-15-107	296-62-31470	REP-P	04-15-107
296-62-09043	REP-P	04-15-107	296-62-30430	REP-P	04-15-107	296-62-3152	REP-P	04-15-107
296-62-09045	REP-P	04-15-107	296-62-30435	REP-P	04-15-107	296-62-3160	REP-P	04-15-107
296-62-09047	REP-P	04-15-107	296-62-30440	REP-P	04-15-107	296-62-3170	REP-P	04-15-107
296-62-09049	REP-P	04-15-107	296-62-30445	REP-P	04-15-107	296-62-3180	REP-P	04-15-107
296-62-09051	REP-P	04-15-107	296-62-30450	REP-P	04-15-107	296-62-3190	REP-P	04-15-107
296-62-09053	REP-P	04-15-107	296-62-30455	REP-P	04-15-107	296-62-3195	REP-P	04-15-107
296-62-09055	REP-P	04-15-107	296-62-30460	REP-P	04-15-107	296-62-40019	AMD	04-10-026
296-62-141	AMD	04-03-081	296-62-30465	REP-P	04-15-107	296-65	PREP	04-05-073
296-62-141	REP-P	04-15-107	296-62-3050	REP-P	04-15-107	296-78-540	AMD	04-07-160
296-62-14100	REP-P	04-15-107	296-62-30505	REP-P	04-15-107	296-78-56511	AMD-P	04-03-085
296-62-14105	REP-P	04-15-107	296-62-30510	REP-P	04-15-107	296-78-56511	AMD	04-14-028
296-62-14110	REP-P	04-15-107	296-62-30515	REP-P	04-15-107	296-78-590	AMD-P	04-03-085
296-62-14115	REP-P	04-15-107	296-62-30520	REP-P	04-15-107	296-78-590	AMD	04-14-028
296-62-14120	REP-P	04-15-107	296-62-30525	REP-P	04-15-107	296-78-605	AMD-P	04-03-085
296-62-14125	REP-P	04-15-107	296-62-30530	REP-P	04-15-107	296-78-605	AMD	04-14-028
296-62-14130	REP-P	04-15-107	296-62-30535	REP-P	04-15-107	296-78-615	AMD-P	04-03-085
296-62-14135	REP-P	04-15-107	296-62-3060	REP-P	04-15-107	296-78-615	AMD	04-14-028
296-62-14140	REP-P	04-15-107	296-62-30605	REP-P	04-15-107	296-78-650	AMD-P	04-03-085
296-62-14145	REP-P	04-15-107	296-62-30610	REP-P	04-15-107	296-78-650	AMD	04-14-028
296-62-14150	REP-P	04-15-107	296-62-30615	REP-P	04-15-107	296-78-660	AMD-P	04-03-085
296-62-14155	REP-P	04-15-107	296-62-3070	REP-P	04-15-107	296-78-660	AMD	04-14-028
296-62-14170	REP-P	04-15-107	296-62-30705	REP-P	04-15-107	296-78-665	AMD-P	04-03-085
296-62-14171	REP-P	04-15-107	296-62-30710	REP-P	04-15-107	296-78-665	AMD	04-14-028
296-62-14172	REP-P	04-15-107	296-62-30715	REP-P	04-15-107	296-78-690	AMD-P	04-03-085
296-62-14173	REP-P	04-15-107	296-62-3080	REP-P	04-15-107	296-78-690	AMD	04-14-028
296-62-14174	REP-P	04-15-107	296-62-3090	REP-P	04-15-107	296-78-70503	AMD-P	04-03-085
296-62-14175	REP-P	04-15-107	296-62-30905	REP-P	04-15-107	296-78-70503	AMD	04-14-028
296-62-14176	REP-P	04-15-107	296-62-30910	REP-P	04-15-107	296-78-710	PREP	04-06-078
296-62-14533	AMD	04-10-026	296-62-30915	REP-P	04-15-107	296-78-71001	AMD-X	04-12-069
296-62-20023	AMD	04-10-026	296-62-30920	REP-P	04-15-107	296-78-71007	AMD-P	04-03-085
296-62-300	AMD	04-02-053	296-62-30925	REP-P	04-15-107	296-78-71007	AMD	04-14-028
296-62-300	REP-P	04-15-107	296-62-30930	REP-P	04-15-107	296-78-71017	AMD-P	04-03-085
296-62-30001	REP-P	04-15-107	296-62-30935	REP-P	04-15-107	296-78-71017	AMD	04-14-028
296-62-30003	REP-P	04-15-107	296-62-30940	REP-P	04-15-107	296-78-71505	AMD-P	04-03-085
296-62-3010	REP-P	04-15-107	296-62-3100	REP-P	04-15-107	296-78-71505	AMD	04-14-028
296-62-30105	REP-P	04-15-107	296-62-31005	REP-P	04-15-107	296-79-030	AMD-P	04-03-085

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296-79-030	AMD	04-14-028	296-96-01070	AMD	04-12-047	296-96-02364	NEW	04-12-047
296-79-220	AMD-P	04-03-102	296-96-01075	NEW-P	04-08-087	296-96-02365	REP-P	04-08-087
296-79-220	AMD	04-15-105	296-96-01075	NEW	04-12-047	296-96-02365	REP	04-12-047
296-96-00500	AMD-P	04-08-087	296-96-01080	REP-P	04-08-087	296-96-02366	NEW-P	04-08-087
296-96-00500	AMD	04-12-047	296-96-01080	REP	04-12-047	296-96-02366	NEW	04-12-047
296-96-00600	AMD-P	04-08-087	296-96-02230	NEW-P	04-08-087	296-96-02367	NEW-P	04-08-087
296-96-00600	AMD	04-12-047	296-96-02230	NEW	04-12-047	296-96-02367	NEW	04-12-047
296-96-00650	AMD-P	04-08-087	296-96-02232	NEW-P	04-08-087	296-96-02370	NEW-P	04-08-087
296-96-00650	AMD	04-12-047	296-96-02232	NEW	04-12-047	296-96-02370	NEW	04-12-047
296-96-00700	AMD-P	04-08-087	296-96-02235	NEW-P	04-08-087	296-96-02371	NEW-P	04-08-087
296-96-00700	AMD	04-12-047	296-96-02235	NEW	04-12-047	296-96-02371	NEW	04-12-047
296-96-00800	AMD-P	04-08-087	296-96-02240	AMD-P	04-08-087	296-96-05010	AMD-P	04-08-087
296-96-00800	AMD	04-12-047	296-96-02240	AMD	04-12-047	296-96-05010	AMD	04-12-047
296-96-00805	NEW-P	04-08-087	296-96-02275	AMD-P	04-08-087	296-96-05030	AMD-P	04-08-087
296-96-00805	NEW	04-12-047	296-96-02275	AMD	04-12-047	296-96-05030	AMD	04-12-047
296-96-00900	NEW-P	04-08-087	296-96-02276	NEW-P	04-08-087	296-96-05070	AMD-P	04-08-087
296-96-00900	NEW	04-12-047	296-96-02276	NEW	04-12-047	296-96-05070	AMD	04-12-047
296-96-00902	NEW-P	04-08-087	296-96-02277	AMD-P	04-08-087	296-96-05160	AMD-P	04-08-087
296-96-00902	NEW	04-12-047	296-96-02277	AMD	04-12-047	296-96-05160	AMD	04-12-047
296-96-00903	NEW-P	04-08-087	296-96-02278	AMD-P	04-08-087	296-96-05170	AMD-P	04-08-087
296-96-00903	NEW	04-12-047	296-96-02278	AMD	04-12-047	296-96-05170	AMD	04-12-047
296-96-00904	NEW-P	04-08-087	296-96-02280	AMD-P	04-08-087	296-96-05230	AMD-P	04-08-087
296-96-00904	NEW	04-12-047	296-96-02280	AMD	04-12-047	296-96-05230	AMD	04-12-047
296-96-00906	NEW-P	04-08-087	296-96-02281	AMD-P	04-08-087	296-96-05290	AMD-P	04-08-087
296-96-00906	NEW	04-12-047	296-96-02281	AMD	04-12-047	296-96-05290	AMD	04-12-047
296-96-00910	NEW-P	04-08-087	296-96-02282	NEW-P	04-08-087	296-96-07010	AMD-P	04-08-087
296-96-00910	NEW	04-12-047	296-96-02282	NEW	04-12-047	296-96-07010	AMD	04-12-047
296-96-00912	NEW-P	04-08-087	296-96-02283	NEW-P	04-08-087	296-96-07021	NEW-P	04-08-087
296-96-00912	NEW	04-12-047	296-96-02283	NEW	04-12-047	296-96-07021	NEW	04-12-047
296-96-00914	NEW-P	04-08-087	296-96-02285	NEW-P	04-08-087	296-96-07024	NEW-P	04-08-087
296-96-00914	NEW	04-12-047	296-96-02285	NEW	04-12-047	296-96-07024	NEW	04-12-047
296-96-00916	NEW-P	04-08-087	296-96-02290	NEW-P	04-08-087	296-96-07080	AMD-P	04-08-087
296-96-00916	NEW	04-12-047	296-96-02290	NEW	04-12-047	296-96-07080	AMD	04-12-047
296-96-00918	NEW-P	04-08-087	296-96-02310	AMD-P	04-08-087	296-96-07100	AMD-P	04-08-087
296-96-00918	NEW	04-12-047	296-96-02310	AMD	04-12-047	296-96-07100	AMD	04-12-047
296-96-00920	NEW-P	04-08-087	296-96-02315	AMD-P	04-08-087	296-96-07170	AMD-P	04-08-087
296-96-00920	NEW	04-12-047	296-96-02315	AMD	04-12-047	296-96-07170	AMD	04-12-047
296-96-00922	NEW-P	04-08-087	296-96-02317	NEW-P	04-08-087	296-96-07180	AMD-P	04-08-087
296-96-00922	NEW	04-12-047	296-96-02317	NEW	04-12-047	296-96-07180	AMD	04-12-047
296-96-00924	NEW-P	04-08-087	296-96-02318	NEW-P	04-08-087	296-96-07190	AMD-P	04-08-087
296-96-00924	NEW	04-12-047	296-96-02318	NEW	04-12-047	296-96-07190	AMD	04-12-047
296-96-00926	NEW-P	04-08-087	296-96-02320	AMD-P	04-08-087	296-96-07200	AMD-P	04-08-087
296-96-00926	NEW	04-12-047	296-96-02320	AMD	04-12-047	296-96-07200	AMD	04-12-047
296-96-00930	NEW-P	04-08-087	296-96-02325	AMD-P	04-08-087	296-96-07215	NEW-P	04-08-087
296-96-00930	NEW	04-12-047	296-96-02325	AMD	04-12-047	296-96-07215	NEW	04-12-047
296-96-01000	AMD-P	04-08-087	296-96-02330	AMD-P	04-08-087	296-96-07230	AMD-P	04-08-087
296-96-01000	AMD	04-12-047	296-96-02330	AMD	04-12-047	296-96-07230	AMD	04-12-047
296-96-01005	AMD-P	04-08-087	296-96-02340	AMD-P	04-08-087	296-96-07250	AMD-P	04-08-087
296-96-01005	AMD	04-12-047	296-96-02340	AMD	04-12-047	296-96-07250	AMD	04-12-047
296-96-01006	NEW-P	04-08-087	296-96-02350	AMD-P	04-08-087	296-96-08010	AMD-P	04-08-087
296-96-01006	NEW	04-12-047	296-96-02350	AMD	04-12-047	296-96-08010	AMD	04-12-047
296-96-01007	NEW-P	04-08-087	296-96-02355	AMD-P	04-11-063	296-96-08020	AMD-P	04-08-087
296-96-01007	NEW	04-12-047	296-96-02355	AMD	04-15-104	296-96-08020	AMD	04-12-047
296-96-01009	NEW-P	04-08-087	296-96-02360	AMD-P	04-08-087	296-96-08022	NEW-P	04-08-087
296-96-01009	NEW	04-12-047	296-96-02360	AMD	04-12-047	296-96-08022	NEW	04-12-047
296-96-01010	AMD-P	04-08-087	296-96-02361	NEW-P	04-08-087	296-96-08024	NEW-P	04-08-087
296-96-01010	AMD	04-12-047	296-96-02361	NEW	04-12-047	296-96-08024	NEW	04-12-047
296-96-01027	AMD-P	04-08-087	296-96-02362	NEW-P	04-08-087	296-96-08030	AMD-P	04-08-087
296-96-01027	AMD	04-12-047	296-96-02362	NEW	04-12-047	296-96-08030	AMD	04-12-047
296-96-01035	AMD-P	04-08-087	296-96-02363	NEW-P	04-08-087	296-96-08050	AMD-P	04-08-087
296-96-01035	AMD	04-12-047	296-96-02363	NEW	04-12-047	296-96-08050	AMD	04-12-047
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296-96-08090	AMD	04-12-047	296-96-13145	NEW	04-12-047	296-104-140	AMD-P	04-17-100
296-96-08100	AMD-P	04-08-087	296-96-13147	NEW-P	04-08-087	296-104-200	AMD-P	04-17-100
296-96-08100	AMD	04-12-047	296-96-13147	NEW	04-12-047	296-104-300	AMD-P	04-17-100
296-96-08110	AMD-P	04-08-087	296-96-13149	NEW-P	04-08-087	296-104-301	NEW-P	04-17-100
296-96-08110	AMD	04-12-047	296-96-13149	NEW	04-12-047	296-104-302	NEW-P	04-17-100
296-96-08140	AMD-P	04-08-087	296-96-13151	NEW-P	04-08-087	296-104-303	NEW-P	04-17-100
296-96-08140	AMD	04-12-047	296-96-13151	NEW	04-12-047	296-104-405	AMD-P	04-17-100
296-96-08150	AMD-P	04-08-087	296-96-13153	NEW-P	04-08-087	296-104-502	AMD-P	04-17-100
296-96-08150	AMD	04-12-047	296-96-13153	NEW	04-12-047	296-104-520	AMD-P	04-17-100
296-96-08160	AMD-P	04-08-087	296-96-13155	NEW-P	04-08-087	296-104-700	AMD-P	04-08-115
296-96-08160	AMD	04-12-047	296-96-13155	NEW	04-12-047	296-104-700	AMD	04-13-044
296-96-08170	AMD-P	04-08-087	296-96-13157	NEW-P	04-08-087	296-104-700	AMD-P	04-17-100
296-96-08170	AMD	04-12-047	296-96-13157	NEW	04-12-047	296-104-701	AMD-P	04-17-100
296-96-08175	AMD-P	04-08-087	296-96-13159	NEW-P	04-08-087	296-115-050	AMD-P	04-03-085
296-96-08175	AMD	04-12-047	296-96-13159	NEW	04-12-047	296-115-050	AMD	04-14-028
296-96-08180	AMD-P	04-08-087	296-96-13161	NEW-P	04-08-087	296-127	PREP	04-06-063
296-96-08180	AMD	04-12-047	296-96-13161	NEW	04-12-047	296-127-011	AMD-X	04-03-083
296-96-08190	AMD-P	04-08-087	296-96-13167	NEW-P	04-08-087	296-127-011	AMD	04-10-083
296-96-08190	AMD	04-12-047	296-96-13167	NEW	04-12-047	296-127-01377	AMD-P	04-12-068
296-96-08200	AMD-P	04-08-087	296-96-13169	NEW-P	04-08-087	296-127-01377	AMD	04-16-094
296-96-08200	AMD	04-12-047	296-96-13169	NEW	04-12-047	296-150C	PREP	04-13-132
296-96-08215	NEW-P	04-08-087	296-96-13171	NEW-P	04-08-087	296-150C-3000	AMD-P	04-08-092
296-96-08215	NEW	04-12-047	296-96-13171	NEW	04-12-047	296-150C-3000	AMD	04-12-048
296-96-08220	AMD-P	04-08-087	296-96-14045	AMD-P	04-08-087	296-150F	PREP	04-13-132
296-96-08220	AMD	04-12-047	296-96-14045	AMD	04-12-047	296-150F-3000	AMD-P	04-08-092
296-96-08230	AMD-P	04-08-087	296-96-14060	AMD-P	04-08-087	296-150F-3000	AMD	04-12-048
296-96-08230	AMD	04-12-047	296-96-14060	AMD	04-12-047	296-150M	PREP	04-13-132
296-96-08250	AMD-P	04-08-087	296-96-14070	AMD-P	04-08-087	296-150M-3000	AMD-P	04-08-092
296-96-08250	AMD	04-12-047	296-96-14070	AMD	04-12-047	296-150M-3000	AMD	04-12-048
296-96-09002	AMD-P	04-08-087	296-96-14080	AMD-P	04-08-087	296-150P	PREP	04-13-132
296-96-09002	AMD	04-12-047	296-96-14080	AMD	04-12-047	296-150P-3000	AMD-P	04-08-092
296-96-09003	NEW-P	04-08-087	296-96-16040	AMD-P	04-08-087	296-150P-3000	AMD	04-12-048
296-96-09003	NEW	04-12-047	296-96-16040	AMD	04-12-047	296-150R	PREP	04-13-132
296-96-09004	NEW-P	04-08-087	296-96-16150	AMD-P	04-08-087	296-150R-3000	AMD-P	04-08-092
296-96-09004	NEW	04-12-047	296-96-16150	AMD	04-12-047	296-150R-3000	AMD	04-12-048
296-96-10002	NEW-P	04-08-087	296-96-23100	AMD-P	04-08-087	296-150T	PREP	04-13-132
296-96-10002	NEW	04-12-047	296-96-23100	AMD	04-12-047	296-150T-3000	AMD-P	04-08-092
296-96-11000	REP-P	04-08-087	296-96-23101	AMD-P	04-08-087	296-150T-3000	AMD	04-12-048
296-96-11000	REP	04-12-047	296-96-23101	AMD	04-12-047	296-150V	PREP	04-13-132
296-96-11001	AMD-P	04-08-087	296-96-23117	NEW-P	04-08-087	296-150V-3000	AMD-P	04-08-092
296-96-11001	AMD	04-12-047	296-96-23117	NEW	04-12-047	296-150V-3000	AMD	04-12-048
296-96-11016	AMD-P	04-08-087	296-96-23118	NEW-P	04-08-087	296-155	PREP	04-03-084
296-96-11016	AMD	04-12-047	296-96-23118	NEW	04-12-047	296-155	PREP	04-05-074
296-96-11019	AMD-P	04-08-087	296-96-23119	NEW-P	04-08-087	296-155	PREP	04-11-062
296-96-11019	AMD	04-12-047	296-96-23119	NEW	04-12-047	296-155-120	AMD	04-07-160
296-96-11022	AMD-P	04-08-087	296-96-23151	AMD-P	04-08-087	296-155-165	AMD-P	04-14-083
296-96-11022	AMD	04-12-047	296-96-23151	AMD	04-12-047	296-155-17331	AMD	04-10-026
296-96-11045	AMD-P	04-08-087	296-96-23240	AMD-P	04-08-087	296-155-174	AMD	04-10-026
296-96-11045	AMD	04-12-047	296-96-23240	AMD	04-12-047	296-155-200	AMD-P	04-14-083
296-96-11057	AMD-P	04-08-087	296-96-23270	AMD-P	04-08-087	296-155-300	REP-X	04-12-069
296-96-11057	AMD	04-12-047	296-96-23270	AMD	04-12-047	296-155-300	AMD-P	04-14-083
296-96-11078	AMD-P	04-08-087	296-96-23287	AMD-P	04-08-087	296-155-305	AMD-P	04-14-083
296-96-11078	AMD	04-12-047	296-96-23287	AMD	04-12-047	296-155-310	AMD-P	04-14-083
296-96-11080	NEW-P	04-08-087	296-96-23303	NEW-P	04-11-063	296-155-315	AMD-P	04-14-083
296-96-11080	NEW	04-12-047	296-96-23303	NEW	04-15-104	296-155-429	AMD-P	04-03-102
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296-96-13135	NEW	04-12-047	296-96-23610	AMD	04-12-047	296-155-481	REP-P	04-14-027
296-96-13139	NEW-P	04-08-087	296-104	PREP	04-08-114	296-155-482	REP-P	04-14-027
296-96-13139	NEW	04-12-047	296-104-010	AMD-P	04-17-100	296-155-483	REP-P	04-14-027
296-96-13143	NEW-P	04-08-087	296-104-050	AMD-P	04-17-100	296-155-484	REP-P	04-14-027

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296-155-487	AMD-P	04-03-085	296-302-02515	REP-P	04-03-085	296-305-04501	PREP	04-08-090
296-155-487	REP-P	04-14-027	296-302-02515	REP	04-14-028	296-305-04501	PREP	04-11-062
296-155-487	AMD	04-14-028	296-302-02517	REP-P	04-03-085	296-305-06519	AMD-P	04-03-085
296-155-488	AMD-P	04-03-085	296-302-02517	REP	04-14-028	296-305-06519	AMD	04-14-028
296-155-488	REP-P	04-14-027	296-302-02519	REP-P	04-03-085	296-307	PREP	04-09-097
296-155-488	AMD	04-14-028	296-302-02519	REP	04-14-028	296-307-018	AMD-P	04-15-107
296-155-489	REP-P	04-14-027	296-302-03001	REP-P	04-03-085	296-307-039	AMD	04-07-160
296-155-490	REP-P	04-14-027	296-302-03001	REP	04-14-028	296-307-039	AMD-P	04-15-107
296-155-493	REP-P	04-14-027	296-302-03003	REP-P	04-03-085	296-307-03905	AMD	04-07-160
296-155-494	REP-P	04-14-027	296-302-03003	REP	04-14-028	296-307-03910	REP	04-07-160
296-155-496	REP-P	04-14-027	296-302-035	REP-P	04-03-085	296-307-03915	REP	04-07-160
296-155-497	REP-P	04-14-027	296-302-035	REP	04-14-028	296-307-03920	AMD-P	04-15-107
296-155-498	REP-P	04-14-027	296-302-040	REP-P	04-03-085	296-307-03925	REP	04-07-160
296-155-525	AMD-P	04-03-085	296-302-040	REP	04-14-028	296-307-061	AMD-P	04-15-107
296-155-525	AMD	04-14-028	296-302-045	REP-P	04-03-085	296-307-07013	AMD-P	04-15-107
296-155-575	REP	04-09-099	296-302-045	REP	04-14-028	296-307-11015	AMD-P	04-15-107
296-155-576	REP	04-09-099	296-302-050	REP-P	04-03-085	296-307-13045	AMD-P	04-15-107
296-155-610	AMD-E	04-10-107	296-302-050	REP	04-14-028	296-307-14505	AMD-X	04-07-162
296-155-610	AMD-P	04-14-083	296-302-05501	REP-P	04-03-085	296-307-14505	AMD	04-13-129
296-155-615	AMD-P	04-14-083	296-302-05501	REP	04-14-028	296-307-14510	AMD-X	04-07-162
296-155-617	PREP	04-07-154	296-302-05503	REP-P	04-03-085	296-307-14510	AMD	04-13-129
296-155-617	REP-P	04-12-071	296-302-05503	REP	04-14-028	296-307-16340	AMD-P	04-15-107
296-155-61701	REP-P	04-12-071	296-302-060	REP-P	04-03-085	296-307-45010	AMD-P	04-15-107
296-155-61703	REP-P	04-12-071	296-302-060	REP	04-14-028	296-307-45035	AMD-P	04-15-107
296-155-61705	REP-P	04-12-071	296-302-065	REP-P	04-03-085	296-307-45045	AMD-P	04-15-107
296-155-61707	REP-P	04-12-071	296-302-065	REP	04-14-028	296-307-452	REP-P	04-15-107
296-155-61709	REP-P	04-12-071	296-302-06501	REP-P	04-03-085	296-307-45210	REP-P	04-15-107
296-155-61711	REP-P	04-12-071	296-302-06501	REP	04-14-028	296-307-45220	REP-P	04-15-107
296-155-61713	REP-P	04-12-071	296-302-06503	REP-P	04-03-085	296-307-45230	REP-P	04-15-107
296-155-655	AMD-P	04-14-083	296-302-06503	REP	04-14-028	296-307-45240	REP-P	04-15-107
296-155-682	AMD-P	04-03-085	296-302-06505	REP-P	04-03-085	296-307-45400	REP-P	04-15-107
296-155-682	AMD	04-14-028	296-302-06505	REP	04-14-028	296-307-45410	REP-P	04-15-107
296-200A-900	AMD-P	04-08-092	296-302-06507	REP-P	04-03-085	296-307-45420	REP-P	04-15-107
296-200A-900	AMD	04-12-048	296-302-06507	REP	04-14-028	296-307-45430	REP-P	04-15-107
296-301-020	AMD-P	04-03-085	296-302-06509	REP-P	04-03-085	296-307-45440	REP-P	04-15-107
296-301-020	PREP	04-06-078	296-302-06509	REP	04-14-028	296-307-45450	REP-P	04-15-107
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296-301-020	AMD	04-14-028	296-302-06511	REP	04-14-028	296-307-45610	REP-P	04-15-107
296-301-170	AMD-P	04-03-085	296-302-06513	REP-P	04-03-085	296-307-45620	REP-P	04-15-107
296-301-170	AMD	04-14-028	296-302-06513	REP	04-14-028	296-307-45800	REP-P	04-15-107
296-302-010	REP-P	04-03-085	296-302-06515	REP-P	04-03-085	296-307-46000	REP-P	04-15-107
296-302-010	REP	04-14-028	296-302-06515	REP	04-14-028	296-307-50025	AMD-P	04-15-107
296-302-015	REP-P	04-03-085	296-302-06517	REP-P	04-03-085	296-307-50029	AMD-P	04-15-107
296-302-015	REP	04-14-028	296-302-06517	REP	04-14-028	296-307-550	AMD-P	04-15-107
296-302-020	REP-P	04-03-085	296-302-06519	REP-P	04-03-085	296-307-55015	AMD-P	04-15-107
296-302-020	REP	04-14-028	296-302-06519	REP	04-14-028	296-307-55030	AMD-P	04-15-107
296-302-025	REP-P	04-03-085	296-302-06521	REP-P	04-03-085	296-307-55035	AMD-P	04-15-107
296-302-025	REP	04-14-028	296-302-06521	REP	04-14-028	296-307-55060	AMD-P	04-15-107
296-302-02501	REP-P	04-03-085	296-302-06523	REP-P	04-03-085	296-307-560	AMD-P	04-15-107
296-302-02501	REP	04-14-028	296-302-06523	REP	04-14-028	296-307-56025	AMD-P	04-15-107
296-302-02503	REP-P	04-03-085	296-302-06525	REP-P	04-03-085	296-307-56050	AMD-P	04-15-107
296-302-02503	REP	04-14-028	296-302-06525	REP	04-14-028	296-307-594	NEW-P	04-15-107
296-302-02505	REP-P	04-03-085	296-302-06527	REP-P	04-03-085	296-307-596	NEW-P	04-15-107
296-302-02505	REP	04-14-028	296-302-06527	REP	04-14-028	296-307-59605	NEW-P	04-15-107
296-302-02507	REP-P	04-03-085	296-302-06529	REP-P	04-03-085	296-307-598	NEW-P	04-15-107
296-302-02507	REP	04-14-028	296-302-06529	REP	04-14-028	296-307-59805	NEW-P	04-15-107
296-302-02509	REP-P	04-03-085	296-302-06531	REP-P	04-03-085	296-307-59810	NEW-P	04-15-107
296-302-02509	REP	04-14-028	296-302-06531	REP	04-14-028	296-307-600	NEW-P	04-15-107
296-302-02511	REP-P	04-03-085	296-303-030	AMD-P	04-03-085	296-307-60005	NEW-P	04-15-107
296-302-02511	REP	04-14-028	296-303-030	AMD	04-14-028	296-307-60010	NEW-P	04-15-107
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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-60205	NEW-P	04-15-107	296-307-63820	NEW-P	04-15-107	296-307-69805	NEW-P	04-15-107
296-307-604	NEW-P	04-15-107	296-307-63825	NEW-P	04-15-107	296-307-69810	NEW-P	04-15-107
296-307-60405	NEW-P	04-15-107	296-307-640	NEW-P	04-15-107	296-307-69815	NEW-P	04-15-107
296-307-606	NEW-P	04-15-107	296-307-642	NEW-P	04-15-107	296-307-69820	NEW-P	04-15-107
296-307-60605	NEW-P	04-15-107	296-307-644	NEW-P	04-15-107	296-307-69825	NEW-P	04-15-107
296-307-608	NEW-P	04-15-107	296-307-64402	NEW-P	04-15-107	296-307-69830	NEW-P	04-15-107
296-307-60805	NEW-P	04-15-107	296-307-64404	NEW-P	04-15-107	296-307-700	NEW-P	04-15-107
296-307-610	NEW-P	04-15-107	296-307-64406	NEW-P	04-15-107	296-307-70005	NEW-P	04-15-107
296-307-61005	NEW-P	04-15-107	296-307-646	NEW-P	04-15-107	296-307-702	NEW-P	04-15-107
296-307-61010	NEW-P	04-15-107	296-307-64602	NEW-P	04-15-107	296-307-704	NEW-P	04-15-107
296-307-61015	NEW-P	04-15-107	296-307-64604	NEW-P	04-15-107	296-307-70410	NEW-P	04-15-107
296-307-612	NEW-P	04-15-107	296-307-648	NEW-P	04-15-107	296-307-70415	NEW-P	04-15-107
296-307-61205	NEW-P	04-15-107	296-307-64802	NEW-P	04-15-107	296-307-70420	NEW-P	04-15-107
296-307-61210	NEW-P	04-15-107	296-307-64804	NEW-P	04-15-107	296-307-70425	NEW-P	04-15-107
296-307-614	NEW-P	04-15-107	296-307-650	NEW-P	04-15-107	296-307-70430	NEW-P	04-15-107
296-307-61405	NEW-P	04-15-107	296-307-65002	NEW-P	04-15-107	296-307-70435	NEW-P	04-15-107
296-307-616	NEW-P	04-15-107	296-307-65004	NEW-P	04-15-107	296-307-70440	NEW-P	04-15-107
296-307-61605	NEW-P	04-15-107	296-307-65006	NEW-P	04-15-107	296-307-70445	NEW-P	04-15-107
296-307-61610	NEW-P	04-15-107	296-307-65008	NEW-P	04-15-107	296-307-70450	NEW-P	04-15-107
296-307-61615	NEW-P	04-15-107	296-307-65010	NEW-P	04-15-107	296-307-70455	NEW-P	04-15-107
296-307-618	NEW-P	04-15-107	296-307-65012	NEW-P	04-15-107	296-307-70460	NEW-P	04-15-107
296-307-61805	NEW-P	04-15-107	296-307-65014	NEW-P	04-15-107	296-307-70465	NEW-P	04-15-107
296-307-620	NEW-P	04-15-107	296-307-65016	NEW-P	04-15-107	296-307-70470	NEW-P	04-15-107
296-307-62005	NEW-P	04-15-107	296-307-65018	NEW-P	04-15-107	296-307-70475	NEW-P	04-15-107
296-307-62010	NEW-P	04-15-107	296-307-65020	NEW-P	04-15-107	296-307-70480	NEW-P	04-15-107
296-307-62015	NEW-P	04-15-107	296-307-65022	NEW-P	04-15-107	296-400A	PREP	04-16-093
296-307-62020	NEW-P	04-15-107	296-307-65024	NEW-P	04-15-107	296-400A-005	AMD-P	04-08-089
296-307-622	NEW-P	04-15-107	296-307-652	NEW-P	04-15-107	296-400A-005	AMD	04-12-046
296-307-624	NEW-P	04-15-107	296-307-65202	NEW-P	04-15-107	296-400A-020	AMD-P	04-08-089
296-307-626	NEW-P	04-15-107	296-307-65204	NEW-P	04-15-107	296-400A-020	AMD	04-12-046
296-307-62605	NEW-P	04-15-107	296-307-654	NEW-P	04-15-107	296-400A-021	AMD-P	04-08-089
296-307-62610	NEW-P	04-15-107	296-307-65402	NEW-P	04-15-107	296-400A-021	AMD	04-12-046
296-307-62615	NEW-P	04-15-107	296-307-65404	NEW-P	04-15-107	296-400A-023	NEW-P	04-08-089
296-307-62620	NEW-P	04-15-107	296-307-656	NEW-P	04-15-107	296-400A-023	NEW	04-12-046
296-307-62625	NEW-P	04-15-107	296-307-686	NEW-P	04-15-107	296-400A-026	AMD-P	04-08-089
296-307-628	NEW-P	04-15-107	296-307-688	NEW-P	04-15-107	296-400A-026	AMD	04-12-046
296-307-630	NEW-P	04-15-107	296-307-68805	NEW-P	04-15-107	296-400A-028	NEW-P	04-08-089
296-307-632	NEW-P	04-15-107	296-307-68810	NEW-P	04-15-107	296-400A-028	NEW	04-12-046
296-307-63205	NEW-P	04-15-107	296-307-690	NEW-P	04-15-107	296-400A-029	NEW-P	04-08-089
296-307-63210	NEW-P	04-15-107	296-307-69005	NEW-P	04-15-107	296-400A-029	NEW	04-12-046
296-307-63215	NEW-P	04-15-107	296-307-69010	NEW-P	04-15-107	296-400A-030	AMD-P	04-08-089
296-307-63220	NEW-P	04-15-107	296-307-69015	NEW-P	04-15-107	296-400A-030	AMD	04-12-046
296-307-63225	NEW-P	04-15-107	296-307-692	NEW-P	04-15-107	296-400A-031	AMD-P	04-08-089
296-307-63230	NEW-P	04-15-107	296-307-69205	NEW-P	04-15-107	296-400A-031	AMD	04-12-046
296-307-63235	NEW-P	04-15-107	296-307-69210	NEW-P	04-15-107	296-400A-035	AMD-P	04-08-089
296-307-63240	NEW-P	04-15-107	296-307-694	NEW-P	04-15-107	296-400A-035	AMD	04-12-046
296-307-634	NEW-P	04-15-107	296-307-69405	NEW-P	04-15-107	296-400A-045	AMD-P	04-08-089
296-307-63405	NEW-P	04-15-107	296-307-69410	NEW-P	04-15-107	296-400A-045	AMD	04-12-046
296-307-63410	NEW-P	04-15-107	296-307-69415	NEW-P	04-15-107	296-400A-120	AMD-P	04-08-089
296-307-63415	NEW-P	04-15-107	296-307-69420	NEW-P	04-15-107	296-400A-120	AMD	04-12-046
296-307-636	NEW-P	04-15-107	296-307-69425	NEW-P	04-15-107	296-400A-121	AMD-P	04-08-089
296-307-63605	NEW-P	04-15-107	296-307-69430	NEW-P	04-15-107	296-400A-121	AMD	04-12-046
296-307-63610	NEW-P	04-15-107	296-307-69435	NEW-P	04-15-107	296-400A-122	AMD-P	04-08-089
296-307-63615	NEW-P	04-15-107	296-307-69440	NEW-P	04-15-107	296-400A-122	AMD	04-12-046
296-307-63620	NEW-P	04-15-107	296-307-696	NEW-P	04-15-107	296-400A-130	AMD-P	04-08-089
296-307-63625	NEW-P	04-15-107	296-307-69605	NEW-P	04-15-107	296-400A-130	AMD	04-12-046
296-307-63630	NEW-P	04-15-107	296-307-69610	NEW-P	04-15-107	296-400A-135	NEW-P	04-08-089
296-307-63635	NEW-P	04-15-107	296-307-69615	NEW-P	04-15-107	296-400A-135	NEW	04-12-046
296-307-638	NEW-P	04-15-107	296-307-69620	NEW-P	04-15-107	296-400A-140	AMD-P	04-08-089
296-307-63805	NEW-P	04-15-107	296-307-69625	NEW-P	04-15-107	296-400A-140	AMD	04-12-046
296-307-63810	NEW-P	04-15-107	296-307-69630	NEW-P	04-15-107	296-400A-150	NEW-P	04-08-089
296-307-63815	NEW-P	04-15-107	296-307-698	NEW-P	04-15-107	296-400A-150	NEW	04-12-046

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-400A-155	NEW-P	04-08-089	296-803-500	NEW-P	04-03-102	296-806-20016	NEW-P	04-03-085
296-400A-155	NEW	04-12-046	296-803-500	NEW	04-15-105	296-806-20016	NEW	04-14-028
296-400A-300	AMD-P	04-08-089	296-803-50005	NEW-P	04-03-102	296-806-20018	NEW-P	04-03-085
296-400A-300	AMD	04-12-046	296-803-50005	NEW	04-15-105	296-806-20018	NEW	04-14-028
296-400A-400	AMD-P	04-08-089	296-803-50010	NEW-P	04-03-102	296-806-20020	NEW-P	04-03-085
296-400A-400	AMD	04-12-046	296-803-50010	NEW	04-15-105	296-806-20020	NEW	04-14-028
296-400A-425	AMD-P	04-08-089	296-803-50015	NEW-P	04-03-102	296-806-20022	NEW-P	04-03-085
296-400A-425	AMD	04-12-046	296-803-50015	NEW	04-15-105	296-806-20022	NEW	04-14-028
296-800	PREP	04-07-157	296-803-50020	NEW-P	04-03-102	296-806-20024	NEW-P	04-03-085
296-800-11045	PREP	04-06-078	296-803-50020	NEW	04-15-105	296-806-20024	NEW	04-14-028
296-800-11045	AMD-X	04-12-069	296-803-50025	NEW-P	04-03-102	296-806-20026	NEW-P	04-03-085
296-800-150	AMD	04-07-160	296-803-50025	NEW	04-15-105	296-806-20026	NEW	04-14-028
296-800-15005	AMD	04-07-160	296-803-50030	NEW-P	04-03-102	296-806-20028	NEW-P	04-03-085
296-800-15010	REP	04-07-160	296-803-50030	NEW	04-15-105	296-806-20028	NEW	04-14-028
296-800-15015	REP	04-07-160	296-803-50035	NEW-P	04-03-102	296-806-20030	NEW-P	04-03-085
296-800-15025	REP	04-07-160	296-803-50035	NEW	04-15-105	296-806-20030	NEW	04-14-028
296-800-17005	AMD	04-10-026	296-803-50040	NEW-P	04-03-102	296-806-20032	NEW-P	04-03-085
296-800-180	AMD	04-10-026	296-803-50040	NEW	04-15-105	296-806-20032	NEW	04-14-028
296-800-310	AMD-W	04-11-058	296-803-50045	NEW-P	04-03-102	296-806-20034	NEW-P	04-03-085
296-800-31010	AMD-W	04-11-058	296-803-50045	NEW	04-15-105	296-806-20034	NEW	04-14-028
296-800-31020	AMD-W	04-11-058	296-803-50050	NEW-P	04-03-102	296-806-20036	NEW-P	04-03-085
296-800-31070	AMD-W	04-11-058	296-803-50050	NEW	04-15-105	296-806-20036	NEW	04-14-028
296-800-35052	PREP	04-06-078	296-803-50055	NEW-P	04-03-102	296-806-20038	NEW-P	04-03-085
296-800-35052	AMD-X	04-12-069	296-803-50055	NEW	04-15-105	296-806-20038	NEW	04-14-028
296-800-370	AMD-W	04-11-058	296-803-50060	NEW-P	04-03-102	296-806-20040	NEW-P	04-03-085
296-802-100	NEW	04-10-026	296-803-50060	NEW	04-15-105	296-806-20040	NEW	04-14-028
296-802-200	NEW	04-10-026	296-803-600	NEW-P	04-03-102	296-806-20042	NEW-P	04-03-085
296-802-20005	NEW	04-10-026	296-803-600	NEW	04-15-105	296-806-20042	NEW	04-14-028
296-802-20010	NEW	04-10-026	296-803-60005	NEW-P	04-03-102	296-806-20044	NEW-P	04-03-085
296-802-20015	NEW	04-10-026	296-803-60005	NEW	04-15-105	296-806-20044	NEW	04-14-028
296-802-300	NEW	04-10-026	296-803-60010	NEW-P	04-03-102	296-806-20046	NEW-P	04-03-085
296-802-30005	NEW	04-10-026	296-803-60010	NEW	04-15-105	296-806-20046	NEW	04-14-028
296-802-400	NEW	04-10-026	296-803-60015	NEW-P	04-03-102	296-806-20048	NEW-P	04-03-085
296-802-40005	NEW	04-10-026	296-803-60015	NEW	04-15-105	296-806-20048	NEW	04-14-028
296-802-40010	NEW	04-10-026	296-803-700	NEW-P	04-03-102	296-806-20050	NEW-P	04-03-085
296-802-40015	NEW	04-10-026	296-803-700	NEW	04-15-105	296-806-20050	NEW	04-14-028
296-802-500	NEW	04-10-026	296-803-70005	NEW-P	04-03-102	296-806-20052	NEW-P	04-03-085
296-802-50005	NEW	04-10-026	296-803-70005	NEW	04-15-105	296-806-20052	NEW	04-14-028
296-802-50010	NEW	04-10-026	296-803-70010	NEW-P	04-03-102	296-806-20054	NEW-P	04-03-085
296-802-600	NEW	04-10-026	296-803-70010	NEW	04-15-105	296-806-20054	NEW	04-14-028
296-802-60005	NEW	04-10-026	296-803-70015	NEW-P	04-03-102	296-806-20056	NEW-P	04-03-085
296-802-900	NEW	04-10-026	296-803-70015	NEW	04-15-105	296-806-20056	NEW	04-14-028
296-803-100	NEW-P	04-03-102	296-803-800	NEW-P	04-03-102	296-806-20058	NEW-P	04-03-085
296-803-100	NEW	04-15-105	296-803-800	NEW	04-15-105	296-806-20058	NEW	04-14-028
296-803-200	NEW-P	04-03-102	296-806-100	NEW-P	04-03-085	296-806-300	NEW-P	04-03-085
296-803-200	NEW	04-15-105	296-806-100	NEW	04-14-028	296-806-30002	NEW-P	04-03-085
296-803-20005	NEW-P	04-03-102	296-806-200	NEW-P	04-03-085	296-806-30002	NEW	04-14-028
296-803-20005	NEW	04-15-105	296-806-200	NEW	04-14-028	296-806-30004	NEW-P	04-03-085
296-803-300	NEW-P	04-03-102	296-806-20002	NEW-P	04-03-085	296-806-30004	NEW	04-14-028
296-803-300	NEW	04-15-105	296-806-20002	NEW	04-14-028	296-806-30006	NEW-P	04-03-085
296-803-30005	NEW-P	04-03-102	296-806-20004	NEW-P	04-03-085	296-806-30006	NEW	04-14-028
296-803-30005	NEW	04-15-105	296-806-20004	NEW	04-14-028	296-806-30008	NEW-P	04-03-085
296-803-400	NEW-P	04-03-102	296-806-20006	NEW-P	04-03-085	296-806-30008	NEW	04-14-028
296-803-400	NEW	04-15-105	296-806-20006	NEW	04-14-028	296-806-30010	NEW-P	04-03-085
296-803-40005	NEW-P	04-03-102	296-806-20008	NEW-P	04-03-085	296-806-30010	NEW	04-14-028
296-803-40005	NEW	04-15-105	296-806-20008	NEW	04-14-028	296-806-30012	NEW-P	04-03-085
296-803-40010	NEW-P	04-03-102	296-806-20010	NEW-P	04-03-085	296-806-30012	NEW	04-14-028
296-803-40010	NEW	04-15-105	296-806-20010	NEW	04-14-028	296-806-30014	NEW-P	04-03-085
296-803-40015	NEW-P	04-03-102	296-806-20012	NEW-P	04-03-085	296-806-30014	NEW	04-14-028
296-803-40015	NEW	04-15-105	296-806-20012	NEW	04-14-028	296-806-30016	NEW-P	04-03-085
296-803-40020	NEW-P	04-03-102	296-806-20014	NEW-P	04-03-085	296-806-30016	NEW	04-14-028
296-803-40020	NEW	04-15-105	296-806-20014	NEW	04-14-028	296-806-30018	NEW-P	04-03-085

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-806-47004	NEW	04-14-028	296-806-48050	NEW	04-14-028	296-809-50012	NEW	04-03-081
296-806-475	NEW-P	04-03-085	296-806-48052	NEW-P	04-03-085	296-809-50014	NEW	04-03-081
296-806-475	NEW	04-14-028	296-806-48052	NEW	04-14-028	296-809-50016	NEW	04-03-081
296-806-47502	NEW-P	04-03-085	296-806-48054	NEW-P	04-03-085	296-809-50018	NEW	04-03-081
296-806-47502	NEW	04-14-028	296-806-48054	NEW	04-14-028	296-809-50020	NEW	04-03-081
296-806-47504	NEW-P	04-03-085	296-806-48056	NEW-P	04-03-085	296-809-50022	NEW	04-03-081
296-806-47504	NEW	04-14-028	296-806-48056	NEW	04-14-028	296-809-50024	NEW	04-03-081
296-806-47506	NEW-P	04-03-085	296-806-48058	NEW-P	04-03-085	296-809-600	NEW	04-03-081
296-806-47506	NEW	04-14-028	296-806-48058	NEW	04-14-028	296-809-60002	NEW	04-03-081
296-806-47508	NEW-P	04-03-085	296-806-48060	NEW-P	04-03-085	296-809-60004	NEW	04-03-081
296-806-47508	NEW	04-14-028	296-806-48060	NEW	04-14-028	296-809-700	NEW	04-03-081
296-806-480	NEW-P	04-03-085	296-806-48062	NEW-P	04-03-085	296-809-70002	NEW	04-03-081
296-806-480	NEW	04-14-028	296-806-48062	NEW	04-14-028	296-809-70004	NEW	04-03-081
296-806-48002	NEW-P	04-03-085	296-806-48064	NEW-P	04-03-085	296-809-800	NEW	04-03-081
296-806-48002	NEW	04-14-028	296-806-48064	NEW	04-14-028	296-816-100	NEW-P	04-07-159
296-806-48004	NEW-P	04-03-085	296-806-48066	NEW-P	04-03-085	296-816-100	NEW	04-14-026
296-806-48004	NEW	04-14-028	296-806-48066	NEW	04-14-028	296-816-200	NEW-P	04-07-159
296-806-48006	NEW-P	04-03-085	296-806-48068	NEW-P	04-03-085	296-816-200	NEW	04-14-026
296-806-48006	NEW	04-14-028	296-806-48068	NEW	04-14-028	296-816-20005	NEW-P	04-07-159
296-806-48008	NEW-P	04-03-085	296-806-48070	NEW-P	04-03-085	296-816-20005	NEW	04-14-026
296-806-48008	NEW	04-14-028	296-806-48070	NEW	04-14-028	296-816-20010	NEW-P	04-07-159
296-806-48010	NEW-P	04-03-085	296-806-48072	NEW-P	04-03-085	296-816-20015	NEW-P	04-07-159
296-806-48010	NEW	04-14-028	296-806-48072	NEW	04-14-028	296-816-20015	NEW	04-14-026
296-806-48012	NEW-P	04-03-085	296-806-48074	NEW-P	04-03-085	296-816-20020	NEW-P	04-07-159
296-806-48012	NEW	04-14-028	296-806-48074	NEW	04-14-028	296-816-20020	NEW	04-14-026
296-806-48014	NEW-P	04-03-085	296-806-48076	NEW-P	04-03-085	296-816-300	NEW-P	04-07-159
296-806-48014	NEW	04-14-028	296-806-48076	NEW	04-14-028	296-816-300	NEW	04-14-026
296-806-48016	NEW-P	04-03-085	296-806-48078	NEW-P	04-03-085	296-823-100	AMD-X	04-07-158
296-806-48016	NEW	04-14-028	296-806-48078	NEW	04-14-028	296-823-100	AMD	04-12-070
296-806-48018	NEW-P	04-03-085	296-806-48080	NEW-P	04-03-085	296-823-11010	AMD-X	04-07-158
296-806-48018	NEW	04-14-028	296-806-48080	NEW	04-14-028	296-823-11010	AMD	04-12-070
296-806-48020	NEW-P	04-03-085	296-806-48082	NEW-P	04-03-085	296-823-12010	AMD-X	04-07-158
296-806-48020	NEW	04-14-028	296-806-48082	NEW	04-14-028	296-823-12010	AMD	04-12-070
296-806-48022	NEW-P	04-03-085	296-806-48084	NEW-P	04-03-085	296-823-13005	AMD-X	04-07-158
296-806-48022	NEW	04-14-028	296-806-48084	NEW	04-14-028	296-823-13005	AMD	04-12-070
296-806-48024	NEW-P	04-03-085	296-806-48086	NEW-P	04-03-085	296-823-14005	AMD-X	04-07-158
296-806-48024	NEW	04-14-028	296-806-48086	NEW	04-14-028	296-823-14005	AMD	04-12-070
296-806-48026	NEW-P	04-03-085	296-806-48088	NEW-P	04-03-085	296-823-14015	AMD-X	04-07-158
296-806-48026	NEW	04-14-028	296-806-48088	NEW	04-14-028	296-823-14015	AMD	04-12-070
296-806-48028	NEW-P	04-03-085	296-806-485	NEW-P	04-03-085	296-823-14025	AMD-X	04-07-158
296-806-48028	NEW	04-14-028	296-806-485	NEW	04-14-028	296-823-14025	AMD	04-12-070
296-806-48030	NEW-P	04-03-085	296-806-48502	NEW-P	04-03-085	296-823-14050	AMD-X	04-07-158
296-806-48030	NEW	04-14-028	296-806-48502	NEW	04-14-028	296-823-14050	AMD	04-12-070
296-806-48032	NEW-P	04-03-085	296-806-500	NEW-P	04-03-085	296-823-14060	AMD-X	04-07-158
296-806-48032	NEW	04-14-028	296-806-500	NEW	04-14-028	296-823-14060	AMD	04-12-070
296-806-48034	NEW-P	04-03-085	296-809-100	NEW	04-03-081	296-823-14065	AMD-X	04-07-158
296-806-48034	NEW	04-14-028	296-809-100	NEW	04-03-081	296-823-14065	AMD	04-12-070
296-806-48036	NEW-P	04-03-085	296-809-200	NEW	04-03-081	296-823-15010	AMD-X	04-07-158
296-806-48036	NEW	04-14-028	296-809-200	NEW	04-03-081	296-823-15010	AMD	04-12-070
296-806-48038	NEW-P	04-03-085	296-809-20002	NEW	04-03-081	296-823-15015	AMD-X	04-07-158
296-806-48038	NEW	04-14-028	296-809-20004	NEW	04-03-081	296-823-15015	AMD	04-12-070
296-806-48040	NEW-P	04-03-085	296-809-20006	NEW	04-03-081	296-823-15020	AMD-X	04-07-158
296-806-48040	NEW	04-14-028	296-809-300	NEW	04-03-081	296-823-15020	AMD	04-12-070
296-806-48042	NEW-P	04-03-085	296-809-30002	NEW	04-03-081	296-823-160	AMD-X	04-07-158
296-806-48042	NEW	04-14-028	296-809-30004	NEW	04-03-081	296-823-160	AMD	04-12-070
296-806-48044	NEW-P	04-03-085	296-809-400	NEW	04-03-081	296-823-16005	AMD-X	04-07-158
296-806-48044	NEW	04-14-028	296-809-40002	NEW	04-03-081	296-823-16005	AMD	04-12-070
296-806-48046	NEW-P	04-03-085	296-809-40004	NEW	04-03-081	296-823-16010	AMD-X	04-07-158
296-806-48046	NEW	04-14-028	296-809-500	NEW	04-03-081	296-823-16010	AMD	04-12-070
296-806-48048	NEW-P	04-03-085	296-809-50002	NEW	04-03-081	296-823-16015	AMD-X	04-07-158
296-806-48048	NEW	04-14-028	296-809-50004	NEW	04-03-081	296-823-16015	AMD	04-12-070
296-806-48050	NEW-P	04-03-085	296-809-50006	NEW	04-03-081			
			296-809-50008	NEW	04-03-081			
			296-809-50010	NEW	04-03-081			

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-823-16025	AMD-X	04-07-158	296-843-18020	NEW	04-02-053	296-863-40030	NEW-P	04-08-039
296-823-16025	AMD	04-12-070	296-843-190	NEW	04-02-053	296-863-40035	NEW-P	04-08-039
296-823-16030	AMD-X	04-07-158	296-843-19005	NEW	04-02-053	296-863-40040	NEW-P	04-08-039
296-823-16030	AMD	04-12-070	296-843-200	NEW	04-02-053	296-863-40045	NEW-P	04-08-039
296-823-17010	AMD-X	04-07-158	296-843-20005	NEW	04-02-053	296-863-40050	NEW-P	04-08-039
296-823-17010	AMD	04-12-070	296-843-20010	NEW	04-02-053	296-863-40055	NEW-P	04-08-039
296-823-180	AMD-X	04-07-158	296-843-20015	NEW	04-02-053	296-863-40060	NEW-P	04-08-039
296-823-180	AMD	04-12-070	296-843-20020	NEW	04-02-053	296-863-40065	NEW-P	04-08-039
296-823-18015	AMD-X	04-07-158	296-843-20025	NEW	04-02-053	296-863-500	NEW-P	04-08-039
296-823-18015	AMD	04-12-070	296-843-20030	NEW	04-02-053	296-863-50005	NEW-P	04-08-039
296-823-18045	AMD-X	04-07-158	296-843-20035	NEW	04-02-053	296-863-600	NEW-P	04-08-039
296-823-18045	AMD	04-12-070	296-843-210	NEW	04-02-053	296-863-60005	NEW-P	04-08-039
296-823-18050	AMD-X	04-07-158	296-843-21005	NEW	04-02-053	296-863-60010	NEW-P	04-08-039
296-823-18050	AMD	04-12-070	296-843-220	NEW	04-02-053	296-863-60015	NEW-P	04-08-039
296-823-18055	AMD-X	04-07-158	296-843-22005	NEW	04-02-053	296-863-700	NEW-P	04-08-039
296-823-18055	AMD	04-12-070	296-843-22010	NEW	04-02-053	296-864-100	NEW-P	04-12-071
296-823-200	AMD-X	04-07-158	296-843-300	NEW	04-02-053	296-864-200	NEW-P	04-12-071
296-823-200	AMD	04-12-070	296-849-100	NEW-P	04-15-106	296-864-20005	NEW-P	04-12-071
296-829-100	NEW	04-09-099	296-849-110	NEW-P	04-15-106	296-864-20010	NEW-P	04-12-071
296-829-200	NEW	04-09-099	296-849-11010	NEW-P	04-15-106	296-864-20015	NEW-P	04-12-071
296-829-20005	NEW	04-09-099	296-849-11020	NEW-P	04-15-106	296-864-300	NEW-P	04-12-071
296-829-20010	NEW	04-09-099	296-849-11030	NEW-P	04-15-106	296-864-30005	NEW-P	04-12-071
296-829-300	NEW	04-09-099	296-849-11040	NEW-P	04-15-106	296-864-30010	NEW-P	04-12-071
296-829-30005	NEW	04-09-099	296-849-11050	NEW-P	04-15-106	296-864-30015	NEW-P	04-12-071
296-829-30010	NEW	04-09-099	296-849-11065	NEW-P	04-15-106	296-864-400	NEW-P	04-12-071
296-829-400	NEW	04-09-099	296-849-11070	NEW-P	04-15-106	296-864-40005	NEW-P	04-12-071
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296-829-40010	NEW	04-09-099	296-849-120	NEW-P	04-15-106	296-864-40015	NEW-P	04-12-071
296-829-40015	NEW	04-09-099	296-849-12010	NEW-P	04-15-106	296-864-40020	NEW-P	04-12-071
296-829-40020	NEW	04-09-099	296-849-12030	NEW-P	04-15-106	296-864-500	NEW-P	04-12-071
296-829-500	NEW	04-09-099	296-849-12050	NEW-P	04-15-106	296-864-50005	NEW-P	04-12-071
296-841	PREP	04-07-155	296-849-12080	NEW-P	04-15-106	296-864-50010	NEW-P	04-12-071
296-841	PREP	04-07-156	296-849-130	NEW-P	04-15-106	296-864-50015	NEW-P	04-12-071
296-841-100	AMD-X	04-11-064	296-849-13005	NEW-P	04-15-106	296-864-50020	NEW-P	04-12-071
296-841-20005	AMD-X	04-11-064	296-849-13020	NEW-P	04-15-106	296-864-600	NEW-P	04-12-071
296-841-20010	AMD-X	04-11-064	296-849-13045	NEW-P	04-15-106	296-864-60005	NEW-P	04-12-071
296-841-20020	AMD-X	04-11-064	296-849-190	NEW-P	04-15-106	296-864-60010	NEW-P	04-12-071
296-841-20025	NEW-X	04-11-064	296-863-10005	NEW-P	04-08-039	296-864-700	NEW-P	04-12-071
296-841-300	AMD-X	04-11-064	296-863-200	NEW-P	04-08-039	296-874-100	NEW-P	04-14-027
296-843-100	NEW	04-02-053	296-863-20005	NEW-P	04-08-039	296-874-200	NEW-P	04-14-027
296-843-110	NEW	04-02-053	296-863-20010	NEW-P	04-08-039	296-874-20002	NEW-P	04-14-027
296-843-11005	NEW	04-02-053	296-863-20015	NEW-P	04-08-039	296-874-20004	NEW-P	04-14-027
296-843-11010	NEW	04-02-053	296-863-20020	NEW-P	04-08-039	296-874-20006	NEW-P	04-14-027
296-843-120	NEW	04-02-053	296-863-20025	NEW-P	04-08-039	296-874-20008	NEW-P	04-14-027
296-843-12005	NEW	04-02-053	296-863-20030	NEW-P	04-08-039	296-874-20010	NEW-P	04-14-027
296-843-130	NEW	04-02-053	296-863-20035	NEW-P	04-08-039	296-874-20012	NEW-P	04-14-027
296-843-13005	NEW	04-02-053	296-863-20040	NEW-P	04-08-039	296-874-20014	NEW-P	04-14-027
296-843-13010	NEW	04-02-053	296-863-300	NEW-P	04-08-039	296-874-20016	NEW-P	04-14-027
296-843-140	NEW	04-02-053	296-863-30005	NEW-P	04-08-039	296-874-20018	NEW-P	04-14-027
296-843-14005	NEW	04-02-053	296-863-30010	NEW-P	04-08-039	296-874-20020	NEW-P	04-14-027
296-843-150	NEW	04-02-053	296-863-30015	NEW-P	04-08-039	296-874-20022	NEW-P	04-14-027
296-843-15005	NEW	04-02-053	296-863-30020	NEW-P	04-08-039	296-874-20024	NEW-P	04-14-027
296-843-15010	NEW	04-02-053	296-863-30025	NEW-P	04-08-039	296-874-20026	NEW-P	04-14-027
296-843-15015	NEW	04-02-053	296-863-30030	NEW-P	04-08-039	296-874-20028	NEW-P	04-14-027
296-843-160	NEW	04-02-053	296-863-30035	NEW-P	04-08-039	296-874-20030	NEW-P	04-14-027
296-843-16005	NEW	04-02-053	296-863-30040	NEW-P	04-08-039	296-874-20032	NEW-P	04-14-027
296-843-170	NEW	04-02-053	296-863-400	NEW-P	04-08-039	296-874-20034	NEW-P	04-14-027
296-843-17005	NEW	04-02-053	296-863-40005	NEW-P	04-08-039	296-874-20036	NEW-P	04-14-027
296-843-180	NEW	04-02-053	296-863-40010	NEW-P	04-08-039	296-874-20038	NEW-P	04-14-027
296-843-18005	NEW	04-02-053	296-863-40015	NEW-P	04-08-039	296-874-20040	NEW-P	04-14-027
296-843-18010	NEW	04-02-053	296-863-40020	NEW-P	04-08-039	296-874-20042	NEW-P	04-14-027
296-843-18015	NEW	04-02-053	296-863-40025	NEW-P	04-08-039	296-874-20044	NEW-P	04-14-027

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-874-20046	NEW-P	04-14-027	296-874-500	NEW-P	04-14-027	308-56A-460	AMD-P	04-04-006
296-874-20048	NEW-P	04-14-027	308-08	PREP	04-15-040	308-56A-460	AMD	04-08-080
296-874-20050	NEW-P	04-14-027	308-11-030	AMD-P	04-14-075	308-56A-500	AMD-P	04-04-049
296-874-20052	NEW-P	04-14-027	308-11-030	AMD	04-17-074	308-56A-500	AMD	04-08-081
296-874-20054	NEW-P	04-14-027	308-13-150	PREP	04-06-030	308-56A-500	PREP	04-17-064
296-874-20056	NEW-P	04-14-027	308-13-150	AMD-P	04-13-143	308-56A-505	AMD-P	04-04-049
296-874-20058	NEW-P	04-14-027	308-13-150	AMD	04-17-026	308-56A-505	AMD	04-08-081
296-874-20060	NEW-P	04-14-027	308-14-010	NEW-P	04-14-073	308-56A-525	PREP	04-08-058
296-874-20062	NEW-P	04-14-027	308-14-010	NEW	04-17-072	308-56A-525	AMD-P	04-15-080
296-874-20064	NEW-P	04-14-027	308-14-085	AMD-P	04-14-073	308-56A-525	AMD-W	04-16-070
296-874-20066	NEW-P	04-14-027	308-14-085	AMD	04-17-072	308-56A-530	PREP	04-17-064
296-874-20068	NEW-P	04-14-027	308-14-085	AMD	04-17-072	308-56A-530	PREP	04-17-064
296-874-20068	NEW-P	04-14-027	308-14-090	AMD-P	04-14-073	308-56A-640	AMD	04-03-016
296-874-20070	NEW-P	04-14-027	308-14-090	AMD	04-17-072	308-61-135	PREP	04-12-010
296-874-20072	NEW-P	04-14-027	308-14-115	NEW-P	04-14-073	308-61-190	AMD-P	04-06-004
296-874-20074	NEW-P	04-14-027	308-14-115	NEW	04-17-072	308-61-190	AMD	04-12-063
296-874-20076	NEW-P	04-14-027	308-14-115	NEW	04-17-072	308-61-190	AMD	04-12-063
296-874-20076	NEW-P	04-14-027	308-14-130	AMD-P	04-14-073	308-63	PREP	04-11-104
296-874-300	NEW-P	04-14-027	308-14-130	AMD	04-17-072	308-63-090	PREP	04-12-009
296-874-30002	NEW-P	04-14-027	308-14-135	AMD-P	04-14-073	308-65	PREP	04-11-105
296-874-30004	NEW-P	04-14-027	308-14-135	AMD	04-17-072	308-66-110	AMD-P	04-12-079
296-874-30006	NEW-P	04-14-027	308-14-135	AMD	04-17-072	308-66-110	AMD	04-16-090
296-874-30006	NEW-P	04-14-027	308-14-190	NEW-P	04-14-073	308-66-110	AMD	04-16-090
296-874-30008	NEW-P	04-14-027	308-14-190	NEW	04-17-072	308-66-120	AMD-P	04-12-079
296-874-30010	NEW-P	04-14-027	308-14-190	NEW	04-17-072	308-66-120	AMD	04-16-090
296-874-30010	NEW-P	04-14-027	308-14-200	AMD-P	04-14-074	308-66-120	AMD	04-16-090
296-874-30012	NEW-P	04-14-027	308-14-200	AMD	04-17-073	308-66-140	AMD-P	04-12-079
296-874-30012	NEW-P	04-14-027	308-14-200	AMD	04-17-073	308-66-140	AMD-P	04-12-079
296-874-30014	NEW-P	04-14-027	308-15	PREP	04-04-050	308-66-140	AMD	04-16-090
296-874-30016	NEW-P	04-14-027	308-17-150	AMD-P	04-07-032	308-66-145	AMD-P	04-12-079
296-874-30018	NEW-P	04-14-027	308-17-150	AMD	04-12-024	308-66-145	AMD	04-16-090
296-874-30018	NEW-P	04-14-027	308-17-150	AMD	04-12-024	308-66-145	AMD	04-16-090
296-874-30020	NEW-P	04-14-027	308-18-150	AMD-P	04-07-031	308-66-152	AMD-P	04-12-079
296-874-30022	NEW-P	04-14-027	308-18-150	AMD	04-12-023	308-66-152	AMD	04-16-090
296-874-30022	NEW-P	04-14-027	308-18-150	AMD	04-12-023	308-66-152	AMD	04-16-090
296-874-30024	NEW-P	04-14-027	308-20	PREP	04-16-116	308-66-155	AMD-P	04-12-079
296-874-30026	NEW-P	04-14-027	308-20	PREP	04-16-116	308-66-155	AMD	04-16-090
296-874-30026	NEW-P	04-14-027	308-20-010	AMD	04-05-005	308-66-155	AMD	04-16-090
296-874-30028	NEW-P	04-14-027	308-20-040	AMD	04-05-005	308-66-157	AMD-P	04-12-079
296-874-30028	NEW-P	04-14-027	308-20-040	AMD	04-05-005	308-66-157	AMD-P	04-12-079
296-874-30030	NEW-P	04-14-027	308-20-055	NEW	04-05-005	308-66-157	AMD	04-16-090
296-874-30030	NEW-P	04-14-027	308-20-055	NEW	04-05-005	308-66-157	AMD	04-16-090
296-874-30032	NEW-P	04-14-027	308-20-090	AMD	04-05-005	308-66-160	AMD-P	04-12-079
296-874-30032	NEW-P	04-14-027	308-20-090	AMD	04-05-005	308-66-160	AMD-P	04-12-079
296-874-30034	NEW-P	04-14-027	308-20-101	NEW	04-05-005	308-66-160	AMD	04-16-090
296-874-30034	NEW-P	04-14-027	308-20-101	NEW	04-05-005	308-66-160	AMD	04-16-090
296-874-30036	NEW-P	04-14-027	308-20-110	AMD	04-05-005	308-66-165	AMD-P	04-12-079
296-874-30036	NEW-P	04-14-027	308-20-110	AMD	04-05-005	308-66-165	AMD-P	04-12-079
296-874-30038	NEW-P	04-14-027	308-20-550	AMD	04-05-005	308-66-165	AMD	04-16-090
296-874-30038	NEW-P	04-14-027	308-20-550	AMD	04-05-005	308-66-165	AMD	04-16-090
296-874-30040	NEW-P	04-14-027	308-20-555	NEW	04-05-005	308-66-175	AMD-P	04-12-079
296-874-30040	NEW-P	04-14-027	308-20-555	NEW	04-05-005	308-66-175	AMD-P	04-12-079
296-874-30042	NEW-P	04-14-027	308-29-045	AMD-P	04-14-070	308-66-175	AMD	04-16-090
296-874-30042	NEW-P	04-14-027	308-29-045	AMD-P	04-14-070	308-66-175	AMD	04-16-090
296-874-30044	NEW-P	04-14-027	308-56A	PREP	04-05-121	308-66-180	AMD-P	04-12-079
296-874-30044	NEW-P	04-14-027	308-56A	PREP	04-05-121	308-66-180	AMD-P	04-12-079
296-874-30046	NEW-P	04-14-027	308-56A-020	AMD-P	04-04-006	308-66-180	AMD	04-16-090
296-874-30046	NEW-P	04-14-027	308-56A-020	AMD-P	04-04-006	308-66-180	AMD	04-16-090
296-874-400	NEW-P	04-14-027	308-56A-020	AMD	04-08-080	308-66-180	AMD	04-16-090
296-874-400	NEW-P	04-14-027	308-56A-020	AMD	04-08-080	308-66-190	AMD-P	04-12-079
296-874-40002	NEW-P	04-14-027	308-56A-024	NEW-P	04-11-112	308-66-190	AMD	04-16-090
296-874-40002	NEW-P	04-14-027	308-56A-024	NEW-P	04-11-112	308-66-190	AMD	04-16-090
296-874-40004	NEW-P	04-14-027	308-56A-030	AMD-P	04-03-120	308-66-195	AMD-P	04-12-079
296-874-40004	NEW-P	04-14-027	308-56A-030	AMD-P	04-03-120	308-66-195	AMD-P	04-12-079
296-874-40006	NEW-P	04-14-027	308-56A-030	AMD	04-07-168	308-66-195	AMD	04-16-090
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296-874-40008	NEW-P	04-14-027	308-56A-040	AMD-P	04-03-120	308-66-200	AMD-P	04-12-079
296-874-40008	NEW-P	04-14-027	308-56A-040	AMD-P	04-03-120	308-66-200	AMD-P	04-12-079
296-874-40010	NEW-P	04-14-027	308-56A-040	AMD	04-07-168	308-66-200	AMD	04-16-090
296-874-40010	NEW-P	04-14-027	308-56A-040	AMD	04-07-168	308-66-200	AMD	04-16-090
296-874-40012	NEW-P	04-14-027	308-56A-075	AMD-X	04-09-033	308-66-210	AMD-P	04-12-079
296-874-40012	NEW-P	04-14-027	308-56A-075	AMD-X	04-09-033	308-66-210	AMD-P	04-12-079
296-874-40014	NEW-P	04-14-027	308-56A-075	AMD	04-13-118	308-66-210	AMD	04-16-090
296-874-40014	NEW-P	04-14-027	308-56A-075	AMD	04-13-118	308-66-210	AMD	04-16-090
296-874-40016	NEW-P	04-14-027	308-56A-140	AMD-P	04-04-006	308-66-211	AMD-P	04-12-079
296-874-40016	NEW-P	04-14-027	308-56A-140	AMD-P	04-04-006	308-66-211	AMD-P	04-12-079
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296-874-40018	NEW-P	04-14-027	308-56A-140	AMD	04-08-080	308-66-211	AMD	04-16-090
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356-46-100	AMD-P	04-11-114	357-01-105	NEW-P	04-13-179	357-04-045	NEW-P	04-12-088
356-46-100	AMD	04-15-018	357-01-110	NEW-P	04-13-179	357-04-045	NEW	04-15-016
356-46-125	AMD-P	04-11-114	357-01-115	NEW-P	04-13-179	357-04-050	NEW-P	04-12-088
356-46-125	AMD	04-15-018	357-01-120	NEW-P	04-13-179	357-04-050	NEW	04-15-016
356-56-010	AMD-P	04-11-114	357-01-125	NEW-P	04-13-179	357-04-055	NEW-P	04-12-088
356-56-010	AMD	04-15-018	357-01-130	NEW-P	04-13-179	357-04-055	NEW	04-15-016
356-56-035	AMD-P	04-11-114	357-01-135	NEW-P	04-13-179	357-04-060	NEW-P	04-13-180
356-56-035	AMD	04-15-018	357-01-140	NEW-P	04-13-179	357-04-065	NEW-P	04-12-086
356-56-070	AMD-P	04-11-114	357-01-145	NEW-P	04-13-179	357-04-065	NEW	04-15-017
356-56-070	AMD	04-15-018	357-01-150	NEW-P	04-13-179	357-04-070	NEW-P	04-13-180
356-60-010	AMD-P	04-07-188	357-01-155	NEW-P	04-13-179	357-04-075	NEW-P	04-13-180
356-60-010	DECOD-P	04-07-188	357-01-160	NEW-P	04-13-179	357-04-080	NEW-P	04-13-180
356-60-010	RECOD-P	04-07-188	357-01-165	NEW-P	04-13-179	357-04-085	NEW-P	04-13-180
356-60-010	AMD	04-11-045	357-01-170	NEW-P	04-13-179	357-04-090	NEW-P	04-13-180
356-60-010	DECOD	04-11-045	357-01-175	NEW-P	04-13-179	357-04-095	NEW-P	04-13-180
356-60-010	RECOD	04-11-045	357-01-180	NEW-P	04-13-179	357-04-100	NEW-P	04-13-180
356-60-020	AMD-P	04-07-188	357-01-185	NEW-P	04-13-179	357-04-105	NEW-P	04-13-180
356-60-020	DECOD-P	04-07-188	357-01-190	NEW-P	04-13-179	357-04-110	NEW-P	04-13-180
356-60-020	RECOD-P	04-07-188	357-01-195	NEW-P	04-13-179	357-04-115	NEW-P	04-13-180
356-60-020	AMD	04-11-045	357-01-200	NEW-P	04-13-179	357-04-120	NEW-P	04-13-180
356-60-020	DECOD	04-11-045	357-01-205	NEW-P	04-13-179	357-07-005	NEW-P	04-13-181
356-60-020	RECOD	04-11-045	357-01-210	NEW-P	04-13-179	357-07-010	NEW-P	04-13-181
356-60-030	AMD-P	04-07-188	357-01-215	NEW-P	04-13-179	357-07-015	NEW-P	04-13-181
356-60-030	DECOD-P	04-07-188	357-01-220	NEW-P	04-13-179	357-07-020	NEW-P	04-13-181
356-60-030	RECOD-P	04-07-188	357-01-225	NEW-P	04-13-179	357-07-025	NEW-P	04-13-181
356-60-030	AMD	04-11-045	357-01-230	NEW-P	04-13-179	357-07-030	NEW-P	04-13-181
356-60-030	DECOD	04-11-045	357-01-235	NEW-P	04-13-179	357-07-035	NEW-P	04-13-181
356-60-030	RECOD	04-11-045	357-01-240	NEW-P	04-13-179	357-07-040	NEW-P	04-13-181
356-60-032	NEW-P	04-07-188	357-01-245	NEW-P	04-13-179	357-07-045	NEW-P	04-13-181
356-60-032	NEW	04-11-045	357-01-250	NEW-P	04-13-179	357-07-050	NEW-P	04-13-181
356-60-034	NEW-P	04-07-188	357-01-255	NEW-P	04-13-179	357-07-055	NEW-P	04-13-181
356-60-034	NEW	04-11-045	357-01-260	NEW-P	04-13-179	357-07-060	NEW-P	04-13-181
356-60-040	REP-P	04-07-188	357-01-265	NEW-P	04-13-179	357-07-065	NEW-P	04-13-181
356-60-040	REP	04-11-045	357-01-270	NEW-P	04-13-179	357-07-070	NEW-P	04-13-181
356-60-050	REP-P	04-07-188	357-01-275	NEW-P	04-13-179	357-07-075	NEW-P	04-13-181
356-60-050	REP	04-11-045	357-01-280	NEW-P	04-13-179	357-10-005	NEW-P	04-04-109
356-60-055	AMD-P	04-07-188	357-01-285	NEW-P	04-13-179	357-10-005	NEW	04-07-052
356-60-055	AMD	04-11-045	357-01-290	NEW-P	04-13-179	357-10-010	NEW-P	04-04-109
356-60-057	AMD-P	04-07-188	357-01-295	NEW-P	04-13-179	357-10-010	NEW	04-07-052
356-60-057	AMD	04-11-045	357-01-300	NEW-P	04-13-179	357-10-020	NEW-P	04-04-109
356-60-060	REP-P	04-07-188	357-01-305	NEW-P	04-13-179	357-10-020	NEW	04-07-052
356-60-060	REP	04-11-045	357-01-310	NEW-P	04-13-179	357-13-010	NEW-P	04-13-182
357-01-005	NEW-P	04-13-179	357-01-315	NEW-P	04-13-179	357-13-015	NEW-P	04-13-182
357-01-010	NEW-P	04-13-179	357-01-320	NEW-P	04-13-179	357-13-020	NEW-P	04-13-182
357-01-015	NEW-P	04-13-179	357-01-325	NEW-P	04-13-179	357-13-025	NEW-P	04-13-182

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357-13-030	NEW-P	04-13-182	357-19-075	NEW-P	04-13-031	357-19-410	NEW-P	04-13-031
357-13-035	NEW-P	04-13-182	357-19-080	NEW-P	04-13-031	357-19-420	NEW-P	04-13-031
357-13-040	NEW-P	04-13-182	357-19-085	NEW-P	04-13-031	357-19-425	NEW-P	04-13-031
357-13-045	NEW-P	04-13-182	357-19-090	NEW-P	04-13-031	357-19-430	NEW-P	04-13-031
357-13-050	NEW-P	04-13-182	357-19-095	NEW-P	04-13-031	357-19-435	NEW-P	04-16-113
357-13-055	NEW-P	04-13-182	357-19-100	NEW-P	04-13-031	357-19-440	NEW-P	04-16-113
357-13-060	NEW-P	04-13-182	357-19-105	NEW-P	04-13-031	357-19-441	NEW-P	04-16-113
357-13-065	NEW-P	04-13-182	357-19-110	NEW-P	04-13-031	357-19-442	NEW-P	04-16-113
357-13-070	NEW-P	04-13-182	357-19-115	NEW-P	04-13-031	357-19-443	NEW-P	04-16-113
357-13-075	NEW-P	04-13-182	357-19-117	NEW-P	04-13-031	357-19-444	NEW-P	04-16-113
357-13-080	NEW-P	04-13-182	357-19-120	NEW-P	04-13-031	357-19-445	NEW-P	04-16-113
357-13-085	NEW-P	04-13-182	357-19-135	NEW-P	04-13-031	357-19-446	NEW-P	04-16-113
357-13-090	NEW-P	04-13-182	357-19-140	NEW-P	04-13-031	357-19-447	NEW-P	04-16-113
357-16-005	NEW-P	04-13-183	357-19-145	NEW-P	04-13-031	357-19-448	NEW-P	04-16-113
357-16-010	NEW-P	04-13-183	357-19-155	NEW-P	04-13-031	357-19-450	NEW-P	04-16-113
357-16-015	NEW-P	04-13-183	357-19-160	NEW-P	04-13-031	357-19-455	NEW-P	04-13-031
357-16-020	NEW-P	04-13-183	357-19-165	NEW-P	04-13-031	357-19-460	NEW-P	04-13-031
357-16-025	NEW-P	04-13-183	357-19-170	NEW-P	04-13-031	357-19-465	NEW-P	04-13-031
357-16-030	NEW-P	04-13-183	357-19-175	NEW-P	04-13-031	357-19-470	NEW-P	04-13-031
357-16-040	NEW-P	04-13-183	357-19-177	NEW-P	04-13-031	357-19-475	NEW-P	04-13-031
357-16-045	NEW-P	04-13-183	357-19-180	NEW-P	04-13-031	357-19-480	NEW-P	04-13-031
357-16-050	NEW-P	04-13-183	357-19-190	NEW-P	04-13-031	357-19-505	NEW-P	04-13-031
357-16-055	NEW-P	04-13-183	357-19-193	NEW-P	04-13-184	357-19-510	NEW-P	04-13-031
357-16-060	NEW-P	04-13-183	357-19-195	NEW-P	04-13-031	357-19-515	NEW-P	04-13-031
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357-16-070	NEW-P	04-13-183	357-19-205	NEW-P	04-13-031	357-19-530	NEW-P	04-13-031
357-16-075	NEW-P	04-13-183	357-19-215	NEW-P	04-13-031	357-19-535	NEW-P	04-13-031
357-16-085	NEW-P	04-13-183	357-19-220	NEW-P	04-13-031	357-22-010	NEW-P	04-13-185
357-16-090	NEW-P	04-13-183	357-19-225	NEW-P	04-13-031	357-22-015	NEW-P	04-13-185
357-16-095	NEW-P	04-13-183	357-19-230	NEW-P	04-13-031	357-22-020	NEW-P	04-13-185
357-16-100	NEW-P	04-13-183	357-19-235	NEW-P	04-13-031	357-22-025	NEW-P	04-13-185
357-16-105	NEW-P	04-13-183	357-19-240	NEW-P	04-13-031	357-22-030	NEW-P	04-13-185
357-16-110	NEW-P	04-13-183	357-19-245	NEW-P	04-13-031	357-22-035	NEW-P	04-13-185
357-16-115	NEW-P	04-13-183	357-19-250	NEW-P	04-13-031	357-22-040	NEW-P	04-13-185
357-16-120	NEW-P	04-13-183	357-19-255	NEW-P	04-13-031	357-22-045	NEW-P	04-13-185
357-16-125	NEW-P	04-13-183	357-19-260	NEW-P	04-13-031	357-25-005	NEW-P	04-13-186
357-16-130	NEW-P	04-13-183	357-19-265	NEW-P	04-13-031	357-25-010	NEW-P	04-13-186
357-16-135	NEW-P	04-13-183	357-19-270	NEW-P	04-13-031	357-25-015	NEW-P	04-13-186
357-16-140	NEW-P	04-13-183	357-19-280	NEW-P	04-13-031	357-25-020	NEW-P	04-13-186
357-16-150	NEW-P	04-13-183	357-19-285	NEW-P	04-13-031	357-25-030	NEW-P	04-13-186
357-16-155	NEW-P	04-13-183	357-19-290	NEW-P	04-13-031	357-25-035	NEW-P	04-13-186
357-16-160	NEW-P	04-13-183	357-19-295	NEW-P	04-13-031	357-25-040	NEW-P	04-13-186
357-16-170	NEW-P	04-13-183	357-19-297	NEW-P	04-13-031	357-25-045	NEW-P	04-13-186
357-16-175	NEW-P	04-13-183	357-19-305	NEW-P	04-13-031	357-25-050	NEW-P	04-13-186
357-16-180	NEW-P	04-13-183	357-19-310	NEW-P	04-13-031	357-25-055	NEW-P	04-13-186
357-16-190	NEW-P	04-13-183	357-19-315	NEW-P	04-13-031	357-26-005	NEW-P	04-13-187
357-16-195	NEW-P	04-13-183	357-19-320	NEW-P	04-13-031	357-26-010	NEW-P	04-13-187
357-16-200	NEW-P	04-13-183	357-19-325	NEW-P	04-13-031	357-26-015	NEW-P	04-13-187
357-16-205	NEW-P	04-13-183	357-19-330	NEW-P	04-13-031	357-26-020	NEW-P	04-13-187
357-19-005	NEW-P	04-13-031	357-19-340	NEW-P	04-13-031	357-26-025	NEW-P	04-13-187
357-19-010	NEW-P	04-13-031	357-19-345	NEW-P	04-13-031	357-28-010	NEW-P	04-13-029
357-19-015	NEW-P	04-13-031	357-19-360	NEW-P	04-13-031	357-28-015	NEW-P	04-13-029
357-19-017	NEW-P	04-13-031	357-19-365	NEW-P	04-13-031	357-28-020	NEW-P	04-13-029
357-19-020	NEW-P	04-13-031	357-19-370	NEW-P	04-13-031	357-28-025	NEW-P	04-13-029
357-19-025	NEW-P	04-13-031	357-19-373	NEW-P	04-13-031	357-28-030	NEW-P	04-13-029
357-19-030	NEW-P	04-13-031	357-19-375	NEW-P	04-13-031	357-28-035	NEW-P	04-13-029
357-19-040	NEW-P	04-13-031	357-19-377	NEW-P	04-13-031	357-28-040	NEW-P	04-13-029
357-19-045	NEW-P	04-13-031	357-19-380	NEW-P	04-13-031	357-28-045	NEW-P	04-13-029
357-19-050	NEW-P	04-13-031	357-19-385	NEW-P	04-13-031	357-28-050	NEW-P	04-13-029
357-19-060	NEW-P	04-13-031	357-19-388	NEW-P	04-13-031	357-28-055	NEW-P	04-13-029
357-19-065	NEW-P	04-13-031	357-19-395	NEW-P	04-13-031	357-28-060	NEW-P	04-13-029
357-19-070	NEW-P	04-13-031	357-19-400	NEW-P	04-13-031	357-28-065	NEW-P	04-13-029

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357- 28-070	NEW-P	04-13-029	357- 34-080	NEW-P	04-12-087	357- 46-035	NEW-P	04-13-030
357- 28-075	NEW-P	04-13-029	357- 34-080	NEW-W	04-15-014	357- 46-040	NEW-P	04-13-030
357- 28-080	NEW-P	04-13-029	357- 34-085	NEW-P	04-12-087	357- 46-045	NEW-P	04-13-030
357- 28-090	NEW-P	04-13-029	357- 34-085	NEW	04-15-015	357- 46-050	NEW-P	04-13-030
357- 28-095	NEW-P	04-13-029	357- 34-090	NEW-P	04-13-188	357- 46-060	NEW-P	04-13-030
357- 28-100	NEW-P	04-13-029	357- 37-010	NEW-P	04-13-189	357- 46-070	NEW-P	04-13-030
357- 28-110	NEW-P	04-13-029	357- 37-015	NEW-P	04-13-189	357- 46-075	NEW-P	04-13-030
357- 28-115	NEW-P	04-13-029	357- 37-020	NEW-P	04-13-189	357- 46-080	NEW-P	04-13-030
357- 28-120	NEW-P	04-13-029	357- 37-025	NEW-P	04-13-189	357- 46-085	NEW-P	04-13-030
357- 28-125	NEW-P	04-13-029	357- 37-030	NEW-P	04-13-189	357- 46-090	NEW-P	04-13-030
357- 28-130	NEW-P	04-13-029	357- 37-035	NEW-P	04-13-189	357- 46-095	NEW-P	04-13-030
357- 28-135	NEW-P	04-13-029	357- 37-040	NEW-P	04-13-189	357- 46-100	NEW-P	04-13-030
357- 28-140	NEW-P	04-13-029	357- 37-045	NEW-P	04-13-189	357- 46-105	NEW-P	04-13-030
357- 28-145	NEW-P	04-13-029	357- 37-050	NEW-P	04-13-189	357- 46-110	NEW-P	04-13-030
357- 28-150	NEW-P	04-13-029	357- 37-055	NEW-P	04-13-189	357- 46-115	NEW-P	04-13-030
357- 28-155	NEW-P	04-13-029	357- 37-060	NEW-P	04-13-189	357- 46-120	NEW-P	04-13-030
357- 28-160	NEW-P	04-13-029	357- 37-065	NEW-P	04-13-189	357- 46-125	NEW-P	04-13-030
357- 28-165	NEW-P	04-13-029	357- 37-070	NEW-P	04-13-189	357- 46-130	NEW-P	04-13-030
357- 28-175	NEW-P	04-13-029	357- 37-075	NEW-P	04-13-189	357- 46-135	NEW-P	04-13-030
357- 28-180	NEW-P	04-13-029	357- 37-080	NEW-P	04-13-189	357- 46-140	NEW-P	04-13-030
357- 28-185	NEW-P	04-13-029	357- 40-010	NEW-P	04-13-190	357- 46-145	NEW-P	04-13-030
357- 28-190	NEW-P	04-13-029	357- 40-015	NEW-P	04-13-190	357- 46-150	NEW-P	04-13-030
357- 28-195	NEW-P	04-13-029	357- 40-020	NEW-P	04-13-190	357- 46-155	NEW-P	04-13-030
357- 28-200	NEW-P	04-13-029	357- 40-025	NEW-P	04-13-190	357- 46-160	NEW-P	04-13-030
357- 28-205	NEW-P	04-13-029	357- 40-030	NEW-P	04-13-190	357- 46-165	NEW-P	04-13-030
357- 28-210	NEW-P	04-13-029	357- 40-035	NEW-P	04-13-190	357- 46-170	NEW-P	04-13-030
357- 28-220	NEW-P	04-13-029	357- 40-040	NEW-P	04-13-190	357- 46-175	NEW-P	04-13-030
357- 28-225	NEW-P	04-13-029	357- 40-045	NEW-P	04-13-190	357- 46-180	NEW-P	04-13-030
357- 28-230	NEW-P	04-13-029	357- 40-050	NEW-P	04-13-190	357- 46-185	NEW-P	04-13-030
357- 28-235	NEW-P	04-13-029	357- 40-055	NEW-P	04-13-190	357- 46-190	NEW-P	04-13-030
357- 28-240	NEW-P	04-13-029	357- 40-060	NEW-P	04-13-190	357- 46-195	NEW-P	04-13-030
357- 28-245	NEW-P	04-13-029	357- 40-065	NEW-P	04-13-190	357- 46-200	NEW-P	04-13-030
357- 28-250	NEW-P	04-13-029	357- 43-001	NEW-P	04-13-191	357- 46-205	NEW-P	04-13-030
357- 28-252	NEW-P	04-13-029	357- 43-005	NEW-P	04-13-191	357- 49-010	NEW-P	04-13-192
357- 28-255	NEW-P	04-13-029	357- 43-010	NEW-P	04-13-191	357- 49-015	NEW-P	04-13-192
357- 28-260	NEW-P	04-13-029	357- 43-015	NEW-P	04-13-191	357- 49-020	NEW-P	04-13-192
357- 28-265	NEW-P	04-13-029	357- 43-020	NEW-P	04-13-191	363-116-070	AMD-P	04-10-030
357- 28-275	NEW-P	04-13-029	357- 43-025	NEW-P	04-13-191	363-116-070	AMD	04-14-017
357- 28-280	NEW-P	04-13-029	357- 43-030	NEW-P	04-13-191	363-116-185	AMD-P	04-10-031
357- 28-285	NEW-P	04-13-029	357- 43-035	NEW-P	04-13-191	363-116-185	AMD	04-14-018
357- 28-295	NEW-P	04-13-029	357- 43-040	NEW-P	04-13-191	363-116-300	AMD-P	04-08-008
357- 28-300	NEW-P	04-13-029	357- 43-045	NEW-P	04-13-191	363-116-300	AMD	04-12-014
357- 28-310	NEW-P	04-13-029	357- 43-050	NEW-P	04-13-191	365-110-035	AMD-X	04-17-139
357- 28-315	NEW-P	04-13-029	357- 43-055	NEW-P	04-13-191	365-230-010	NEW-P	04-05-062
357- 28-325	NEW-P	04-13-029	357- 43-060	NEW-P	04-13-191	365-230-010	NEW	04-10-037
357- 34-005	NEW-P	04-13-188	357- 43-065	NEW-P	04-13-191	365-230-015	NEW-P	04-05-062
357- 34-010	NEW-P	04-13-188	357- 43-070	NEW-P	04-13-191	365-230-015	NEW	04-10-037
357- 34-015	NEW-P	04-13-188	357- 43-075	NEW-P	04-13-191	365-230-016	NEW-P	04-05-062
357- 34-020	NEW-P	04-13-188	357- 43-080	NEW-P	04-13-191	365-230-016	NEW	04-10-037
357- 34-025	NEW-P	04-13-188	357- 43-085	NEW-P	04-13-191	365-230-020	NEW-P	04-05-062
357- 34-030	NEW-P	04-13-188	357- 43-090	NEW-P	04-13-191	365-230-020	NEW	04-10-037
357- 34-035	NEW-P	04-13-188	357- 43-095	NEW-P	04-13-191	365-230-030	NEW-P	04-05-062
357- 34-045	NEW-P	04-13-188	357- 43-100	NEW-P	04-13-191	365-230-030	NEW	04-10-037
357- 34-050	NEW-P	04-13-188	357- 43-105	NEW-P	04-13-191	365-230-035	NEW-P	04-05-062
357- 34-055	NEW-P	04-12-087	357- 43-110	NEW-P	04-13-191	365-230-035	NEW	04-10-037
357- 34-055	NEW	04-15-015	357- 43-115	NEW-P	04-13-191	365-230-040	NEW-P	04-05-062
357- 34-060	NEW-P	04-13-188	357- 46-005	NEW-P	04-13-030	365-230-040	NEW	04-10-037
357- 34-065	NEW-P	04-13-188	357- 46-010	NEW-P	04-13-030	365-230-050	NEW-P	04-05-062
357- 34-070	NEW-P	04-12-087	357- 46-015	NEW-P	04-13-030	365-230-050	NEW	04-10-037
357- 34-070	NEW	04-15-015	357- 46-020	NEW-P	04-13-030	365-230-060	NEW-P	04-05-062
357- 34-075	NEW-P	04-12-087	357- 46-025	NEW-P	04-13-030	365-230-060	NEW	04-10-037
357- 34-075	NEW	04-15-015	357- 46-030	NEW-P	04-13-030	365-230-070	NEW-P	04-05-062

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
365-230-070	NEW	04-10-037	388- 14A-1020	AMD-P	04-13-139	388- 14A-4135	NEW-E	04-14-054
365-230-080	NEW-P	04-05-062	388- 14A-1020	AMD-E	04-14-054	388- 14A-4135	NEW	04-17-119
365-230-080	NEW	04-10-037	388- 14A-1020	AMD	04-17-119	388- 14A-4140	NEW-E	04-07-057
365-230-090	NEW-P	04-05-062	388- 14A-3140	PREP	04-09-036	388- 14A-4140	NEW-P	04-13-139
365-230-090	NEW	04-10-037	388- 14A-3370	PREP	04-09-036	388- 14A-4140	NEW-E	04-14-054
365-230-100	NEW-P	04-05-062	388- 14A-3600	PREP	04-09-036	388- 14A-4140	NEW	04-17-119
365-230-100	NEW	04-10-037	388- 14A-3810	PREP	04-06-053	388- 14A-4143	NEW-E	04-07-057
365-230-110	NEW-P	04-05-062	388- 14A-3810	PREP	04-09-036	388- 14A-4143	NEW-P	04-13-139
365-230-110	NEW	04-10-037	388- 14A-4040	AMD-E	04-07-057	388- 14A-4143	NEW-E	04-14-054
365-230-120	NEW-P	04-05-062	388- 14A-4040	AMD-P	04-13-139	388- 14A-4143	NEW	04-17-119
365-230-120	NEW	04-10-037	388- 14A-4040	AMD-E	04-14-054	388- 14A-4145	NEW-E	04-07-057
365-230-130	NEW-P	04-05-062	388- 14A-4040	AMD	04-17-119	388- 14A-4145	NEW-P	04-13-139
365-230-130	NEW	04-10-037	388- 14A-4100	PREP-W	04-07-022	388- 14A-4145	NEW-E	04-14-054
365-230-132	NEW-P	04-05-062	388- 14A-4100	AMD-E	04-07-057	388- 14A-4145	NEW	04-17-119
365-230-132	NEW	04-10-037	388- 14A-4100	PREP	04-07-062	388- 14A-4150	NEW-E	04-07-057
365-230-134	NEW-P	04-05-062	388- 14A-4100	AMD-P	04-13-139	388- 14A-4150	NEW-P	04-13-139
365-230-134	NEW	04-10-037	388- 14A-4100	AMD-E	04-14-054	388- 14A-4150	NEW-E	04-14-054
365-230-140	NEW-P	04-05-062	388- 14A-4100	AMD	04-17-119	388- 14A-4150	NEW	04-17-119
365-230-140	NEW	04-10-037	388- 14A-4110	PREP-W	04-07-022	388- 14A-4160	NEW-E	04-07-057
365-230-150	NEW-P	04-05-062	388- 14A-4110	AMD-E	04-07-057	388- 14A-4160	NEW-P	04-13-139
365-230-150	NEW	04-10-037	388- 14A-4110	PREP	04-07-062	388- 14A-4160	NEW-E	04-14-054
365-230-160	NEW-P	04-05-062	388- 14A-4110	AMD-P	04-13-139	388- 14A-4160	NEW	04-17-119
365-230-160	NEW	04-10-037	388- 14A-4110	AMD-E	04-14-054	388- 14A-4165	NEW-E	04-07-057
365-230-170	NEW-P	04-05-062	388- 14A-4110	AMD	04-17-119	388- 14A-4165	NEW-P	04-13-139
365-230-170	NEW	04-10-037	388- 14A-4120	PREP-W	04-07-022	388- 14A-4165	NEW-E	04-14-054
365-230-180	NEW-P	04-05-062	388- 14A-4120	AMD-E	04-07-057	388- 14A-4165	NEW	04-17-119
365-230-180	NEW	04-10-037	388- 14A-4120	PREP	04-07-062	388- 14A-4170	NEW-E	04-07-057
365-230-190	NEW-P	04-05-062	388- 14A-4120	AMD-P	04-13-139	388- 14A-4170	NEW-P	04-13-139
365-230-190	NEW	04-10-037	388- 14A-4120	AMD-E	04-14-054	388- 14A-4170	NEW-E	04-14-054
365-230-200	NEW-P	04-05-062	388- 14A-4120	AMD	04-17-119	388- 14A-4170	NEW	04-17-119
365-230-200	NEW	04-10-037	388- 14A-4121	NEW-E	04-07-057	388- 14A-4175	NEW-E	04-07-057
365-230-210	NEW-P	04-05-062	388- 14A-4121	NEW-P	04-13-139	388- 14A-4175	NEW-P	04-13-139
365-230-210	NEW	04-10-037	388- 14A-4121	NEW-E	04-14-054	388- 14A-4175	NEW-E	04-14-054
365-230-220	NEW-P	04-05-062	388- 14A-4121	NEW	04-17-119	388- 14A-4175	NEW	04-17-119
365-230-220	NEW	04-10-037	388- 14A-4122	NEW-E	04-07-057	388- 14A-5000	PREP	04-07-166
365-230-230	NEW-P	04-05-062	388- 14A-4122	NEW-P	04-13-139	388- 14A-5001	PREP	04-08-069
365-230-230	NEW	04-10-037	388- 14A-4122	NEW-E	04-14-054	388- 14A-6300	PREP	04-09-036
365-230-240	NEW-P	04-05-062	388- 14A-4122	NEW	04-17-119	388- 25	PREP	04-07-059
365-230-240	NEW	04-10-037	388- 14A-4123	NEW-E	04-07-057	388- 25-0225	PREP	04-08-068
365-230-250	NEW-P	04-05-062	388- 14A-4123	NEW-P	04-13-139	388- 25-0225	AMD-E	04-15-082
365-230-250	NEW	04-10-037	388- 14A-4123	NEW-E	04-14-054	388- 25-0226	PREP	04-08-068
365-230-260	NEW-P	04-05-062	388- 14A-4123	NEW	04-17-119	388- 25-0226	NEW-E	04-15-082
365-230-260	NEW	04-10-037	388- 14A-4124	NEW-E	04-07-057	388- 25-0227	NEW-E	04-15-082
365-230-270	NEW-P	04-05-062	388- 14A-4124	NEW-P	04-13-139	388- 25-0228	NEW-E	04-15-082
365-230-270	NEW	04-10-037	388- 14A-4124	NEW-E	04-14-054	388- 25-0230	PREP	04-08-068
371- 08	PREP	04-15-009	388- 14A-4124	NEW	04-17-119	388- 25-0230	REP-E	04-15-082
371- 08-305	AMD-E	04-15-010	388- 14A-4125	NEW-E	04-07-057	388- 25-1000	NEW-E	04-07-091
371- 08-306	NEW	04-03-001	388- 14A-4125	NEW-P	04-13-139	388- 25-1000	NEW-E	04-15-055
371- 08-315	AMD	04-03-001	388- 14A-4125	NEW-E	04-14-054	388- 25-1010	NEW-E	04-07-091
371- 08-335	AMD-E	04-15-010	388- 14A-4125	NEW	04-17-119	388- 25-1010	NEW-E	04-15-055
388- 02-0215	AMD-E	04-07-090	388- 14A-4126	NEW-E	04-07-057	388- 25-1020	NEW-E	04-07-091
388- 02-0215	AMD-E	04-15-056	388- 14A-4126	NEW-P	04-13-139	388- 25-1020	NEW-E	04-15-055
388- 11-032	PREP-W	04-07-112	388- 14A-4126	NEW-E	04-14-054	388- 25-1030	NEW-E	04-07-091
388- 11-045	PREP-W	04-07-112	388- 14A-4126	NEW	04-17-119	388- 25-1030	NEW-E	04-15-055
388- 11-048	PREP-W	04-07-112	388- 14A-4130	PREP-W	04-07-022	388- 25-1040	NEW-E	04-07-091
388- 11-205	PREP-W	04-07-112	388- 14A-4130	AMD-E	04-07-057	388- 25-1040	NEW-E	04-15-055
388- 14-045	PREP-W	04-07-112	388- 14A-4130	PREP	04-07-062	388- 25-1050	NEW-E	04-07-091
388- 14-450	PREP-W	04-07-112	388- 14A-4130	AMD-P	04-13-139	388- 25-1050	NEW-E	04-15-055
388- 14A	PREP	04-07-113	388- 14A-4130	AMD-E	04-14-054	388- 27-0120	AMD-E	04-03-018
388- 14A-1020	PREP	04-06-053	388- 14A-4130	AMD	04-17-119	388- 27-0120	AMD	04-06-024
388- 14A-1020	AMD-E	04-07-057	388- 14A-4135	NEW-E	04-07-057	388- 27-0130	AMD-E	04-03-018
388- 14A-1020	PREP	04-09-036	388- 14A-4135	NEW-P	04-13-139	388- 27-0130	AMD	04-06-024

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-27-0135	AMD-E	04-03-018	388-71-0155	REP-P	04-13-138	388-71-0930	PREP	04-07-061
388-27-0135	AMD	04-06-024	388-71-0194	AMD-E	04-10-062	388-71-0935	PREP	04-07-061
388-27-0155	AMD-E	04-03-018	388-71-0194	AMD-P	04-10-101	388-71-0940	PREP	04-07-061
388-27-0155	AMD	04-06-024	388-71-0194	AMD	04-16-029	388-71-0945	PREP	04-07-061
388-27-0160	AMD-E	04-03-018	388-71-0202	AMD	04-04-042	388-71-0950	PREP	04-07-061
388-27-0160	AMD	04-06-024	388-71-0202	AMD-E	04-10-062	388-71-0955	PREP	04-07-061
388-27-0165	AMD-E	04-03-018	388-71-0202	AMD-P	04-10-101	388-71-0960	PREP	04-07-061
388-27-0165	AMD	04-06-024	388-71-0202	AMD	04-16-029	388-71-0960	AMD-E	04-10-062
388-27-0175	AMD-E	04-03-018	388-71-0405	AMD-E	04-10-062	388-71-0960	AMD-P	04-10-101
388-27-0175	AMD	04-06-024	388-71-0405	AMD-P	04-10-101	388-71-0960	AMD	04-16-029
388-27-0190	AMD-E	04-03-018	388-71-0405	AMD	04-16-029	388-71-0965	PREP	04-07-061
388-27-0190	AMD	04-06-024	388-71-0410	AMD-E	04-10-062	388-71-1105	AMD-E	04-10-062
388-27-0195	AMD-E	04-03-018	388-71-0410	AMD-P	04-10-101	388-71-1105	AMD-P	04-10-101
388-27-0195	AMD	04-06-024	388-71-0410	AMD	04-16-029	388-71-1105	AMD	04-16-029
388-27-0200	AMD-E	04-03-018	388-71-0415	AMD-E	04-10-062	388-72A	PREP	04-09-089
388-27-0200	AMD	04-06-024	388-71-0415	AMD-P	04-10-101	388-72A-0010	AMD-E	04-09-094
388-27-0210	AMD-E	04-03-018	388-71-0415	AMD	04-16-029	388-72A-0010	AMD-P	04-10-097
388-27-0210	AMD	04-06-024	388-71-0420	AMD-E	04-10-062	388-72A-0010	AMD-W	04-11-082
388-27-0215	AMD-E	04-03-018	388-71-0420	AMD-P	04-10-101	388-72A-0010	AMD-S	04-11-086
388-27-0215	AMD	04-06-024	388-71-0420	AMD	04-16-029	388-72A-0010	AMD-W	04-14-096
388-27-0220	AMD-E	04-03-018	388-71-0425	AMD-E	04-10-062	388-72A-0010	AMD-P	04-14-099
388-27-0220	AMD	04-06-024	388-71-0425	AMD-P	04-10-101	388-72A-0010	AMD-E	04-15-013
388-27-0225	REP-E	04-03-018	388-71-0425	AMD	04-16-029	388-72A-0035	AMD-P	04-14-099
388-27-0225	REP	04-06-024	388-71-0440	AMD-E	04-10-062	388-72A-0035	AMD-E	04-15-013
388-27-0230	AMD-E	04-03-018	388-71-0440	AMD-P	04-10-101	388-72A-0036	NEW-E	04-09-094
388-27-0230	AMD	04-06-024	388-71-0440	AMD	04-16-029	388-72A-0036	NEW-P	04-10-097
388-27-0235	REP-E	04-03-018	388-71-0465	AMD-E	04-10-062	388-72A-0036	NEW-W	04-11-082
388-27-0235	REP	04-06-024	388-71-0465	AMD-P	04-10-101	388-72A-0036	NEW-S	04-11-086
388-27-0240	REP-E	04-03-018	388-71-0465	AMD	04-16-029	388-72A-0036	NEW-W	04-14-096
388-27-0240	REP	04-06-024	388-71-0470	AMD-E	04-10-062	388-72A-0036	NEW-P	04-14-099
388-27-0245	REP-E	04-03-018	388-71-0470	AMD-P	04-10-101	388-72A-0036	NEW-E	04-15-013
388-27-0245	REP	04-06-024	388-71-0470	AMD	04-16-029	388-72A-0037	NEW-E	04-09-094
388-27-0270	REP-E	04-03-018	388-71-0480	AMD-E	04-10-062	388-72A-0037	NEW-P	04-14-099
388-27-0270	REP	04-06-024	388-71-0480	AMD-P	04-10-101	388-72A-0037	NEW-E	04-15-013
388-61-001	AMD-P	04-16-105	388-71-0480	AMD	04-16-029	388-72A-0038	NEW-E	04-09-094
388-71-0100	AMD-P	04-13-138	388-71-0510	AMD-E	04-10-062	388-72A-0038	NEW-P	04-14-099
388-71-0105	AMD-E	04-06-039	388-71-0510	AMD-P	04-10-101	388-72A-0038	NEW-E	04-15-013
388-71-0105	AMD-P	04-13-138	388-71-0510	AMD	04-16-029	388-72A-0039	NEW-E	04-09-094
388-71-0105	AMD-E	04-14-013	388-71-0531	NEW	04-04-042	388-72A-0039	NEW-P	04-14-099
388-71-0110	AMD-P	04-13-138	388-71-0531	REP-E	04-07-058	388-72A-0039	NEW-E	04-15-013
388-71-0115	AMD-P	04-13-138	388-71-0531	PREP	04-07-060	388-72A-0040	REP-E	04-09-094
388-71-0116	NEW-E	04-06-039	388-71-0531	REP-P	04-11-085	388-72A-0040	REP-P	04-14-099
388-71-0116	NEW-E	04-14-013	388-71-0531	REP	04-15-001	388-72A-0040	REP-E	04-15-013
388-71-0120	REP-P	04-13-138	388-71-0531	REP-E	04-15-011	388-72A-0041	NEW-E	04-09-094
388-71-01205	NEW-P	04-13-138	388-71-05665	AMD-E	04-10-062	388-72A-0041	NEW-P	04-10-097
388-71-0121	NEW-P	04-13-138	388-71-05665	AMD-P	04-10-101	388-72A-0041	NEW-W	04-11-082
388-71-01210	NEW-P	04-13-138	388-71-05665	AMD	04-16-029	388-72A-0041	NEW-S	04-11-086
388-71-01215	NEW-P	04-13-138	388-71-0700	AMD-E	04-10-062	388-72A-0041	NEW-W	04-14-096
388-71-01220	NEW-P	04-13-138	388-71-0700	AMD-P	04-10-101	388-72A-0041	NEW-P	04-14-099
388-71-01225	NEW-P	04-13-138	388-71-0700	AMD	04-16-029	388-72A-0041	NEW-E	04-15-013
388-71-01230	NEW-P	04-13-138	388-71-0708	AMD-E	04-10-062	388-72A-0042	NEW-P	04-10-097
388-71-01235	NEW-P	04-13-138	388-71-0708	AMD-P	04-10-101	388-72A-0042	NEW-W	04-11-082
388-71-01240	NEW-P	04-13-138	388-71-0708	AMD	04-16-029	388-72A-0042	NEW-S	04-11-086
388-71-01245	NEW-P	04-13-138	388-71-0900	PREP	04-07-061	388-72A-0042	NEW-W	04-14-096
388-71-01250	NEW-P	04-13-138	388-71-0905	PREP	04-07-061	388-72A-0042	NEW-P	04-14-099
388-71-01255	NEW-P	04-13-138	388-71-0910	PREP	04-07-061	388-72A-0042	NEW-E	04-15-013
388-71-01260	NEW-P	04-13-138	388-71-0915	PREP	04-07-061	388-72A-0053	NEW-E	04-10-062
388-71-01265	NEW-P	04-13-138	388-71-0915	AMD-E	04-10-062	388-72A-0053	NEW-P	04-10-101
388-71-01270	NEW-P	04-13-138	388-71-0915	AMD-P	04-10-101	388-72A-0053	NEW	04-16-029
388-71-01275	NEW-P	04-13-138	388-71-0915	AMD	04-16-029	388-72A-0055	AMD-E	04-09-094
388-71-01280	NEW-P	04-13-138	388-71-0920	PREP	04-07-061	388-72A-0055	AMD-P	04-14-099
388-71-0150	REP-P	04-13-138	388-71-0925	PREP	04-07-061	388-72A-0055	AMD-E	04-15-013

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-72A-0057	NEW-E	04-10-062	388-72A-0095	AMD-P	04-10-097	388-78A-0230	REP	04-16-065
388-72A-0057	NEW-P	04-10-101	388-72A-0095	AMD-W	04-11-082	388-78A-0240	REP-P	04-11-116
388-72A-0057	NEW	04-16-029	388-72A-0095	AMD-S	04-11-086	388-78A-0240	REP	04-16-065
388-72A-0058	NEW-E	04-10-062	388-72A-0095	AMD-W	04-14-096	388-78A-0250	REP-P	04-11-116
388-72A-0058	NEW-P	04-10-101	388-72A-0095	AMD-P	04-14-099	388-78A-0250	REP	04-16-065
388-72A-0058	NEW	04-16-029	388-72A-0095	AMD-E	04-15-013	388-78A-0260	REP-P	04-11-116
388-72A-0060	AMD-E	04-09-094	388-72A-0100	AMD-E	04-10-062	388-78A-0260	REP	04-16-065
388-72A-0060	AMD-E	04-10-062	388-72A-0100	AMD-P	04-10-101	388-78A-0270	REP-P	04-11-116
388-72A-0060	AMD-P	04-10-101	388-72A-0100	AMD	04-16-029	388-78A-0270	REP	04-16-065
388-72A-0060	AMD-P	04-14-099	388-72A-0115	NEW-E	04-09-094	388-78A-0280	REP-P	04-11-116
388-72A-0060	AMD-E	04-15-013	388-72A-0115	NEW-P	04-14-099	388-78A-0280	REP	04-16-065
388-72A-0060	AMD	04-16-029	388-72A-0115	NEW-E	04-15-013	388-78A-0290	REP-P	04-11-116
388-72A-0065	AMD-E	04-09-094	388-72A-0120	NEW-P	04-14-099	388-78A-0290	REP	04-16-065
388-72A-0065	AMD-E	04-10-062	388-72A-0120	NEW-E	04-15-013	388-78A-0300	REP-P	04-11-116
388-72A-0065	AMD-P	04-10-101	388-78A	PREP	04-06-072	388-78A-0300	REP	04-16-065
388-72A-0065	AMD-P	04-14-099	388-78A	PREP	04-07-189	388-78A-0310	REP-P	04-11-116
388-72A-0065	AMD-E	04-15-013	388-78A	PREP-W	04-08-034	388-78A-0310	REP	04-16-065
388-72A-0065	AMD	04-16-029	388-78A-0010	REP-P	04-11-116	388-78A-0320	REP-P	04-11-116
388-72A-0069	NEW-E	04-09-094	388-78A-0010	REP	04-16-065	388-78A-0320	REP	04-16-065
388-72A-0069	NEW-P	04-14-099	388-78A-0020	REP-P	04-11-116	388-78A-0330	REP-P	04-11-116
388-72A-0069	NEW-E	04-15-013	388-78A-0020	REP	04-16-065	388-78A-0330	REP	04-16-065
388-72A-0070	AMD-E	04-09-094	388-78A-0030	REP-P	04-11-116	388-78A-0340	REP-P	04-11-116
388-72A-0070	AMD-P	04-14-099	388-78A-0030	REP	04-16-065	388-78A-0340	REP	04-16-065
388-72A-0070	AMD-E	04-15-013	388-78A-0040	REP-P	04-11-116	388-78A-0350	REP-P	04-11-116
388-72A-0075	REP-E	04-09-094	388-78A-0040	REP	04-16-065	388-78A-0350	REP	04-16-065
388-72A-0075	REP-P	04-14-099	388-78A-0050	REP-P	04-11-116	388-78A-0360	REP-P	04-11-116
388-72A-0075	REP-E	04-15-013	388-78A-0050	REP	04-16-065	388-78A-0360	REP	04-16-065
388-72A-0080	AMD-E	04-09-094	388-78A-0060	REP-P	04-11-116	388-78A-0370	REP-P	04-11-116
388-72A-0080	AMD-P	04-14-099	388-78A-0060	REP	04-16-065	388-78A-0370	REP	04-16-065
388-72A-0080	AMD-E	04-15-013	388-78A-0070	REP-P	04-11-116	388-78A-0380	REP-P	04-11-116
388-72A-0081	NEW-E	04-09-094	388-78A-0070	REP	04-16-065	388-78A-0380	REP	04-16-065
388-72A-0081	NEW-P	04-14-099	388-78A-0080	REP-P	04-11-116	388-78A-0390	REP-P	04-11-116
388-72A-0081	NEW-E	04-15-013	388-78A-0080	REP	04-16-065	388-78A-0390	REP	04-16-065
388-72A-0082	NEW-E	04-09-094	388-78A-0090	REP-P	04-11-116	388-78A-0400	REP-P	04-11-116
388-72A-0082	NEW-P	04-14-099	388-78A-0090	REP	04-16-065	388-78A-0400	REP	04-16-065
388-72A-0082	NEW-E	04-15-013	388-78A-0100	REP-P	04-11-116	388-78A-0410	REP-P	04-11-116
388-72A-0083	NEW-E	04-09-094	388-78A-0100	REP	04-16-065	388-78A-0410	REP	04-16-065
388-72A-0083	NEW-P	04-14-099	388-78A-0110	REP-P	04-11-116	388-78A-0420	REP-P	04-11-116
388-72A-0083	NEW-E	04-15-013	388-78A-0110	REP	04-16-065	388-78A-0420	REP	04-16-065
388-72A-0084	NEW-E	04-09-094	388-78A-0120	REP-P	04-11-116	388-78A-0430	REP-P	04-11-116
388-72A-0084	NEW-P	04-14-099	388-78A-0120	REP	04-16-065	388-78A-0430	REP	04-16-065
388-72A-0084	NEW-E	04-15-013	388-78A-0130	REP-P	04-11-116	388-78A-0440	REP-P	04-11-116
388-72A-0085	AMD-E	04-09-094	388-78A-0130	REP	04-16-065	388-78A-0440	REP	04-16-065
388-72A-0085	AMD-P	04-14-099	388-78A-0140	REP-P	04-11-116	388-78A-0450	REP-P	04-11-116
388-72A-0085	AMD-E	04-15-013	388-78A-0140	REP	04-16-065	388-78A-0450	REP	04-16-065
388-72A-0086	NEW-E	04-09-094	388-78A-0150	REP-P	04-11-116	388-78A-0460	REP-P	04-11-116
388-72A-0086	NEW-P	04-10-097	388-78A-0150	REP	04-16-065	388-78A-0460	REP	04-16-065
388-72A-0086	NEW-W	04-11-082	388-78A-0160	REP-P	04-11-116	388-78A-0470	REP-P	04-11-116
388-72A-0086	NEW-S	04-11-086	388-78A-0160	REP	04-16-065	388-78A-0470	REP	04-16-065
388-72A-0086	NEW-W	04-14-096	388-78A-0170	REP-P	04-11-116	388-78A-0480	REP-P	04-11-116
388-72A-0086	NEW-P	04-14-099	388-78A-0170	REP	04-16-065	388-78A-0480	REP	04-16-065
388-72A-0086	NEW-E	04-15-013	388-78A-0180	REP-P	04-11-116	388-78A-0490	REP-P	04-11-116
388-72A-0087	NEW-E	04-09-094	388-78A-0180	REP	04-16-065	388-78A-0490	REP	04-16-065
388-72A-0087	NEW-P	04-14-099	388-78A-0190	REP-P	04-11-116	388-78A-0500	REP-P	04-11-116
388-72A-0087	NEW-E	04-15-013	388-78A-0190	REP	04-16-065	388-78A-0500	REP	04-16-065
388-72A-0090	AMD-E	04-09-094	388-78A-0200	REP-P	04-11-116	388-78A-0510	REP-P	04-11-116
388-72A-0090	AMD-P	04-14-099	388-78A-0200	REP	04-16-065	388-78A-0510	REP	04-16-065
388-72A-0090	AMD-E	04-15-013	388-78A-0210	REP-P	04-11-116	388-78A-0520	REP-P	04-11-116
388-72A-0092	NEW-E	04-09-094	388-78A-0210	REP	04-16-065	388-78A-0520	REP	04-16-065
388-72A-0092	NEW-P	04-14-099	388-78A-0220	REP-P	04-11-116	388-78A-0530	REP-P	04-11-116
388-72A-0092	NEW-E	04-15-013	388-78A-0220	REP	04-16-065	388-78A-0530	REP	04-16-065
388-72A-0095	AMD-E	04-09-094	388-78A-0230	REP-P	04-11-116	388-78A-0540	REP-P	04-11-116

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-78A-3150	NEW	04-16-065	388-105-0040	AMD-E	04-06-038	388-140-0030	NEW-E	04-03-010D
388-78A-3160	NEW-P	04-11-116	388-105-0040	AMD-W	04-06-056	388-140-0035	NEW-E	04-03-010D
388-78A-3160	NEW	04-16-065	388-105-0040	AMD-P	04-06-075	388-140-0040	NEW-E	04-03-010D
388-78A-3170	NEW-P	04-11-116	388-105-0040	AMD	04-09-092	388-140-0045	NEW-E	04-03-010D
388-78A-3170	NEW	04-16-065	388-105-0045	NEW-P	04-04-044	388-140-0050	NEW-E	04-03-010D
388-78A-3180	NEW-P	04-11-116	388-105-0045	NEW-E	04-06-038	388-140-0055	NEW-E	04-03-010D
388-78A-3180	NEW	04-16-065	388-105-0045	NEW-W	04-06-056	388-140-0060	NEW-E	04-03-010D
388-78A-3190	NEW-P	04-11-116	388-105-0045	NEW-P	04-06-075	388-140-0065	NEW-E	04-03-010D
388-78A-3190	NEW	04-16-065	388-105-0045	NEW	04-09-092	388-140-0070	NEW-E	04-03-010D
388-78A-3200	NEW-P	04-11-116	388-110	AMD-P	04-13-021	388-140-0075	NEW-E	04-03-010D
388-78A-3200	NEW	04-16-065	388-110	AMD	04-16-063	388-140-0080	NEW-E	04-03-010D
388-78A-3210	NEW-P	04-11-116	388-110-005	AMD-P	04-13-021	388-140-0085	NEW-E	04-03-010D
388-78A-3210	NEW	04-16-065	388-110-005	AMD	04-16-063	388-140-0090	NEW-E	04-03-010D
388-78A-3220	NEW-P	04-11-116	388-110-010	AMD-P	04-13-021	388-140-0095	NEW-E	04-03-010D
388-78A-3220	NEW	04-16-065	388-110-010	AMD	04-16-063	388-140-0100	NEW-E	04-03-010D
388-78A-3230	NEW-P	04-11-116	388-110-020	AMD-P	04-13-021	388-140-0105	NEW-E	04-03-010D
388-78A-3230	NEW	04-16-065	388-110-020	AMD	04-16-063	388-140-0110	NEW-E	04-03-010D
388-96	PREP	04-08-133	388-110-030	AMD-P	04-13-021	388-140-0115	NEW-E	04-03-010D
388-96-117	AMD-P	04-17-144	388-110-030	AMD	04-16-063	388-140-0120	NEW-E	04-03-010D
388-96-217	AMD-P	04-17-144	388-110-040	AMD-P	04-13-021	388-140-0125	NEW-E	04-03-010D
388-96-218	AMD-P	04-17-144	388-110-040	AMD	04-16-063	388-140-0130	NEW-E	04-03-010D
388-96-369	AMD-P	04-17-144	388-110-050	AMD-P	04-13-021	388-140-0135	NEW-E	04-03-010D
388-96-372	AMD-P	04-17-144	388-110-050	AMD	04-16-063	388-140-0140	NEW-E	04-03-010D
388-96-708	AMD-P	04-17-144	388-110-060	REP-P	04-13-021	388-140-0145	NEW-E	04-03-010D
388-96-709	AMD-P	04-17-144	388-110-060	REP	04-16-063	388-140-0150	NEW-E	04-03-010D
388-96-713	AMD-P	04-17-144	388-110-070	AMD-P	04-13-021	388-140-0155	NEW-E	04-03-010D
388-96-714	REP-P	04-17-144	388-110-070	AMD	04-16-063	388-140-0160	NEW-E	04-03-010D
388-96-723	AMD-P	04-17-144	388-110-080	REP-P	04-13-021	388-140-0165	NEW-E	04-03-010D
388-96-724	AMD-P	04-17-144	388-110-080	REP	04-16-063	388-140-0170	NEW-E	04-03-010D
388-96-725	AMD-P	04-17-144	388-110-090	AMD-P	04-13-021	388-140-0175	NEW-E	04-03-010D
388-96-726	AMD-P	04-17-144	388-110-090	AMD	04-16-063	388-140-0180	NEW-E	04-03-010D
388-96-728	REP-P	04-17-144	388-110-100	AMD-P	04-13-021	388-140-0185	NEW-E	04-03-010D
388-96-729	REP-P	04-17-144	388-110-100	AMD	04-16-063	388-140-0190	NEW-E	04-03-010D
388-96-730	AMD-P	04-17-144	388-110-120	AMD-P	04-13-021	388-140-0195	NEW-E	04-03-010D
388-96-731	AMD-P	04-17-144	388-110-120	AMD	04-16-063	388-140-0200	NEW-E	04-03-010D
388-96-732	REP-P	04-17-144	388-110-140	AMD-P	04-13-021	388-140-0205	NEW-E	04-03-010D
388-96-740	AMD-P	04-17-144	388-110-140	AMD	04-16-063	388-140-0210	NEW-E	04-03-010D
388-96-742	AMD-P	04-17-144	388-110-150	AMD-P	04-13-021	388-140-0215	NEW-E	04-03-010D
388-96-749	NEW-P	04-17-144	388-110-150	AMD	04-16-063	388-140-0220	NEW-E	04-03-010D
388-96-766	AMD-P	04-17-144	388-110-170	REP-P	04-13-021	388-140-0225	NEW-E	04-03-010D
388-96-776	AMD-P	04-17-144	388-110-170	REP	04-16-063	388-140-0230	NEW-E	04-03-010D
388-96-779	REP-P	04-17-144	388-110-180	REP-P	04-13-021	388-140-0235	NEW-E	04-03-010D
388-96-780	REP-P	04-17-144	388-110-180	REP	04-16-063	388-140-0240	NEW-E	04-03-010D
388-96-782	AMD-P	04-17-144	388-110-190	REP-P	04-13-021	388-140-0245	NEW-E	04-03-010D
388-96-783	NEW-P	04-17-144	388-110-190	REP	04-16-063	388-140-0250	NEW-E	04-03-010D
388-96-901	AMD-P	04-17-144	388-110-200	REP-P	04-13-021	388-140-0255	NEW-E	04-03-010D
388-96-904	AMD-P	04-17-144	388-110-200	REP	04-16-063	388-140-0260	NEW-E	04-03-010D
388-97-017	PREP	04-12-095	388-110-220	AMD-P	04-13-021	388-140-0265	NEW-E	04-03-010D
388-97-017	AMD-P	04-17-107	388-110-220	AMD	04-16-063	388-140-0270	NEW-E	04-03-010D
388-97-125	PREP	04-06-055	388-110-240	AMD-P	04-13-021	388-140-0275	NEW-E	04-03-010D
388-105	PREP	04-10-089	388-110-240	AMD	04-16-063	388-140-0280	NEW-E	04-03-010D
388-105-0005	AMD-P	04-04-044	388-110-260	AMD-P	04-13-021	388-140-0285	NEW-E	04-03-010D
388-105-0005	AMD-E	04-06-038	388-110-260	AMD	04-16-063	388-140-0290	NEW-E	04-03-010D
388-105-0005	AMD-W	04-06-056	388-110-270	AMD-P	04-13-021	388-140-0295	NEW-E	04-03-010D
388-105-0005	AMD-P	04-06-075	388-110-270	AMD	04-16-063	388-140-0300	NEW-E	04-03-010D
388-105-0005	AMD	04-09-092	388-110-280	AMD-P	04-13-021	388-140-0305	NEW-E	04-03-010D
388-105-0030	AMD-P	04-04-044	388-110-280	AMD	04-16-063	388-140-0310	NEW-E	04-03-010D
388-105-0030	AMD-E	04-06-038	388-140-0005	NEW-E	04-03-010D	388-140-0315	NEW-E	04-03-010D
388-105-0030	AMD-W	04-06-056	388-140-0010	NEW-E	04-03-010D	388-140-0320	NEW-E	04-03-010D
388-105-0030	AMD-P	04-06-075	388-140-0015	NEW-E	04-03-010D	388-140-0325	NEW-E	04-03-010D
388-105-0030	AMD	04-09-092	388-140-0020	NEW-E	04-03-010D	388-140-0330	NEW-E	04-03-010D
388-105-0040	AMD-P	04-04-044	388-140-0025	NEW-E	04-03-010D	388-140-0335	NEW-E	04-03-010D

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-140-0340	NEW-E	04-03-0100	388-148-0005	AMD	04-08-073	388-148-0140	AMD-P	04-03-116
388-140-0345	NEW-E	04-03-0100	388-148-0010	AMD-P	04-03-116	388-148-0140	AMD-E	04-05-035
388-140-0350	NEW-E	04-03-0100	388-148-0010	AMD	04-08-073	388-148-0140	AMD	04-08-073
388-140-0355	NEW-E	04-03-0100	388-148-0015	AMD-P	04-03-116	388-148-0150	AMD-P	04-03-116
388-140-0360	NEW-E	04-03-0100	388-148-0015	AMD	04-08-073	388-148-0150	AMD	04-08-073
388-140-0365	NEW-E	04-03-0100	388-148-0020	AMD-P	04-03-116	388-148-0165	AMD-P	04-03-116
388-140-0370	NEW-E	04-03-0100	388-148-0020	AMD	04-08-073	388-148-0165	AMD	04-08-073
388-140-0375	NEW-E	04-03-0100	388-148-0025	AMD-P	04-03-116	388-148-0170	AMD-P	04-03-116
388-140-0380	NEW-E	04-03-0100	388-148-0025	AMD	04-08-073	388-148-0170	AMD-E	04-05-035
388-140-0385	NEW-E	04-03-0100	388-148-0035	AMD-P	04-03-116	388-148-0170	AMD	04-08-073
388-140-0390	NEW-E	04-03-0100	388-148-0035	AMD-E	04-05-035	388-148-0180	AMD-P	04-03-116
388-140-0395	NEW-E	04-03-0100	388-148-0035	AMD	04-08-073	388-148-0180	AMD	04-08-073
388-140-0400	NEW-E	04-03-0100	388-148-0040	AMD-P	04-03-116	388-148-0185	AMD-P	04-03-116
388-140-0405	NEW-E	04-03-0100	388-148-0040	AMD-E	04-05-035	388-148-0185	AMD	04-08-073
388-140-0410	NEW-E	04-03-0100	388-148-0040	AMD	04-08-073	388-148-0200	AMD-P	04-03-116
388-140-0415	NEW-E	04-03-0100	388-148-0045	AMD-P	04-03-116	388-148-0200	AMD	04-08-073
388-140-0420	NEW-E	04-03-0100	388-148-0045	AMD-E	04-05-035	388-148-0210	AMD-P	04-03-116
388-140-0425	NEW-E	04-03-0100	388-148-0045	AMD	04-08-073	388-148-0210	AMD	04-08-073
388-140-0430	NEW-E	04-03-0100	388-148-0050	AMD-P	04-03-116	388-148-0220	AMD-P	04-03-116
388-140-0435	NEW-E	04-03-0100	388-148-0050	AMD-E	04-05-035	388-148-0220	AMD-E	04-05-035
388-140-0440	NEW-E	04-03-0100	388-148-0050	AMD	04-08-073	388-148-0220	AMD	04-08-073
388-140-0445	NEW-E	04-03-0100	388-148-0050	AMD-P	04-16-001	388-148-0225	AMD-P	04-03-116
388-140-0450	NEW-E	04-03-0100	388-148-0055	AMD-P	04-03-116	388-148-0225	AMD	04-08-073
388-140-0455	NEW-E	04-03-0100	388-148-0055	AMD	04-08-073	388-148-0230	AMD-P	04-03-116
388-140-0460	NEW-E	04-03-0100	388-148-0058	NEW-P	04-03-116	388-148-0230	AMD	04-08-073
388-140-0465	NEW-E	04-03-0100	388-148-0058	NEW-E	04-05-035	388-148-0235	AMD-P	04-03-116
388-140-0470	NEW-E	04-03-0100	388-148-0058	NEW	04-08-073	388-148-0235	AMD	04-08-073
388-140-0475	NEW-E	04-03-0100	388-148-0060	AMD-P	04-03-116	388-148-0240	AMD-P	04-03-116
388-140-0480	NEW-E	04-03-0100	388-148-0060	AMD-E	04-05-035	388-148-0240	AMD	04-08-073
388-140-0485	NEW-E	04-03-0100	388-148-0060	AMD	04-08-073	388-148-0245	AMD-P	04-03-116
388-140-0490	NEW-E	04-03-0100	388-148-0065	AMD-P	04-03-116	388-148-0245	AMD	04-08-073
388-140-0495	NEW-E	04-03-0100	388-148-0065	AMD-E	04-05-035	388-148-0250	AMD-P	04-03-116
388-140-0500	NEW-E	04-03-0100	388-148-0065	AMD	04-08-073	388-148-0250	AMD	04-08-073
388-140-0505	NEW-E	04-03-0100	388-148-0070	AMD-P	04-03-116	388-148-0255	AMD-P	04-03-116
388-140-0510	NEW-E	04-03-0100	388-148-0070	AMD	04-08-073	388-148-0255	AMD	04-08-073
388-140-0515	NEW-E	04-03-0100	388-148-0075	AMD-P	04-03-116	388-148-0260	AMD-P	04-03-116
388-140-0520	NEW-E	04-03-0100	388-148-0075	AMD	04-08-073	388-148-0260	AMD-E	04-05-035
388-140-0525	NEW-E	04-03-0100	388-148-0085	AMD-P	04-03-116	388-148-0260	AMD	04-08-073
388-140-0530	NEW-E	04-03-0100	388-148-0085	AMD	04-08-073	388-148-0265	AMD-P	04-03-116
388-140-0535	NEW-E	04-03-0100	388-148-0090	AMD-P	04-03-116	388-148-0265	AMD	04-08-073
388-140-0540	NEW-E	04-03-0100	388-148-0090	AMD	04-08-073	388-148-0270	AMD-P	04-03-116
388-140-0545	NEW-E	04-03-0100	388-148-0095	AMD-P	04-03-116	388-148-0270	AMD-E	04-05-035
388-140-0550	NEW-E	04-03-0100	388-148-0095	AMD-E	04-05-035	388-148-0270	AMD	04-08-073
388-140-0555	NEW-E	04-03-0100	388-148-0095	AMD	04-08-073	388-148-0275	AMD-P	04-03-116
388-140-0560	NEW-E	04-03-0100	388-148-0098	NEW-P	04-03-116	388-148-0275	AMD	04-08-073
388-140-0565	NEW-E	04-03-0100	388-148-0098	NEW	04-08-073	388-148-0285	REP-P	04-03-116
388-140-0570	NEW-E	04-03-0100	388-148-0100	AMD-P	04-03-116	388-148-0285	REP	04-08-073
388-140-0575	NEW-E	04-03-0100	388-148-0100	AMD	04-08-073	388-148-0300	AMD-P	04-03-116
388-140-0580	NEW-E	04-03-0100	388-148-0100	AMD	04-08-073	388-148-0300	AMD	04-08-073
388-140-0585	NEW-E	04-03-0100	388-148-0110	AMD-P	04-03-116	388-148-0305	AMD-P	04-03-116
388-140-0590	NEW-E	04-03-0100	388-148-0110	AMD	04-08-073	388-148-0305	AMD	04-08-073
388-140-0595	NEW-E	04-03-0100	388-148-0120	AMD-P	04-03-116	388-148-0315	AMD-P	04-03-116
388-140-0600	NEW-E	04-03-0100	388-148-0120	AMD-E	04-05-035	388-148-0315	AMD	04-08-073
388-140-0605	NEW-E	04-03-0100	388-148-0120	AMD	04-08-073	388-148-0320	AMD-P	04-03-116
388-140-0610	NEW-E	04-03-0100	388-148-0125	AMD-P	04-03-116	388-148-0320	AMD	04-08-073
388-140-0615	NEW-E	04-03-0100	388-148-0125	AMD-E	04-05-035	388-148-0325	AMD-P	04-03-116
388-140-0620	NEW-E	04-03-0100	388-148-0125	AMD	04-08-073	388-148-0325	AMD	04-08-073
388-140-0625	NEW-E	04-03-0100	388-148-0127	NEW-P	04-03-116	388-148-0335	AMD-P	04-03-116
388-140-0630	NEW-E	04-03-0100	388-148-0127	NEW	04-08-073	388-148-0335	AMD-E	04-05-035
388-140-0635	NEW-E	04-03-0100	388-148-0130	AMD-P	04-03-116	388-148-0335	AMD	04-08-073
388-148	AMD-P	04-03-116	388-148-0130	AMD	04-08-073	388-148-0340	AMD-P	04-03-116
388-148	AMD	04-08-073	388-148-0135	AMD-P	04-03-116	388-148-0340	AMD	04-08-073
388-148-0005	AMD-P	04-03-116	388-148-0135	AMD	04-08-073			

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388-148-0345	AMD-E	04-05-035	388-148-0540	AMD-P	04-03-116	388-148-0722	NEW-P	04-03-116
388-148-0345	AMD	04-08-073	388-148-0540	AMD	04-08-073	388-148-0722	NEW-E	04-05-035
388-148-0350	AMD-P	04-03-116	388-148-0541	NEW-P	04-03-116	388-148-0722	NEW	04-08-073
388-148-0350	AMD-E	04-05-035	388-148-0541	NEW	04-08-073	388-148-0725	AMD-P	04-03-116
388-148-0350	AMD	04-08-073	388-148-0542	NEW-P	04-03-116	388-148-0725	AMD-E	04-05-035
388-148-0352	NEW-P	04-03-116	388-148-0542	NEW-E	04-05-035	388-148-0725	AMD	04-08-073
388-148-0352	NEW	04-08-073	388-148-0542	NEW	04-08-073	388-148-0730	AMD-P	04-03-116
388-148-0355	AMD-P	04-03-116	388-148-0555	AMD-P	04-03-116	388-148-0730	AMD	04-08-073
388-148-0355	AMD	04-08-073	388-148-0555	AMD	04-08-073	388-148-0735	REP-P	04-03-116
388-148-0360	REP-P	04-03-116	388-148-0560	AMD-P	04-03-116	388-148-0735	REP	04-08-073
388-148-0360	REP	04-08-073	388-148-0560	AMD-E	04-05-035	388-148-0750	AMD-P	04-03-116
388-148-0365	AMD-P	04-03-116	388-148-0560	AMD	04-08-073	388-148-0750	AMD	04-08-073
388-148-0365	AMD	04-08-073	388-148-0585	AMD-P	04-03-116	388-148-0765	AMD-P	04-03-116
388-148-0375	AMD-P	04-03-116	388-148-0585	AMD-E	04-05-035	388-148-0765	AMD	04-08-073
388-148-0375	AMD	04-08-073	388-148-0585	AMD	04-08-073	388-148-0775	AMD-P	04-03-116
388-148-0380	AMD-P	04-03-116	388-148-0600	AMD-P	04-03-116	388-148-0775	AMD	04-08-073
388-148-0380	AMD	04-08-073	388-148-0600	AMD	04-08-073	388-148-0785	AMD-P	04-03-116
388-148-0385	AMD-P	04-03-116	388-148-0605	AMD-P	04-03-116	388-148-0785	AMD-E	04-05-035
388-148-0385	AMD	04-08-073	388-148-0605	AMD	04-08-073	388-148-0785	AMD	04-08-073
388-148-0395	AMD-P	04-03-116	388-148-0610	AMD-P	04-03-116	388-148-0795	AMD-P	04-03-116
388-148-0395	AMD-E	04-05-035	388-148-0610	AMD	04-08-073	388-148-0795	AMD	04-08-073
388-148-0395	AMD	04-08-073	388-148-0615	REP-P	04-03-116	388-148-0800	AMD-P	04-03-116
388-148-0400	AMD-P	04-03-116	388-148-0615	REP	04-08-073	388-148-0800	AMD	04-08-073
388-148-0400	AMD	04-08-073	388-148-0620	AMD-P	04-03-116	388-148-0805	AMD-P	04-03-116
388-148-0422	NEW-P	04-03-116	388-148-0620	AMD	04-08-073	388-148-0805	AMD	04-08-073
388-148-0422	NEW	04-08-073	388-148-0625	AMD-P	04-03-116	388-148-0810	AMD-P	04-03-116
388-148-0425	AMD-P	04-03-116	388-148-0625	AMD	04-08-073	388-148-0810	AMD	04-08-073
388-148-0425	AMD	04-08-073	388-148-0630	REP-P	04-03-116	388-148-0830	AMD-P	04-03-116
388-148-0427	NEW-E	04-05-035	388-148-0630	AMD-E	04-05-035	388-148-0830	AMD	04-08-073
388-148-0430	AMD-P	04-03-116	388-148-0630	REP	04-08-073	388-148-0860	AMD-P	04-03-116
388-148-0430	AMD	04-08-073	388-148-0635	REP-P	04-03-116	388-148-0860	AMD	04-08-073
388-148-0445	AMD-P	04-03-116	388-148-0635	REP	04-08-073	388-148-0870	AMD-P	04-03-116
388-148-0445	AMD	04-08-073	388-148-0640	AMD-P	04-03-116	388-148-0870	AMD	04-08-073
388-148-0450	REP-P	04-03-116	388-148-0640	AMD	04-08-073	388-148-0875	AMD-P	04-03-116
388-148-0450	REP	04-08-073	388-148-0645	AMD-P	04-03-116	388-148-0875	AMD	04-08-073
388-148-0455	AMD-P	04-03-116	388-148-0645	AMD	04-08-073	388-148-0880	AMD-P	04-03-116
388-148-0455	AMD	04-08-073	388-148-0650	REP-P	04-03-116	388-148-0880	AMD-E	04-05-035
388-148-0460	AMD-P	04-03-116	388-148-0650	REP	04-08-073	388-148-0880	AMD	04-08-073
388-148-0460	AMD-E	04-05-035	388-148-0655	AMD-P	04-03-116	388-148-0885	AMD-P	04-03-116
388-148-0460	AMD	04-08-073	388-148-0655	AMD	04-08-073	388-148-0885	AMD	04-08-073
388-148-0462	NEW-E	04-05-035	388-148-0660	AMD-P	04-03-116	388-148-0890	AMD-P	04-03-116
388-148-0470	AMD-P	04-03-116	388-148-0660	AMD	04-08-073	388-148-0890	AMD	04-08-073
388-148-0470	AMD	04-08-073	388-148-0670	AMD-P	04-03-116	388-148-0892	NEW-P	04-03-116
388-148-0480	AMD-P	04-03-116	388-148-0670	AMD	04-08-073	388-148-0892	NEW-E	04-05-035
388-148-0480	AMD	04-08-073	388-148-0685	AMD-P	04-03-116	388-148-0892	NEW	04-08-073
388-148-0485	AMD-P	04-03-116	388-148-0685	AMD	04-08-073	388-148-0895	AMD-P	04-03-116
388-148-0485	AMD	04-08-073	388-148-0695	AMD-P	04-03-116	388-148-0895	AMD	04-08-073
388-148-0487	NEW-P	04-03-116	388-148-0695	AMD	04-08-073	388-148-0900	AMD-P	04-03-116
388-148-0487	NEW	04-08-073	388-148-0700	AMD-P	04-03-116	388-148-0900	AMD	04-08-073
388-148-0488	NEW-P	04-03-116	388-148-0700	AMD-E	04-05-035	388-148-0905	AMD-P	04-03-116
388-148-0488	NEW	04-08-073	388-148-0700	AMD	04-08-073	388-148-0905	AMD	04-08-073
388-148-0490	AMD-P	04-03-116	388-148-0705	AMD-P	04-03-116	388-148-0915	AMD-P	04-03-116
388-148-0490	AMD	04-08-073	388-148-0705	AMD	04-08-073	388-148-0915	AMD-E	04-05-035
388-148-0500	REP-P	04-03-116	388-148-0710	AMD-P	04-03-116	388-148-0915	AMD	04-08-073
388-148-0500	REP	04-08-073	388-148-0710	AMD	04-08-073	388-148-0935	REP-P	04-03-116
388-148-0520	AMD-P	04-03-116	388-148-0715	AMD-P	04-03-116	388-148-0935	REP	04-08-073
388-148-0520	AMD-E	04-05-035	388-148-0715	AMD	04-08-073	388-148-0995	AMD-P	04-03-116
388-148-0520	AMD	04-08-073	388-148-0718	NEW-P	04-03-116	388-148-0995	AMD-E	04-05-035
388-148-0525	AMD-P	04-03-116	388-148-0718	NEW	04-08-073	388-148-0995	AMD	04-08-073
388-148-0525	AMD	04-08-073	388-148-0720	AMD-P	04-03-116	388-148-1020	REP-P	04-03-116
388-148-0535	AMD-P	04-03-116	388-148-0720	AMD-E	04-05-035	388-148-1020	REP	04-08-073

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388-148-1025	AMD	04-08-073	388-148-1260	NEW	04-08-073	388-155-450	REP-P	04-07-134
388-148-1030	AMD-P	04-03-116	388-148-1265	NEW-P	04-03-116	388-155-460	REP-P	04-07-134
388-148-1030	AMD	04-08-073	388-148-1265	NEW	04-08-073	388-155-470	REP-P	04-07-134
388-148-1035	AMD-P	04-03-116	388-148-1270	NEW-P	04-03-116	388-155-480	REP-P	04-07-134
388-148-1035	AMD	04-08-073	388-148-1270	NEW	04-08-073	388-155-490	REP-P	04-07-134
388-148-1045	AMD-P	04-03-116	388-148-1275	NEW-P	04-03-116	388-155-500	REP-P	04-07-134
388-148-1045	AMD	04-08-073	388-148-1275	NEW	04-08-073	388-155-600	REP-P	04-07-134
388-148-1050	AMD-P	04-03-116	388-148-1280	NEW-P	04-03-116	388-155-605	REP-P	04-07-134
388-148-1050	AMD	04-08-073	388-148-1280	NEW	04-08-073	388-155-610	REP-P	04-07-134
388-148-1060	AMD-P	04-03-116	388-155	REP-C	04-10-095	388-155-620	REP-P	04-07-134
388-148-1060	AMD-E	04-05-035	388-155-005	REP-P	04-07-134	388-155-630	REP-P	04-07-134
388-148-1060	AMD	04-08-073	388-155-010	REP-P	04-07-134	388-155-640	REP-P	04-07-134
388-148-1065	REP-P	04-03-116	388-155-020	REP-P	04-07-134	388-155-650	REP-P	04-07-134
388-148-1065	REP	04-08-073	388-155-040	REP-P	04-07-134	388-155-660	REP-P	04-07-134
388-148-1066	NEW-P	04-03-116	388-155-050	REP-P	04-07-134	388-155-670	REP-P	04-07-134
388-148-1066	NEW	04-08-073	388-155-060	REP-P	04-07-134	388-155-680	REP-P	04-07-134
388-148-1070	AMD-P	04-03-116	388-155-070	REP-P	04-07-134	388-155-991	REP-P	04-07-134
388-148-1070	AMD-E	04-05-035	388-155-080	REP-P	04-07-134	388-155-992	REP-P	04-07-134
388-148-1070	AMD	04-08-073	388-155-083	REP-P	04-07-134	388-155-993	REP-P	04-07-134
388-148-1076	NEW-P	04-03-116	388-155-085	REP-P	04-07-134	388-273-0025	AMD-E	04-03-097
388-148-1076	NEW-E	04-05-035	388-155-090	REP-P	04-07-134	388-273-0025	AMD-P	04-07-089
388-148-1076	NEW	04-08-073	388-155-092	REP-P	04-07-134	388-273-0025	AMD-E	04-11-080
388-148-1077	NEW-P	04-03-116	388-155-093	REP-P	04-07-134	388-273-0025	AMD	04-13-136
388-148-1077	NEW-E	04-05-035	388-155-094	REP-P	04-07-134	388-273-0030	AMD-E	04-03-097
388-148-1077	NEW	04-08-073	388-155-095	REP-P	04-07-134	388-273-0030	AMD-P	04-07-089
388-148-1078	NEW-P	04-03-116	388-155-096	REP-P	04-07-134	388-273-0030	AMD-E	04-11-080
388-148-1078	NEW-E	04-05-035	388-155-097	REP-P	04-07-134	388-273-0030	AMD	04-13-136
388-148-1078	NEW	04-08-073	388-155-098	REP-P	04-07-134	388-273-0035	AMD-E	04-03-097
388-148-1079	NEW-P	04-03-116	388-155-100	REP-P	04-07-134	388-273-0035	AMD-P	04-07-089
388-148-1079	NEW-E	04-05-035	388-155-110	REP-P	04-07-134	388-273-0035	AMD-E	04-11-080
388-148-1079	NEW	04-08-073	388-155-120	REP-P	04-07-134	388-273-0035	AMD	04-13-136
388-148-1085	AMD-P	04-03-116	388-155-130	REP-P	04-07-134	388-290-0001	AMD-P	04-02-047
388-148-1085	AMD	04-08-073	388-155-140	REP-P	04-07-134	388-290-0001	AMD	04-08-021
388-148-1115	AMD-P	04-03-116	388-155-150	REP-P	04-07-134	388-290-0001	AMD	04-08-134
388-148-1115	AMD-E	04-05-035	388-155-160	REP-P	04-07-134	388-290-0005	AMD-P	04-02-047
388-148-1115	AMD	04-08-073	388-155-165	REP-P	04-07-134	388-290-0005	AMD	04-08-021
388-148-1120	AMD-P	04-03-116	388-155-170	REP-P	04-07-134	388-290-0005	AMD	04-08-134
388-148-1120	AMD-E	04-05-035	388-155-180	REP-P	04-07-134	388-290-0010	AMD-P	04-02-047
388-148-1120	AMD	04-08-073	388-155-190	REP-P	04-07-134	388-290-0010	AMD	04-08-021
388-148-1205	NEW-P	04-03-116	388-155-200	REP-P	04-07-134	388-290-0010	AMD	04-08-134
388-148-1205	NEW	04-08-073	388-155-220	REP-P	04-07-134	388-290-0012	NEW-P	04-02-047
388-148-1210	NEW-P	04-03-116	388-155-230	REP-P	04-07-134	388-290-0012	NEW	04-08-021
388-148-1210	NEW	04-08-073	388-155-240	REP-P	04-07-134	388-290-0012	NEW	04-08-134
388-148-1215	NEW-P	04-03-116	388-155-250	REP-P	04-07-134	388-290-0015	AMD-P	04-02-047
388-148-1215	NEW	04-08-073	388-155-270	REP-P	04-07-134	388-290-0015	AMD	04-08-021
388-148-1220	NEW-P	04-03-116	388-155-280	REP-P	04-07-134	388-290-0015	AMD	04-08-134
388-148-1220	NEW	04-08-073	388-155-290	REP-P	04-07-134	388-290-0020	AMD-P	04-02-047
388-148-1225	NEW-P	04-03-116	388-155-295	REP-P	04-07-134	388-290-0020	AMD	04-08-021
388-148-1225	NEW	04-08-073	388-155-310	REP-P	04-07-134	388-290-0020	AMD	04-08-134
388-148-1230	NEW-P	04-03-116	388-155-320	REP-P	04-07-134	388-290-0020	PREP	04-13-046
388-148-1230	NEW	04-08-073	388-155-330	REP-P	04-07-134	388-290-0025	AMD-P	04-02-047
388-148-1235	NEW-P	04-03-116	388-155-340	REP-P	04-07-134	388-290-0025	AMD	04-08-021
388-148-1235	NEW	04-08-073	388-155-350	REP-P	04-07-134	388-290-0025	AMD	04-08-134
388-148-1240	NEW-P	04-03-116	388-155-360	REP-P	04-07-134	388-290-0025	PREP	04-13-046
388-148-1240	NEW	04-08-073	388-155-370	REP-P	04-07-134	388-290-0030	AMD-P	04-02-047
388-148-1245	NEW-P	04-03-116	388-155-380	REP-P	04-07-134	388-290-0030	AMD	04-08-021
388-148-1245	NEW	04-08-073	388-155-390	REP-P	04-07-134	388-290-0030	AMD	04-08-134
388-148-1250	NEW-P	04-03-116	388-155-400	REP-P	04-07-134	388-290-0030	PREP	04-13-046
388-148-1250	NEW	04-08-073	388-155-410	REP-P	04-07-134	388-290-0031	NEW-P	04-02-047
388-148-1255	NEW-P	04-03-116	388-155-420	REP-P	04-07-134	388-290-0031	NEW	04-08-021
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388-290-0032	PREP	04-13-046	388-290-0108	NEW	04-08-134	388-290-0210	REP-P	04-02-047
388-290-0035	AMD-P	04-02-047	388-290-0108	PREP	04-13-046	388-290-0210	REP-E	04-05-079
388-290-0035	AMD	04-08-021	388-290-0110	AMD-P	04-02-047	388-290-0210	REP	04-08-021
388-290-0035	AMD	04-08-134	388-290-0110	AMD	04-08-021	388-290-0210	REP	04-08-134
388-290-0040	AMD-P	04-02-047	388-290-0110	AMD	04-08-134	388-290-0220	AMD-P	04-02-047
388-290-0040	AMD	04-08-021	388-290-0110	PREP	04-13-046	388-290-0220	AMD	04-08-021
388-290-0040	AMD	04-08-134	388-290-0120	AMD-P	04-02-047	388-290-0220	AMD	04-08-134
388-290-0040	PREP	04-13-046	388-290-0120	AMD	04-08-021	388-290-0225	AMD-P	04-02-047
388-290-0045	AMD-P	04-02-047	388-290-0120	AMD	04-08-134	388-290-0225	AMD	04-08-021
388-290-0045	AMD	04-08-021	388-290-0125	AMD-P	04-02-047	388-290-0225	AMD	04-08-134
388-290-0045	AMD	04-08-134	388-290-0125	AMD	04-08-021	388-290-0230	AMD-P	04-02-047
388-290-0045	PREP	04-13-046	388-290-0125	AMD	04-08-134	388-290-0230	AMD	04-08-021
388-290-0050	AMD-P	04-02-047	388-290-0130	AMD-P	04-02-047	388-290-0230	AMD	04-08-134
388-290-0050	AMD	04-08-021	388-290-0130	AMD-E	04-04-030	388-290-0235	AMD-P	04-02-047
388-290-0050	AMD	04-08-134	388-290-0130	AMD	04-08-021	388-290-0235	AMD	04-08-021
388-290-0055	AMD-P	04-02-047	388-290-0130	AMD	04-08-134	388-290-0235	AMD	04-08-134
388-290-0055	AMD	04-08-021	388-290-0130	PREP	04-13-046	388-290-0245	AMD-P	04-02-047
388-290-0055	AMD	04-08-134	388-290-0135	AMD-P	04-02-047	388-290-0245	AMD	04-08-021
388-290-0060	AMD-P	04-02-047	388-290-0135	AMD	04-08-021	388-290-0245	AMD	04-08-134
388-290-0060	AMD	04-08-021	388-290-0135	AMD	04-08-134	388-290-0247	NEW-P	04-02-047
388-290-0060	AMD	04-08-134	388-290-0140	AMD-P	04-02-047	388-290-0247	NEW	04-08-021
388-290-0060	PREP	04-13-046	388-290-0140	AMD	04-08-021	388-290-0247	NEW	04-08-134
388-290-0065	AMD-P	04-02-047	388-290-0140	AMD	04-08-134	388-290-0250	AMD-P	04-02-047
388-290-0065	AMD	04-08-021	388-290-0140	PREP	04-13-046	388-290-0250	AMD	04-08-021
388-290-0065	AMD	04-08-134	388-290-0143	AMD-P	04-02-047	388-290-0250	AMD	04-08-134
388-290-0070	AMD-P	04-02-047	388-290-0143	AMD	04-08-021	388-290-0255	AMD-P	04-02-047
388-290-0070	AMD	04-08-021	388-290-0143	AMD	04-08-134	388-290-0255	AMD	04-08-021
388-290-0070	AMD	04-08-134	388-290-0145	AMD-P	04-02-047	388-290-0255	AMD	04-08-134
388-290-0075	AMD-P	04-02-047	388-290-0145	AMD	04-08-021	388-290-0260	AMD-P	04-02-047
388-290-0075	AMD-E	04-05-079	388-290-0145	AMD	04-08-134	388-290-0260	AMD	04-08-021
388-290-0075	AMD	04-08-021	388-290-0150	AMD-P	04-02-047	388-290-0260	AMD	04-08-134
388-290-0075	AMD	04-08-134	388-290-0150	AMD	04-08-021	388-290-0265	AMD-P	04-02-047
388-290-0080	REP-P	04-02-047	388-290-0150	AMD	04-08-134	388-290-0265	AMD	04-08-021
388-290-0080	REP	04-08-021	388-290-0155	AMD-P	04-02-047	388-290-0265	AMD	04-08-134
388-290-0080	REP	04-08-134	388-290-0155	AMD	04-08-021	388-290-0270	AMD-P	04-02-047
388-290-0082	NEW-P	04-02-047	388-290-0155	AMD	04-08-134	388-290-0270	AMD	04-08-021
388-290-0082	NEW	04-08-021	388-290-0155	PREP	04-13-046	388-290-0270	AMD	04-08-134
388-290-0082	NEW	04-08-134	388-290-0160	AMD-P	04-02-047	388-290-0270	PREP	04-13-046
388-290-0085	AMD-P	04-02-047	388-290-0160	AMD	04-08-021	388-290-0271	NEW-P	04-02-047
388-290-0085	AMD-E	04-05-079	388-290-0160	AMD	04-08-134	388-290-0271	NEW	04-08-021
388-290-0085	AMD	04-08-021	388-290-0165	AMD-P	04-02-047	388-290-0271	NEW	04-08-134
388-290-0085	AMD	04-08-134	388-290-0165	AMD	04-08-021	388-290-0273	NEW-P	04-02-047
388-290-0085	PREP	04-13-046	388-290-0165	AMD	04-08-134	388-290-0273	NEW	04-08-021
388-290-0090	AMD-P	04-02-047	388-290-0165	PREP	04-13-046	388-290-0273	NEW	04-08-134
388-290-0090	AMD	04-08-021	388-290-0167	AMD-P	04-02-047	388-295-0020	AMD-P	04-05-084
388-290-0090	AMD	04-08-134	388-290-0167	AMD	04-08-021	388-295-0020	AMD	04-09-093
388-290-0090	PREP	04-13-046	388-290-0167	AMD	04-08-134	388-295-0060	AMD-P	04-05-084
388-290-0095	AMD-P	04-02-047	388-290-0180	AMD-P	04-02-047	388-295-0060	AMD	04-09-093
388-290-0095	AMD	04-08-021	388-290-0180	AMD	04-08-021	388-295-0070	AMD-P	04-05-084
388-290-0095	AMD	04-08-134	388-290-0180	AMD	04-08-134	388-295-0070	AMD	04-09-093
388-290-0100	AMD-P	04-02-047	388-290-0190	AMD-P	04-02-047	388-295-0090	AMD-P	04-05-084
388-290-0100	AMD	04-08-021	388-290-0190	AMD-E	04-05-079	388-295-0090	AMD	04-09-093
388-290-0100	AMD	04-08-134	388-290-0190	AMD	04-08-021	388-295-0100	AMD-P	04-05-084
388-290-0105	AMD-P	04-02-047	388-290-0190	AMD	04-08-134	388-295-0100	AMD	04-09-093
388-290-0105	AMD	04-08-021	388-290-0200	AMD-P	04-02-047	388-295-0110	AMD-P	04-05-084
388-290-0105	AMD	04-08-134	388-290-0200	AMD	04-08-021	388-295-0110	AMD	04-09-093
388-290-0105	PREP	04-13-046	388-290-0200	AMD	04-08-134	388-295-1070	AMD-P	04-05-084
388-290-0107	NEW-P	04-02-047	388-290-0200	AMD-E	04-14-014	388-295-1070	AMD	04-09-093
388-290-0107	NEW	04-08-021	388-290-0205	AMD-P	04-02-047	388-295-1110	AMD-P	04-05-084

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388-295-2010	AMD-P	04-05-084	388-296-0460	NEW-P	04-07-134	388-296-1120	NEW-P	04-07-134
388-295-2010	AMD	04-09-093	388-296-0470	NEW-P	04-07-134	388-296-1130	NEW-P	04-07-134
388-295-2090	AMD-P	04-05-084	388-296-0480	NEW-P	04-07-134	388-296-1140	NEW-P	04-07-134
388-295-2090	AMD	04-09-093	388-296-0490	NEW-P	04-07-134	388-296-1150	NEW-P	04-07-134
388-295-2100	AMD-P	04-05-084	388-296-0500	NEW-P	04-07-134	388-296-1160	NEW-P	04-07-134
388-295-2100	AMD	04-09-093	388-296-0510	NEW-P	04-07-134	388-296-1170	NEW-P	04-07-134
388-295-3010	AMD-P	04-05-084	388-296-0520	NEW-P	04-07-134	388-296-1180	NEW-P	04-07-134
388-295-3010	AMD	04-09-093	388-296-0530	NEW-P	04-07-134	388-296-1190	NEW-P	04-07-134
388-295-4010	AMD-P	04-05-084	388-296-0540	NEW-P	04-07-134	388-296-1200	NEW-P	04-07-134
388-295-4010	AMD	04-09-093	388-296-0550	NEW-P	04-07-134	388-296-1210	NEW-P	04-07-134
388-295-4100	AMD-P	04-05-084	388-296-0560	NEW-P	04-07-134	388-296-1220	NEW-P	04-07-134
388-295-4100	AMD	04-09-093	388-296-0570	NEW-P	04-07-134	388-296-1230	NEW-P	04-07-134
388-295-5030	AMD-P	04-05-084	388-296-0580	NEW-P	04-07-134	388-296-1240	NEW-P	04-07-134
388-295-5030	AMD	04-09-093	388-296-0590	NEW-P	04-07-134	388-296-1250	NEW-P	04-07-134
388-295-5150	AMD-P	04-05-084	388-296-0600	NEW-P	04-07-134	388-296-1260	NEW-P	04-07-134
388-295-5150	AMD	04-09-093	388-296-0610	NEW-P	04-07-134	388-296-1270	NEW-P	04-07-134
388-295-6010	PREP	04-17-105	388-296-0620	NEW-P	04-07-134	388-296-1280	NEW-P	04-07-134
388-295-7010	AMD-P	04-05-084	388-296-0630	NEW-P	04-07-134	388-296-1290	NEW-P	04-07-134
388-295-7010	AMD	04-09-093	388-296-0640	NEW-P	04-07-134	388-296-1300	NEW-P	04-07-134
388-295-7040	AMD-P	04-05-084	388-296-0650	NEW-P	04-07-134	388-296-1320	NEW-P	04-07-134
388-295-7040	AMD	04-09-093	388-296-0650	NEW-P	04-07-134	388-296-1330	NEW-P	04-07-134
388-295-7050	AMD-P	04-05-084	388-296-0700	NEW-P	04-07-134	388-296-1340	NEW-P	04-07-134
388-295-7050	AMD	04-09-093	388-296-0710	NEW-P	04-07-134	388-296-1350	NEW-P	04-07-134
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388-296-0010	NEW-P	04-07-134	388-296-0730	NEW-P	04-07-134	388-296-1370	NEW-P	04-07-134
388-296-0020	NEW-P	04-07-134	388-296-0740	NEW-P	04-07-134	388-296-1380	NEW-P	04-07-134
388-296-0110	NEW-P	04-07-134	388-296-0750	NEW-P	04-07-134	388-296-1390	NEW-P	04-07-134
388-296-0120	NEW-P	04-07-134	388-296-0760	NEW-P	04-07-134	388-296-1400	NEW-P	04-07-134
388-296-0125	NEW-P	04-07-134	388-296-0770	NEW-P	04-07-134	388-296-1410	NEW-P	04-07-134
388-296-0130	NEW-P	04-07-134	388-296-0780	NEW-P	04-07-134	388-296-1420	NEW-P	04-07-134
388-296-0140	NEW-P	04-07-134	388-296-0790	NEW-P	04-07-134	388-296-1430	NEW-P	04-07-134
388-296-0150	NEW-P	04-07-134	388-296-0800	NEW-P	04-07-134	388-296-1430	NEW-P	04-07-134
388-296-0160	NEW-P	04-07-134	388-296-0810	NEW-P	04-07-134	388-296-1440	NEW-P	04-07-134
388-296-0170	NEW-P	04-07-134	388-296-0820	NEW-P	04-07-134	388-296-1450	NEW-P	04-07-134
388-296-0180	NEW-P	04-07-134	388-296-0830	NEW-P	04-07-134	388-310-0800	AMD-E	04-14-044
388-296-0190	NEW-P	04-07-134	388-296-0840	NEW-P	04-07-134	388-310-0800	PREP	04-15-129
388-296-0200	NEW-P	04-07-134	388-296-0850	NEW-P	04-07-134	388-310-1500	AMD-C	04-02-058
388-296-0210	NEW-P	04-07-134	388-296-0860	NEW-P	04-07-134	388-310-1500	AMD	04-05-010
388-296-0220	NEW-P	04-07-134	388-296-0870	NEW-P	04-07-134	388-310-1600	AMD-P	04-03-095
388-296-0230	NEW-P	04-07-134	388-296-0880	NEW-P	04-07-134	388-310-1600	AMD	04-07-025
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388-296-0280	NEW-P	04-07-134	388-296-0930	NEW-P	04-07-134	388-400-0005	AMD-P	04-10-099
388-296-0290	NEW-P	04-07-134	388-296-0940	NEW-P	04-07-134	388-400-0005	PREP	04-12-096
388-296-0300	NEW-P	04-07-134	388-296-0950	NEW-P	04-07-134	388-400-0005	AMD	04-15-057
388-296-0310	NEW-P	04-07-134	388-296-0960	NEW-P	04-07-134	388-400-0010	AMD-P	04-10-099
388-296-0320	NEW-P	04-07-134	388-296-0970	NEW-P	04-07-134	388-400-0010	AMD	04-15-057
388-296-0330	NEW-P	04-07-134	388-296-0980	NEW-P	04-07-134	388-400-0025	AMD-P	04-10-099
388-296-0340	NEW-P	04-07-134	388-296-0990	NEW-P	04-07-134	388-400-0025	AMD	04-15-057
388-296-0350	NEW-P	04-07-134	388-296-1000	NEW-P	04-07-134	388-400-0030	AMD-P	04-15-054
388-296-0360	NEW-P	04-07-134	388-296-1010	NEW-P	04-07-134	388-400-0040	AMD-P	04-10-096
388-296-0370	NEW-P	04-07-134	388-296-1020	NEW-P	04-07-134	388-400-0040	AMD-P	04-10-099
388-296-0380	NEW-P	04-07-134	388-296-1030	NEW-P	04-07-134	388-400-0040	AMD-E	04-14-039
388-296-0390	NEW-P	04-07-134	388-296-1040	NEW-P	04-07-134	388-400-0040	AMD	04-14-040
388-296-0400	NEW-P	04-07-134	388-296-1050	NEW-P	04-07-134	388-400-0040	AMD	04-15-057
388-296-0410	NEW-P	04-07-134	388-296-1060	NEW-P	04-07-134	388-400-0040	AMD-P	04-17-117
388-296-0420	NEW-P	04-07-134	388-296-1070	NEW-P	04-07-134	388-408-0015	PREP	04-07-164
388-296-0430	NEW-P	04-07-134	388-296-1080	NEW-P	04-07-134	388-408-0025	AMD-P	04-17-115
388-296-0440	NEW-P	04-07-134	388-296-1090	NEW-P	04-07-134	388-408-0034	AMD-P	04-02-050
			388-296-1100	NEW-P	04-07-134	388-408-0034	AMD	04-06-025

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388-408-0035	AMD	04-06-025	388-436-0002	AMD-E	04-03-098	388-450-0116	AMD-P	04-10-099
388-408-0035	AMD-P	04-10-096	388-436-0002	AMD	04-07-023	388-450-0116	AMD	04-15-057
388-408-0035	AMD-E	04-14-039	388-436-0015	AMD-C	04-02-057	388-450-0140	AMD-P	04-10-096
388-408-0035	AMD	04-14-040	388-436-0015	AMD	04-05-013	388-450-0140	AMD-E	04-14-039
388-410-0001	AMD-C	04-02-058	388-436-0040	AMD-C	04-02-058	388-450-0140	AMD	04-14-040
388-410-0001	AMD	04-05-010	388-436-0040	AMD	04-05-010	388-450-0150	REP	04-09-005
388-412-0005	PREP	04-13-100	388-438-0100	REP-P	04-04-074	388-450-0156	AMD-P	04-10-099
388-412-0005	AMD-P	04-17-116	388-438-0100	REP-E	04-06-023	388-450-0156	AMD	04-15-057
388-412-0015	AMD-P	04-13-098	388-438-0100	REP	04-07-141	388-450-0165	AMD-C	04-02-058
388-414-0001	AMD-P	04-04-076	388-438-0110	AMD-P	04-10-099	388-450-0165	AMD	04-05-010
388-414-0001	AMD	04-07-139	388-438-0110	AMD	04-15-057	388-450-0170	AMD	04-03-051
388-414-0001	PREP	04-08-036	388-440	PREP-W	04-03-052	388-450-0185	PREP	04-12-092
388-414-0001	AMD-E	04-10-061	388-440-0001	AMD-C	04-02-058	388-450-0190	AMD-P	04-04-075
388-414-0001	AMD-P	04-10-098	388-440-0001	AMD	04-05-010	388-450-0190	AMD	04-07-138
388-414-0001	AMD	04-14-038	388-442-0010	PREP	04-10-091	388-450-0190	PREP	04-12-092
388-416-0005	AMD-P	04-15-052	388-442-0010	AMD-E	04-14-041	388-450-0195	PREP	04-12-092
388-416-0015	AMD	04-03-019	388-442-0010	AMD-P	04-14-042	388-450-0200	PREP	04-17-103
388-416-0015	AMD-P	04-17-117	388-444-0055	AMD-C	04-02-058	388-450-0215	AMD	04-06-052
388-416-0020	PREP	04-13-102	388-444-0055	AMD	04-05-010	388-450-0500	PREP	04-07-085
388-416-0030	REP-P	04-04-074	388-446-0005	AMD-P	04-03-094	388-452-0005	AMD-P	04-06-040
388-416-0030	REP	04-07-141	388-446-0005	AMD	04-13-097	388-452-0005	AMD	04-10-102
388-416-0035	PREP	04-12-098	388-448-0001	AMD-P	04-02-048	388-454-0010	AMD-C	04-03-010F
388-418-0005	AMD-W	04-02-052	388-448-0001	AMD	04-07-140	388-454-0010	AMD	04-05-012
388-418-0005	AMD-P	04-02-072	388-448-0010	AMD-P	04-02-048	388-462-0015	PREP	04-14-097
388-418-0005	AMD-E	04-02-073	388-448-0010	AMD	04-07-140	388-462-0020	AMD-P	04-10-099
388-418-0005	AMD	04-06-026	388-448-0020	AMD-P	04-02-048	388-462-0020	AMD	04-15-057
388-418-0005	AMD-P	04-15-053	388-448-0020	AMD	04-07-140	388-466-0130	AMD-C	04-02-058
388-418-0005	AMD-S	04-17-108	388-448-0030	AMD-P	04-02-048	388-466-0130	AMD	04-05-010
388-418-0007	AMD-P	04-15-052	388-448-0030	AMD	04-07-140	388-470-0040	REP	04-09-003
388-418-0011	NEW-P	04-15-052	388-448-0120	AMD-P	04-02-048	388-472-0010	AMD-P	04-03-093
388-418-0020	AMD-P	04-15-052	388-448-0120	AMD	04-07-140	388-472-0010	AMD	04-14-037
388-418-0025	AMD	04-03-019	388-448-0160	AMD-P	04-02-048	388-473-0010	PREP	04-12-097
388-424-0001	NEW-P	04-10-100	388-448-0160	AMD-E	04-02-051	388-474-0012	PREP	04-17-075
388-424-0001	NEW	04-15-004	388-448-0160	AMD-E	04-03-010E	388-475-0050	NEW	04-09-002
388-424-0005	REP-P	04-10-100	388-448-0160	AMD	04-07-140	388-475-0100	NEW	04-09-002
388-424-0005	REP	04-15-004	388-448-0170	REP-P	04-02-048	388-475-0150	NEW	04-09-002
388-424-0006	NEW-P	04-10-100	388-448-0170	REP-E	04-02-051	388-475-0200	NEW	04-09-002
388-424-0006	NEW	04-15-004	388-448-0170	REP-E	04-03-010E	388-475-0250	NEW	04-09-002
388-424-0007	NEW-P	04-10-100	388-448-0170	REP	04-07-140	388-475-0300	NEW	04-09-002
388-424-0007	NEW	04-15-004	388-448-0180	AMD-P	04-02-048	388-475-0350	NEW	04-09-003
388-424-0008	NEW-P	04-10-100	388-448-0180	AMD	04-07-140	388-475-0400	NEW	04-09-003
388-424-0008	NEW	04-15-004	388-448-0190	REP-P	04-02-048	388-475-0450	NEW	04-09-003
388-424-0009	NEW-P	04-10-100	388-448-0190	REP-E	04-02-051	388-475-0500	NEW	04-09-003
388-424-0009	NEW	04-15-004	388-448-0190	REP-E	04-03-010E	388-475-0550	NEW	04-09-004
388-424-0010	AMD-P	04-10-100	388-448-0190	REP	04-07-140	388-475-0600	NEW	04-09-004
388-424-0010	AMD	04-15-004	388-448-0200	AMD-P	04-02-048	388-475-0650	NEW	04-09-004
388-424-0015	AMD-P	04-10-100	388-448-0200	AMD	04-07-140	388-475-0700	NEW	04-09-004
388-424-0015	AMD	04-15-004	388-448-0210	AMD-P	04-02-048	388-475-0750	NEW	04-09-004
388-424-0016	NEW-P	04-10-100	388-448-0210	AMD	04-07-140	388-475-0800	NEW	04-09-005
388-424-0016	NEW	04-15-004	388-450-0005	AMD-C	04-02-058	388-475-0820	NEW	04-09-005
388-424-0020	AMD-P	04-10-100	388-450-0005	AMD-W	04-04-034	388-475-0840	NEW	04-09-005
388-424-0020	AMD	04-15-004	388-450-0005	PREP	04-10-094	388-475-0860	NEW	04-09-005
388-424-0025	AMD-P	04-10-100	388-450-0005	PREP-W	04-13-099	388-475-0880	NEW	04-09-005
388-424-0025	AMD	04-15-004	388-450-0015	PREP	04-13-107	388-475-0900	NEW	04-09-005
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388-434-0005	AMD	04-03-019	388-450-0050	AMD	04-14-043	388-475-1250	AMD-X	04-09-091
388-434-0005	PREP	04-07-086	388-450-0100	PREP	04-05-034	388-475-1250	AMD	04-15-002
388-434-0005	AMD-P	04-15-052	388-450-0100	AMD-P	04-10-099	388-478-0005	AMD-C	04-02-058
388-434-0010	PREP	04-11-083	388-450-0100	AMD	04-15-057	388-478-0005	AMD	04-05-010
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388-478-0055	AMD	04-07-024	388-511-1130	REP	04-09-004	388-532	PREP	04-12-094
388-478-0060	PREP	04-12-092	388-513-1301	AMD-E	04-08-019	388-532-001	NEW	04-05-011
388-478-0075	AMD-E	04-07-143	388-513-1301	AMD-P	04-12-101	388-532-050	AMD	04-05-011
388-478-0075	PREP	04-07-165	388-513-1301	AMD-E	04-15-091	388-532-100	AMD	04-05-011
388-478-0075	AMD-E	04-09-001	388-513-1315	AMD-E	04-08-019	388-532-110	NEW	04-05-011
388-478-0075	AMD-P	04-12-042	388-513-1315	AMD-P	04-12-101	388-532-120	NEW	04-05-011
388-478-0075	AMD	04-15-092	388-513-1315	AMD-E	04-15-091	388-532-130	NEW	04-05-011
388-478-0080	AMD-E	04-11-013	388-513-1350	AMD-C	04-02-056	388-532-140	NEW	04-05-011
388-478-0080	AMD-P	04-13-134	388-513-1350	AMD	04-04-072	388-532-500	NEW	04-05-011
388-478-0080	AMD	04-16-107	388-513-1350	PREP	04-16-027	388-532-510	NEW	04-05-011
388-478-0085	AMD-E	04-07-167	388-513-1380	AMD-C	04-02-056	388-532-520	NEW	04-05-011
388-478-0085	AMD-P	04-13-135	388-513-1380	AMD	04-04-072	388-532-530	NEW	04-05-011
388-478-0085	AMD-E	04-16-106	388-513-1380	PREP	04-16-027	388-532-540	NEW	04-05-011
388-478-0085	AMD	04-17-076	388-513-1380	AMD-E	04-16-028	388-532-550	NEW	04-05-011
388-484-0005	AMD-C	04-02-058	388-515-1510	AMD-E	04-08-019	388-532-720	AMD-P	04-10-099
388-484-0005	AMD	04-05-010	388-515-1510	AMD-P	04-12-101	388-532-720	AMD	04-15-057
388-492	PREP-W	04-04-094	388-515-1550	NEW-E	04-10-062	388-533-0300	AMD-P	04-05-083
388-492	PREP	04-04-097	388-515-1550	NEW-P	04-10-101	388-533-0300	AMD	04-13-049
388-492-0010	REP-E	04-05-003	388-515-1550	NEW	04-16-029	388-533-0310	NEW-P	04-05-083
388-492-0010	REP-E	04-13-001	388-517-0300	PREP	04-10-090	388-533-0310	NEW	04-13-049
388-492-0020	AMD-E	04-05-003	388-519-0100	PREP	04-13-102	388-533-0315	NEW-P	04-05-083
388-492-0020	AMD-E	04-13-001	388-519-0110	PREP	04-13-102	388-533-0315	NEW	04-13-049
388-492-0030	AMD-E	04-05-003	388-519-0120	REP-X	04-15-012	388-533-0320	NEW-P	04-05-083
388-492-0030	AMD-E	04-13-001	388-526	PREP	04-04-096	388-533-0320	NEW	04-13-049
388-492-0040	AMD-E	04-05-003	388-527-2700	AMD-P	04-05-082	388-533-0325	NEW-P	04-05-083
388-492-0040	PREP	04-12-092	388-527-2700	AMD	04-10-060	388-533-0325	NEW	04-13-049
388-492-0040	AMD-E	04-13-001	388-527-2730	AMD-P	04-05-082	388-533-0330	NEW-P	04-05-083
388-492-0050	AMD-E	04-05-003	388-527-2730	AMD	04-10-060	388-533-0330	NEW	04-13-049
388-492-0050	AMD-E	04-13-001	388-527-2733	AMD-P	04-05-082	388-533-0340	NEW-P	04-05-083
388-492-0060	AMD-E	04-05-003	388-527-2733	AMD	04-10-060	388-533-0340	NEW	04-13-049
388-492-0060	AMD-E	04-13-001	388-527-2740	AMD-P	04-05-082	388-533-0345	NEW-P	04-05-083
388-492-0070	AMD-E	04-05-003	388-527-2740	AMD	04-10-060	388-533-0345	NEW	04-13-049
388-492-0070	PREP	04-12-092	388-527-2742	AMD-P	04-05-082	388-533-0350	REP-P	04-05-083
388-492-0070	AMD-E	04-13-001	388-527-2742	AMD	04-10-060	388-533-0350	REP	04-13-049
388-492-0080	AMD-E	04-05-003	388-527-2750	AMD-P	04-05-082	388-533-0360	NEW-P	04-05-083
388-492-0080	AMD-E	04-13-001	388-527-2750	AMD	04-10-060	388-533-0360	NEW	04-13-049
388-492-0090	AMD-E	04-05-003	388-527-2754	AMD-P	04-05-082	388-533-0365	NEW-P	04-05-083
388-492-0090	AMD-E	04-13-001	388-527-2754	AMD	04-10-060	388-533-0365	NEW	04-13-049
388-492-0100	AMD-E	04-05-003	388-527-2790	AMD-P	04-05-082	388-533-0370	NEW-P	04-05-083
388-492-0100	AMD-E	04-13-001	388-527-2790	AMD	04-10-060	388-533-0370	NEW	04-13-049
388-492-0110	AMD-E	04-05-003	388-527-2792	NEW-P	04-05-082	388-533-0375	NEW-P	04-05-083
388-492-0110	AMD-E	04-13-001	388-527-2792	NEW	04-10-060	388-533-0375	NEW	04-13-049
388-492-0120	AMD-E	04-05-003	388-527-2795	AMD-P	04-05-082	388-533-0380	NEW-P	04-05-083
388-492-0120	AMD-E	04-13-001	388-527-2795	AMD	04-10-060	388-533-0380	NEW	04-13-049
388-492-0130	AMD-E	04-05-003	388-529	PREP	04-06-054	388-533-0385	NEW-P	04-05-083
388-492-0130	AMD-E	04-13-001	388-530-1050	PREP	04-09-035	388-533-0385	NEW	04-13-049
388-500-0005	AMD-W	04-11-060	388-530-1125	PREP	04-09-035	388-533-0386	NEW-P	04-05-083
388-501-0165	AMD-W	04-11-059	388-530-1200	PREP	04-09-035	388-533-0386	NEW	04-13-049
388-502-0160	PREP	04-07-088	388-530-1250	PREP	04-09-035	388-533-0390	NEW-P	04-05-083
388-502-0160	PREP	04-16-087	388-530-1260	PREP	04-09-035	388-533-0390	NEW	04-13-049
388-503-0505	AMD-P	04-04-074	388-530-1850	PREP	04-03-089	388-533-0400	PREP	04-14-098
388-503-0505	AMD-E	04-06-023	388-530-1850	AMD-P	04-07-137	388-533-0500	PREP	04-14-098
388-503-0505	AMD	04-07-141	388-530-1850	AMD	04-11-009	388-533-0600	PREP	04-14-098
388-505-0110	PREP	04-04-095	388-531	PREP	04-12-093	388-533-701	NEW-P	04-07-136
388-505-0110	AMD-P	04-09-090	388-531-0050	PREP	04-13-103	388-533-701	NEW	04-11-008
388-505-0110	AMD	04-15-003	388-531-0050	AMD-E	04-15-090	388-533-710	NEW-P	04-07-136
388-505-0210	AMD-P	04-10-099	388-531-0050	AMD-P	04-17-113	388-533-710	NEW	04-11-008
388-505-0210	AMD	04-15-057	388-531-0150	AMD-E	04-15-090	388-533-720	NEW-P	04-07-136
388-505-0211	NEW	04-08-125	388-531-0200	AMD-E	04-15-090	388-533-720	NEW	04-11-008
388-505-0211	AMD-P	04-13-140	388-531-0650	AMD-E	04-15-090	388-533-730	NEW-P	04-07-136
388-505-0211	AMD	04-16-064	388-531-1600	AMD-E	04-15-090	388-533-730	NEW	04-11-008

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388-535-1050	AMD-X	04-07-142	388-546-0300	AMD-P	04-12-103	388-550-5210	NEW	04-12-044
388-535-1050	AMD	04-14-100	388-546-0300	AMD	04-17-118	388-550-5220	NEW-P	04-08-124
388-535-1065	AMD-X	04-07-142	388-546-0400	AMD-P	04-12-103	388-550-5220	NEW	04-12-044
388-535-1065	AMD	04-14-100	388-546-0400	AMD	04-17-118	388-550-5450	NEW-P	04-16-017
388-535A-0050	AMD-E	04-04-073	388-546-0425	NEW-P	04-12-103	388-550-5900	PREP	04-13-103
388-535A-0050	AMD-E	04-12-041	388-546-0425	NEW	04-17-118	388-550-5900	REP-P	04-17-112
388-535A-0060	AMD-E	04-04-073	388-546-0450	AMD-P	04-12-103	388-550-6000	PREP	04-13-104
388-535A-0060	AMD-E	04-12-041	388-546-0450	AMD	04-17-118	388-550-6000	AMD-P	04-17-110
388-538	PREP	04-13-101	388-546-0500	AMD-P	04-12-103	388-550-7000	NEW-P	04-17-109
388-538	PREP-W	04-16-082	388-546-0500	AMD	04-17-118	388-550-7050	NEW-P	04-17-109
388-538	PREP	04-16-086	388-546-0600	AMD-P	04-12-103	388-550-7100	NEW-P	04-17-109
388-538-060	PREP-W	04-14-034	388-546-0600	AMD	04-17-118	388-550-7200	NEW-P	04-17-109
388-538-063	PREP	04-04-095	388-546-0700	AMD-P	04-12-103	388-550-7300	NEW-P	04-17-109
388-538-063	NEW-P	04-09-090	388-546-0700	AMD	04-17-118	388-550-7400	NEW-P	04-17-109
388-538-063	NEW	04-15-003	388-546-0700	AMD	04-17-118	388-550-7400	NEW-P	04-17-109
388-538-112	AMD-P	04-07-135	388-546-0800	AMD-P	04-12-103	388-550-7500	NEW-P	04-17-109
388-538-112	AMD	04-13-002	388-546-0800	AMD	04-17-118	388-550-7600	NEW-P	04-17-109
388-542	PREP	04-10-093	388-546-0900	NEW-P	04-12-103	388-551	PREP	04-02-061
388-542	AMD-P	04-13-140	388-546-0900	NEW	04-17-118	388-551	PREP-W	04-07-111
388-542	AMD	04-16-064	388-546-1000	AMD-P	04-12-103	388-551	PREP	04-07-114
388-542-0010	NEW-P	04-13-140	388-546-1000	AMD	04-17-118	388-553-100	NEW-C	04-02-055
388-542-0010	NEW	04-16-064	388-546-1500	NEW-P	04-12-103	388-553-100	NEW	04-11-007
388-542-0020	NEW-P	04-13-140	388-546-1500	NEW	04-17-118	388-553-200	NEW-C	04-02-055
388-542-0020	NEW	04-16-064	388-546-2500	NEW-P	04-12-103	388-553-200	NEW	04-11-007
388-542-0050	AMD-P	04-13-140	388-546-2500	NEW	04-17-118	388-553-300	NEW-C	04-02-055
388-542-0050	AMD	04-16-064	388-546-3000	NEW-P	04-12-103	388-553-300	NEW	04-11-007
388-542-0100	AMD	04-08-018	388-546-3000	NEW	04-17-118	388-553-400	NEW-C	04-02-055
388-542-0100	REP-P	04-13-140	388-546-4000	NEW-P	04-12-103	388-553-400	NEW	04-11-007
388-542-0100	REP	04-16-064	388-546-4000	NEW	04-17-118	388-553-500	NEW-C	04-02-055
388-542-0125	AMD	04-08-018	388-547	PREP-W	04-04-031	388-553-500	NEW	04-11-007
388-542-0125	REP-P	04-13-140	388-550	PREP	04-03-092	388-720-0020	AMD-C	04-02-059
388-542-0125	REP	04-16-064	388-550	PREP	04-12-093	388-720-0020	AMD	04-05-080
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388-542-0150	REP	04-16-064	388-550-1050	PREP	04-13-103	388-800-0048	AMD	04-15-057
388-542-0200	REP-P	04-13-140	388-550-1050	AMD-P	04-17-111	388-820	PREP	04-13-106
388-542-0200	REP	04-16-064	388-550-1700	PREP	04-13-103	388-820-020	AMD	04-04-043
388-542-0220	REP-P	04-13-140	388-550-1700	AMD-P	04-17-112	388-820-030	AMD	04-04-043
388-542-0220	REP	04-16-064	388-550-1750	PREP	04-13-103	388-820-050	AMD	04-04-043
388-542-0250	AMD-E	04-13-137	388-550-1750	REP-P	04-17-112	388-820-056	NEW	04-04-043
388-542-0250	REP-P	04-13-140	388-550-2301	NEW-E	04-15-090	388-820-060	AMD	04-04-043
388-542-0250	REP	04-16-064	388-550-2800	PREP	04-03-091	388-820-070	AMD	04-04-043
388-542-0275	REP-P	04-13-140	388-550-2800	AMD-P	04-16-017	388-820-076	NEW	04-04-043
388-542-0275	REP	04-16-064	388-550-2900	PREP	04-03-091	388-820-086	NEW	04-04-043
388-542-0300	AMD-P	04-13-140	388-550-2900	PREP	04-13-103	388-820-090	AMD	04-04-043
388-542-0300	AMD	04-16-064	388-550-2900	AMD-P	04-17-112	388-820-100	AMD	04-04-043
388-542-0500	AMD	04-08-018	388-550-3100	PREP	04-05-085A	388-820-120	AMD	04-04-043
388-542-0500	REP-P	04-13-140	388-550-3100	AMD-P	04-08-123	388-820-230	AMD	04-04-043
388-542-0500	REP	04-16-064	388-550-3100	AMD	04-13-048	388-820-260	AMD	04-04-043
388-544	PREP-W	04-04-031	388-550-3700	PREP	04-15-130	388-820-290	AMD	04-04-043
388-544	PREP	04-07-087	388-550-3800	PREP	04-13-105	388-820-300	AMD	04-04-043
388-545	PREP-W	04-04-031	388-550-3800	AMD-P	04-17-114	388-820-310	AMD	04-04-043
388-546	PREP	04-02-060	388-550-4800	AMD-P	04-16-017	388-820-320	AMD	04-04-043
388-546-0001	AMD-P	04-12-103	388-550-4900	PREP	04-03-090	388-820-330	AMD	04-04-043
388-546-0001	AMD	04-17-118	388-550-4900	AMD-P	04-08-124	388-820-340	AMD	04-04-043
388-546-0100	AMD-P	04-12-103	388-550-4900	AMD	04-12-044	388-820-350	AMD	04-04-043
388-546-0100	AMD	04-17-118	388-550-5000	PREP	04-03-090	388-820-400	AMD	04-04-043
388-546-0150	AMD-P	04-12-103	388-550-5100	PREP	04-03-090	388-820-405	NEW	04-04-043
388-546-0150	AMD	04-17-118	388-550-5100	AMD-P	04-08-124	388-820-410	AMD	04-04-043
388-546-0200	AMD-P	04-12-103	388-550-5100	AMD	04-12-044	388-820-550	AMD	04-04-043
388-546-0200	AMD	04-17-118	388-550-5200	PREP	04-03-090	388-820-555	NEW	04-04-043
388-546-0250	AMD-P	04-12-103	388-550-5200	AMD-P	04-08-124	388-820-560	AMD	04-04-043
388-546-0250	AMD-P	04-12-103	388-550-5200	AMD	04-12-044	388-820-600	AMD	04-04-043

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388-820-650	AMD	04-04-043	388-825-248	PREP	04-12-091	388-825-380	NEW-E	04-08-020
388-820-690	AMD	04-04-043	388-825-248	AMD-P	04-16-088	388-825-380	NEW-E	04-16-019
388-825	PREP	04-08-071	388-825-252	PREP	04-12-091	388-825-385	NEW-E	04-08-020
388-825-030	AMD-E	04-14-003	388-825-252	AMD-P	04-16-088	388-825-385	NEW-E	04-16-019
388-825-070	AMD-P	04-08-072	388-825-253	PREP	04-12-091	388-825-390	NEW-E	04-08-020
388-825-070	AMD	04-11-087	388-825-253	NEW-P	04-16-088	388-825-390	NEW-E	04-16-019
388-825-090	AMD-P	04-08-072	388-825-254	PREP	04-12-091	388-825-395	NEW-E	04-08-020
388-825-090	AMD	04-11-087	388-825-254	AMD-P	04-16-088	388-825-395	NEW-E	04-16-019
388-825-100	AMD-P	04-12-100	388-825-260	REP-E	04-08-020	388-825-400	NEW-E	04-08-020
388-825-100	AMD	04-15-093	388-825-260	REP-E	04-16-019	388-825-400	NEW-E	04-16-019
388-825-101	NEW-P	04-12-100	388-825-262	REP-E	04-08-020	388-826	PREP	04-17-104
388-825-101	NEW	04-15-093	388-825-262	REP-E	04-16-019	388-827	PREP	04-08-070
388-825-102	NEW-P	04-12-100	388-825-264	REP-E	04-08-020	388-827-0110	AMD-P	04-12-102
388-825-102	NEW	04-15-093	388-825-264	REP-E	04-16-019	388-827-0110	AMD	04-15-094
388-825-103	NEW-P	04-12-100	388-825-266	REP-E	04-08-020	388-827-0115	AMD-P	04-12-102
388-825-103	NEW	04-15-093	388-825-266	REP-E	04-16-019	388-827-0115	AMD	04-15-094
388-825-104	NEW-P	04-12-100	388-825-268	REP-E	04-08-020	388-827-0175	AMD-P	04-12-102
388-825-104	NEW	04-15-093	388-825-268	REP-E	04-16-019	388-827-0175	AMD	04-15-094
388-825-105	NEW-P	04-12-100	388-825-270	REP-E	04-08-020	388-827-0185	AMD-P	04-12-102
388-825-105	NEW	04-15-093	388-825-270	REP-E	04-16-019	388-827-0185	AMD	04-15-094
388-825-120	AMD-E	04-08-020	388-825-272	REP-E	04-08-020	388-827-0410	AMD-P	04-12-102
388-825-120	AMD-E	04-16-019	388-825-272	REP-E	04-16-019	388-827-0410	AMD	04-15-094
388-825-125	NEW-E	04-08-020	388-825-276	REP-E	04-08-020	388-835-0085	AMD-E	04-10-016
388-825-125	NEW-E	04-16-019	388-825-276	REP-E	04-16-019	388-835-0085	AMD-P	04-12-099
388-825-130	NEW-E	04-08-020	388-825-278	REP-E	04-08-020	388-835-0085	AMD	04-16-018
388-825-130	NEW-E	04-16-019	388-825-278	REP-E	04-16-019	388-835-0090	AMD-E	04-10-016
388-825-135	NEW-E	04-08-020	388-825-280	REP-E	04-08-020	388-835-0090	AMD-P	04-12-099
388-825-135	NEW-E	04-16-019	388-825-280	REP-E	04-16-019	388-835-0090	AMD	04-16-018
388-825-140	NEW-E	04-08-020	388-825-282	REP-E	04-08-020	388-835-0100	AMD-E	04-10-016
388-825-140	NEW-E	04-16-019	388-825-282	REP-E	04-16-019	388-835-0100	AMD-P	04-12-099
388-825-145	NEW-E	04-08-020	388-825-284	REP-E	04-08-020	388-835-0100	AMD	04-16-018
388-825-145	NEW-E	04-16-019	388-825-284	REP-E	04-16-019	388-835-0115	AMD-E	04-10-016
388-825-150	NEW-E	04-08-020	388-825-300	NEW-E	04-08-020	388-835-0115	AMD-P	04-12-099
388-825-150	NEW-E	04-16-019	388-825-300	NEW-E	04-16-019	388-835-0115	AMD	04-16-018
388-825-155	NEW-E	04-08-020	388-825-305	NEW-E	04-08-020	388-835-0135	REP-E	04-10-016
388-825-155	NEW-E	04-16-019	388-825-305	NEW-E	04-16-019	388-835-0135	REP-P	04-12-099
388-825-160	NEW-E	04-08-020	388-825-310	NEW-E	04-08-020	388-835-0135	REP	04-16-018
388-825-160	NEW-E	04-16-019	388-825-310	NEW-E	04-16-019	388-835-0140	AMD-E	04-10-016
388-825-165	NEW-E	04-08-020	388-825-315	NEW-E	04-08-020	388-835-0140	AMD-P	04-12-099
388-825-165	NEW-E	04-16-019	388-825-315	NEW-E	04-16-019	388-835-0140	AMD	04-16-018
388-825-170	REP-E	04-08-020	388-825-320	NEW-E	04-08-020	388-837-9005	NEW-E	04-10-016
388-825-170	REP-E	04-16-019	388-825-320	NEW-E	04-16-019	388-837-9005	NEW-P	04-12-099
388-825-180	REP-E	04-08-020	388-825-325	NEW-E	04-08-020	388-837-9005	NEW	04-16-018
388-825-180	REP-E	04-16-019	388-825-325	NEW-E	04-16-019	388-837-9015	NEW-E	04-10-016
388-825-180	REP-E	04-08-020	388-825-330	NEW-E	04-08-020	388-837-9015	NEW-P	04-12-099
388-825-190	REP-E	04-16-019	388-825-330	NEW-E	04-16-019	388-837-9015	NEW	04-16-018
388-825-210	PREP	04-12-091	388-825-335	NEW-E	04-08-020	388-837-9020	NEW-E	04-10-016
388-825-210	AMD-P	04-16-088	388-825-335	NEW-E	04-16-019	388-837-9020	NEW-P	04-12-099
388-825-228	PREP	04-12-091	388-825-340	NEW-E	04-08-020	388-837-9020	NEW	04-16-018
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468- 70-085	REP-E	04-09-014	478-116-253	AMD-P	04-07-127	479- 12-430	AMD-E	04-12-065
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478-116-101	AMD	04-13-086	478-168-170	REP-P	04-09-076	480- 80-204	AMD-P	04-17-133
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478-116-171	AMD-P	04-07-127	478-168-325	AMD	04-13-087	480- 93-120	REP-P	04-15-141
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480-93-190	REP-P	04-15-141	484-20-045	AMD-X	04-14-051	495D-121-050	NEW	04-16-003
480-93-200	AMD-P	04-15-141	484-20-065	AMD-X	04-14-051	495D-121-060	NEW-P	04-11-103
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480-93-220	REP-P	04-15-141	484-20-103	AMD-X	04-14-051	495D-121-070	NEW-P	04-11-103
480-93-223	AMD-P	04-15-141	484-20-105	AMD-X	04-14-051	495D-121-070	NEW	04-16-003
480-93-230	AMD-P	04-15-141	484-20-116	AMD-X	04-14-051	495D-121-080	NEW-P	04-11-103
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480-93-999	AMD-P	04-15-141	495A-121-011	AMD-P	04-07-150	495D-121-090	NEW-P	04-11-103
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480-120-128	AMD-P	04-17-133	495D-120-020	REP	04-16-003	495D-121-130	NEW	04-16-003
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480-120-146	AMD	04-09-068	495D-120-030	REP	04-16-003	495D-121-140	NEW	04-16-003
480-120-147	AMD-P	04-17-133	495D-120-040	REP-P	04-11-103	495D-121-150	NEW-P	04-11-103
480-120-161	AMD-P	04-17-133	495D-120-040	REP	04-16-003	495D-121-150	NEW	04-16-003
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480-120-205	REP-P	04-17-133	495D-120-080	REP	04-16-003	495D-121-200	NEW	04-16-003
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480-120-209	REP-P	04-17-133	495D-120-090	REP	04-16-003	495D-121-220	NEW	04-16-003
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480-120-214	REP-P	04-17-133	495D-120-110	REP	04-16-003	495D-121-240	NEW	04-16-003
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480-120-216	REP-P	04-17-133	495D-120-120	REP	04-16-003	495D-121-250	NEW	04-16-003
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